

1 <sup>H</sup> BILL NO. 574  
 2 INTRODUCED BY Kathleen Lynch Lopez

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE OBLIGATION  
 5 OF A HEALTH CARE PROVIDER TO EXERCISE ORDINARY AND  
 6 REASONABLE CARE AND SKILL IN TREATING A PATIENT AND LIMITING  
 7 EXPERT TESTIMONY."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Definition. "Health care provider" means a  
 11 person, corporation, facility, or institution of a  
 12 governmental unit of the state or duly licensed by the state  
 13 to provide health care, including but not limited to:

- 14 (1) physicians;
- 15 (2) osteopaths;
- 16 (3) registered nurses;
- 17 (4) licensed practical nurses;
- 18 (5) dentists;
- 19 (6) optometrists;
- 20 (7) podiatrists;
- 21 (8) chiropractors; or
- 22 (9) hospitals, hospital-related facilities, or
- 23 long-term care facilities, as defined in 69-5201.

24 Section 2. Standard of care for providing health care  
 25 services. A health care provider assumes toward the patient

1 the obligation to exercise the ordinary and reasonable care  
 2 that is usually exercised by health care providers of the  
 3 same profession in the same or a similar community in the  
 4 state.

5 Section 3. Limitation on use of expert testimony. No  
 6 expert testimony on the standard of care is admissible as  
 7 evidence except that given by a health care provider of the  
 8 same profession who, at the time of the alleged negligence,  
 9 was practicing in the same or a similar community in the  
 10 state as that of the health care provider against whom the  
 11 suit is filed.

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