

**AMENDMENT TO H.R. 5**  
**OFFERED BY MS. SCHAKOWSKY OF ILLINOIS**

Page 15, insert after line 18 the following and redesignate succeeding sections accordingly:

**1 SEC. 9. EXEMPTION FROM DAMAGE LIMITATIONS FOR**  
**2 NURSING HOMES.**

**3 (a) IN GENERAL.**—Section 4(b) and section 7(b)(2)  
**4 shall not apply to health care lawsuits against long-term**  
**5 care facilities.**

**6 (b) DEFINITION.**—For purposes of this section, the  
**7 term “long-term care facility” means—**

**8 (1) any skilled nursing facility as defined in**  
**9 1819(a) of the Social Security Act;**

**10 (2) any nursing facility as defined in 1919(a) of**  
**11 the Social Security Act; or**

**12 (3) a public facility, proprietary facility, or fa-**  
**13 cility of a private nonprofit corporation that—**

**14 (A) makes available to adult residents sup-**  
**15 portive services to assist the residents in car-**  
**16 rying out activities such as bathing, dressing,**  
**17 eating, getting in and out of bed or chairs,**  
**18 walking, going outdoors, using the toilet, or ob-**  
**19 taining or taking medication; and**

1           (B) provides a dwelling place (which may  
2           contain a full kitchen and bathroom) for resi-  
3           dents in order to deliver supportive services de-  
4           scribed in subparagraph (A), that includes com-  
5           mon rooms and other facilities appropriate for  
6           the provision of such services to residents of the  
7           facility;  
8           but excludes a facility, or portion of a facility, that either  
9           does not provide the services described in subparagraph  
10          (A) or has as its primary purpose to educate or to treat  
11          substance abuse problems.

