

147.136A Noneconomic damage awards against health care providers.

1. For purposes of this section:

a. “*Health care provider*” means a physician or an osteopathic physician licensed under [chapter 148](#), a chiropractor licensed under [chapter 151](#), a podiatrist licensed under [chapter 149](#), a physician assistant licensed and practicing under a supervising physician under [chapter 148C](#), a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under [chapter 152](#) or [152E](#), a dentist licensed under [chapter 153](#), an optometrist licensed under [chapter 154](#), a pharmacist licensed under [chapter 155A](#), a hospital as defined in [section 135B.1](#), a health care facility as defined in [section 135C.1](#), a health facility as defined in [section 135P.1](#), a professional corporation under [chapter 496C](#) that is owned by persons licensed to practice a profession listed in this paragraph, or any other person or entity who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

b. “*Noneconomic damages*” means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages.

c. “*Occurrence*” means the event, incident, or happening, and the acts or omissions incident thereto, which proximately caused injuries or damages for which recovery is claimed by the patient or the patient’s representative.

2. The total amount recoverable in any civil action for noneconomic damages for personal injury or death, whether in tort, contract, or otherwise, against a health care provider shall be limited to two hundred fifty thousand dollars for any occurrence resulting in injury or death of a patient regardless of the number of plaintiffs, derivative claims, theories of liability, or defendants in the civil action, unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained.

3. The limitation on damages contained in [this section](#) shall not apply as to a defendant if that defendant’s actions constituted actual malice.

[2017 Acts, ch 107, §2, 5](#)

Referred to in [§147.139](#), [§147.140](#)

Section applies to causes of action that accrue on or after July 1, 2017; 2017 Acts, ch 107, §5

NEW section