

Senate Amendment 5215

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1 1 Amend House File 2716, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 135.40, Code 2005, is amended
1 6 to read as follows:
1 7 135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.
1 8 Any person, hospital, sanatorium, nursing or rest
1 9 home or other organization may provide information,
1 10 interviews, reports, statements, memoranda, or other
1 11 data relating to the condition and treatment of any
1 12 person to the department, the Iowa medical society or
1 13 any of its allied medical societies, ~~or~~ the Iowa
1 14 osteopathic medical association, ~~or~~ any in-hospital
1 15 staff committee, or the Iowa healthcare collaborative,
1 16 to be used in the course of any study for the purpose
1 17 of reducing morbidity or mortality, and no liability
1 18 of any kind or character for damages or other relief
1 19 shall arise or be enforced against any person or
1 20 organization that has acted reasonably and in good
1 21 faith, by reason of having provided such information
1 22 or material, or by reason of having released or
1 23 published the findings and conclusions of such groups
1 24 to advance medical research and medical education, or
1 25 by reason of having released or published generally a
1 26 summary of such studies.
1 27 For the purposes of this section, and section
1 28 135.41, the "Iowa healthcare collaborative" means an
1 29 organization which is exempt from federal income
1 30 taxation under section 501(c)(3) of the Internal
1 31 Revenue Code and which is established to provide
1 32 direction to promote quality, safety, and value
1 33 improvement collaborative efforts by hospitals and
1 34 physicians.
1 35 Sec. 2. Section 135.41, Code 2005, is amended to
1 36 read as follows:
1 37 135.41 PUBLICATION.
1 38 The department, the Iowa medical society or any of
1 39 its allied medical societies, ~~or~~ the Iowa osteopathic
1 40 medical association, ~~or~~ any in-hospital staff
1 41 committee, or the Iowa healthcare collaborative shall
1 42 use or publish said material only for the purpose of
1 43 advancing medical research or medical education in the
1 44 interest of reducing morbidity or mortality, except
1 45 that a summary of such studies may be released by any
1 46 such group for general publication. In all events the
1 47 identity of any person whose condition or treatment
1 48 has been studied shall be confidential and shall not
1 49 be revealed under any circumstances. A violation of
1 50 this section shall constitute a simple misdemeanor.>
2 1 #2. Page 1, by striking lines 6 through 8 and
2 2 inserting the following: <against a health care
2 3 provider as defined in section 135.61, a hospital
2 4 licensed>.
2 5 #3. Page 1, line 11, by striking the word <any>
2 6 and inserting the following: <that>.
2 7 #4. Page 1, by striking lines 19 and 20 and
2 8 inserting the following: <inadmissible as evidence.
2 9 Any response by the plaintiff, relative of the
2 10 plaintiff, or decision maker for the plaintiff to such
2 11 statement, affirmation, gesture, or conduct is
2 12 similarly inadmissible as evidence.
2 13 Sec. _____. NEW SECTION. 505.27 MEDICAL
2 14 MALPRACTICE INSURANCE == REPORTS REQUIRED.
2 15 1. An insurer providing medical malpractice
2 16 insurance coverage to Iowa health care providers shall
2 17 file annually on or before June 1 with the
2 18 commissioner a report of all medical malpractice
2 19 insurance claims, both open claims and closed claims
2 20 filed during the reporting period, against any such
2 21 Iowa insureds during the preceding calendar year.
2 22 2. The report shall be in writing and contain all
2 23 of the following information aggregated by specialty
2 24 area and paid loss and paid expense categories

2 25 established by the commissioner:
2 26 a. The total number of claims in the reporting
2 27 period and the nature and substance of such claims.
2 28 b. The total amounts paid within six months after
2 29 final disposition of the claims.
2 30 c. The total amount reserved for the payment of
2 31 claims incurred and reported but not disposed.
2 32 d. The expenses, as set forth by rule, related to
2 33 the claims.
2 34 e. Any other additional information as required by
2 35 the commissioner by rule.
2 36 3. The commissioner shall compile annually the
2 37 data included in reports filed by insurers pursuant to
2 38 this section into an aggregate form by insurer, except
2 39 that such data shall not include information that
2 40 directly or indirectly identifies any individual,
2 41 including a patient, an insured, or a health care
2 42 provider. The commissioner shall submit a written
2 43 report summarizing such data along with any
2 44 recommendations to the general assembly and the
2 45 governor by December 1, 2007, with subsequent reports
2 46 submitted to the general assembly and the governor
2 47 annually thereafter.
2 48 4. A report prepared pursuant to subsection 1 or 3
2 49 shall be open to the public and shall be made
2 50 available to a requesting party by the commissioner at
3 1 no charge, except that any identifying information of
3 2 any individual, including a patient, an insured, or
3 3 health care provider, shall remain confidential.
3 4 5. For purposes of this section, "health care
3 5 provider" means the same as defined in section 135.61,
3 6 a hospital licensed pursuant to chapter 135B, or a
3 7 health care facility licensed pursuant to chapter
3 8 135C, and "insurer" means an insurance company
3 9 authorized to transact insurance business in this
3 10 state. "Insurer" does not include a health care
3 11 provider who maintains professional liability
3 12 insurance coverage through a self-insurance plan, an
3 13 unauthorized insurance company transacting business
3 14 with an insured person in this state, or a person not
3 15 authorized to transact insurance business in this
3 16 state.>
3 17 #5. Title page, line 2, by inserting after the
3 18 word <evidentiary> the following: <, reporting, and
3 19 study information>.
3 20 #6. By renumbering as necessary.
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3 24 _____
3 24 BOB BRUNKHORST
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3 27 _____
3 28 KEITH A. KREIMAN
3 29 HF 2716.707 81
3 30 rh/gg/5796