

# Senate Amendment 5222

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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, line 11, by striking the word <any>  
2 2 and inserting the following: <that>.  
2 3 #3. Page 1, by striking lines 19 and 20 and  
2 4 inserting the following: <inadmissible as evidence.  
2 5 Any response by the plaintiff, relative of the  
2 6 plaintiff, or decision maker for the plaintiff to such  
2 7 statement, affirmation, gesture, or conduct is  
2 8 similarly inadmissible as evidence.  
2 9 Sec. \_\_\_\_\_. NEW SECTION. 505.27 MEDICAL  
2 10 MALPRACTICE INSURANCE == REPORTS REQUIRED.  
2 11 1. An insurer providing medical malpractice  
2 12 insurance coverage to Iowa health care providers shall  
2 13 file annually on or before June 1 with the  
2 14 commissioner a report of all medical malpractice  
2 15 insurance claims, both open claims and closed claims  
2 16 filed during the reporting period, against any such  
2 17 Iowa insureds during the preceding calendar year.  
2 18 2. The report shall be in writing and contain all  
2 19 of the following information aggregated by specialty  
2 20 area and paid loss and paid expense categories  
2 21 established by the commissioner:  
2 22 a. The total number of claims in the reporting  
2 23 period and the nature and substance of such claims.  
2 24 b. The total amounts paid within six months after

2 25 final disposition of the claims.  
2 26 c. The total amount reserved for the payment of  
2 27 claims incurred and reported but not disposed.  
2 28 d. The expenses, as set forth by rule, related to  
2 29 the claims.  
2 30 e. Any other additional information as required by  
2 31 the commissioner by rule.  
2 32 3. The commissioner shall compile annually the  
2 33 data included in reports filed by insurers pursuant to  
2 34 this section into an aggregate form by insurer, except  
2 35 that such data shall not include information that  
2 36 directly or indirectly identifies any individual,  
2 37 including a patient, an insured, or a health care  
2 38 provider. The commissioner shall submit a written  
2 39 report summarizing such data along with any  
2 40 recommendations to the general assembly and the  
2 41 governor by December 1, 2007, with subsequent reports  
2 42 submitted to the general assembly and the governor  
2 43 annually thereafter.  
2 44 4. A report prepared pursuant to subsection 1 or 3  
2 45 shall be open to the public and shall be made  
2 46 available to a requesting party by the commissioner at  
2 47 no charge, except that any identifying information of  
2 48 any individual, including a patient, an insured, or  
2 49 health care provider, shall remain confidential.  
2 50 5. For purposes of this section, "health care  
3 1 provider" means the same as defined in section 135.61,  
3 2 a hospital licensed pursuant to chapter 135B, or a  
3 3 health care facility licensed pursuant to chapter  
3 4 135C, and "insurer" means an insurance company  
3 5 authorized to transact insurance business in this  
3 6 state. "Insurer" does not include a health care  
3 7 provider who maintains professional liability  
3 8 insurance coverage through a self-insurance plan, an  
3 9 unauthorized insurance company transacting business  
3 10 with an insured person in this state, or a person not  
3 11 authorized to transact insurance business in this  
3 12 state.>  
3 13 #4. Title page, line 2, by inserting after the  
3 14 word <evidentiary> the following: <, reporting, and  
3 15 study information>.  
3 16 #5. By renumbering as necessary.  
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3 19 \_\_\_\_\_  
3 20 BOB BRUNKHORST  
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3 22  
3 23 \_\_\_\_\_  
3 24 KEITH A. KREIMAN  
3 25 HF 2716.306 81  
3 26 rh/cf/5797