Senate Amendment 5296

1 1   Amend House File 2539 as follows:
1 2 #1. Page 34, by inserting after line 23 the
1 3 following:
1 4   <DIVISION ___
1 5   HEALTH CARE PROVIDERS == NONECONOMIC DAMAGES
1 6   Sec. ___. NEW SECTION. 668B.1 TITLE.
1 7   This chapter may be cited as the "Noneconomic
1 8 Damage Awards Against Health Care Providers Act".
1 9   Sec. ___. NEW SECTION. 668B.2 DEFINITIONS.
1 10   As used in this chapter, unless the context
1 11 otherwise requires:
1 12   1. "Health care provider" means a physician as
1 13 defined in section 135.1, an advanced registered nurse
1 14 practitioner licensed pursuant to chapter 152, a
1 15 hospital as defined in section 135B.1, and a health
1 16 care facility as defined in section 135C.1.
1 17   2. "Health care services" means services that
1 18 involve diagnosis, treatment, medical evaluation,
1 19 advice, or such acts as may be permissible under the
1 20 health care licensing statutes of this state.
1 21   3. "Noneconomic damages" means damages arising
1 22 from pain, suffering, inconvenience, physical
1 23 impairment, mental anguish, emotional pain and
1 24 suffering, loss of chance, loss of consortium, and any
1 25 other nonpecuniary damages.
1 26   Sec. ___. NEW SECTION. 668B.3 DAMAGE AWARDS.
1 27   In any action for damages for injury or death
1 28 against any health care provider, whether based in
1 29 tort, contract, or otherwise, arising out of an act or
1 30 omission in connection with the provision of health
1 31 care services, the injured plaintiff shall be entitled
1 32 to recover noneconomic damages, but such damages shall
1 33 not exceed two hundred fifty thousand dollars, except
1 34 upon a finding of actual malice on the part of the
1 35 defendant.>
1 36 #2. Title page, line 8, by inserting after the
1 37 word <transparency,> the following: <noneconomic
1 38 damages against health care providers,>.
1 39 #3. By renumbering as necessary.
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1 43 BRAD ZAUN
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1 46 _____
1 47 PAUL McKINLEY
1 48 HF 2539.204 82
1 49 pf/rj/11006
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