S-3161
1   Amend Senate File 465 as follows:
2   1. Page 1, by striking lines 1 and 2 and inserting:
3   <Section 1. Section 135P.1, subsections 1 and 2,
4 Code 2017, are amended to read as follows:
5   1. *"Adverse health care incident"* means an objective
6 and definable outcome arising from or related to
7 patient care that results in the death or ~~serious~~
8 physical injury of a patient.>
9   2. Page 1, line 28, by striking <or>
10   3. Page 1, line 29, by striking <135C.1.> and
11 inserting <135C.1, a health facility as defined in
12 section 135P.1, a professional corporation under
13 chapter 496C that is owned by persons licensed to
14 practice a profession listed in this paragraph, or any
15 other person or entity who is licensed, certified, or
16 otherwise authorized or permitted by the law of this
17 state to administer health care in the ordinary course
18 of business or in the practice of a profession.>
19   4. Page 2, after line 2 by inserting:
20   <d. *"Occurrence"* means the event, incident, or
21 happening, and the acts or omissions incident thereto,
22 which proximately caused injuries or damages for which
23 recovery is claimed by the patient or the patient's
24 representative.>
25   5. Page 2, by striking lines 3 through 8 and
26 inserting:
27   <2. The total amount recoverable in any civil
28 action for noneconomic damages for personal injury or
29 death, whether in tort, contract, or otherwise, against
30 a health care provider shall be limited to two hundred
31 fifty thousand dollars for any occurrence resulting
32 in injury or death of a patient regardless of the
33 number of plaintiffs, derivative claims, theories of
34 liability, or defendants in the civil action.>
35   6. Page 2, by striking lines 12 through 31.

1   7.   Page 3, line 4, after <person> by inserting <the
2 plaintiff designates as an expert witness>
3   8.   Page 3, by striking lines 9 and 10 and inserting
4 <case. or breach of the standard of care if all of the
5 following are established by the evidence:>
6   9.   Page 3, line 11, after <same> by inserting <or a
7 substantially similar>
8   10. Page 3, line 17, after <same> by inserting <or
9 a substantially similar>
10   11. Page 3, by striking lines 20 through 26.
11   12. Page 3, line 28, after <same> by inserting <or
12 a substantially similar>
13   13. Page 3, after line 30 by inserting:
14   <___. If the defendant is a licensed physician or
15 osteopathic physician under chapter 148, the person is
16 a physician or osteopathic physician licensed in this
17 state or another state.>
18   14. By striking page 3, line 31, through page 4,
19 line 3.
20   15. Page 4, line 9, by striking <including> and
21 inserting <which includes>
22   16. Page 4, by striking lines 11 through 16 and
23 inserting <plaintiff shall, prior to the commencement
24 of discovery in the case and within sixty days of
25 the defendant's answer, serve upon the defendant a
26 certificate of merit affidavit signed by an expert
27 witness with respect to the issue of standard of care
28 and an alleged breach of the standard of care. The
29 expert witness must meet the qualifying standards of
30 section 147.139.>
31   17. Page 4, by striking lines 25 through 30.
32   18. By striking page 4, line 33, through page 5,
33 line 4.
34   19. Page 5, after line 8 by inserting:
35   <2A. The parties shall comply with the requirements

1 of section 668.11 and all other applicable law
2 governing certification and disclosure of expert
3 witnesses.>
4   20. Page 5, line 17, after <shall> by inserting
5 <have the expert witness>
6   21. Page 5, line 18, before <shall> by inserting
7 <the plaintiff>
8   22. Page 5, line 20, by striking <*a.*>
9   23. Page 5, by striking lines 24 through 35.
10   24. By striking page 6, line 3, through page 7,
11 line 9.
12   25. Title page, by striking lines 2 and 3 and
13 inserting <noneconomic damage awards and expert
14 witnesses.>
15   26. By renumbering, redesignating, and correcting
16 internal references as necessary.

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CHARLES SCHNEIDER