

House File 161

H-1015

1 Amend the amendment, H-1014, to House File 161, as follows:

2 1. By striking page 1, line 1, through page 3, line 4, and
3 inserting:

4 <Amend House File 161 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <DIVISION I

8 DAMAGE AWARDS AGAINST HEALTH CARE PROVIDERS

9 Section 1. Section 147.136A, subsection 1, paragraph b,
10 Code 2023, is amended to read as follows:

11 *b. (1) "Noneconomic damages" means damages arising from*
12 *pain, suffering, inconvenience, physical impairment, mental*
13 *anguish, emotional pain and suffering, loss of chance, loss of*
14 *consortium, or any other nonpecuniary damages.*

15 *(2) "Noneconomic damages" does not include the loss of*
16 *dependent care, including the loss of child care, due to the*
17 *death of or severe injury to a spouse or parent who is the*
18 *primary caregiver of a child under the age of eighteen or a*
19 *disabled adult. Such damages shall be considered economic*
20 *damages.*

21 Sec. 2. Section 147.136A, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. The Subject to subsection 4, the total amount recoverable
24 in any civil action for noneconomic damages for personal injury
25 or death, whether in tort, contract, or otherwise, against a
26 health care provider shall be limited to two hundred fifty
27 thousand dollars for any occurrence resulting in injury or
28 death of a patient regardless of the number of plaintiffs,
29 derivative claims, theories of liability, or defendants in
30 the civil action, shall not exceed two hundred fifty thousand
31 dollars unless the jury determines that there is a substantial
32 or permanent loss or impairment of a bodily function,
33 substantial disfigurement, loss of pregnancy, or death, which
34 warrants a finding that imposition of such a limitation would
35 deprive the plaintiff of just compensation for the injuries

1 sustained, in which case the amount recoverable shall not
2 exceed one million dollars, or two million dollars if the civil
3 action includes a hospital as defined in section 135B.1.

4 Sec. 3. Section 147.136A, Code 2023, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4. The limitations on damages contained
7 in subsection 2 shall increase by two and one-tenth percent
8 on January 1, 2028, and each January 1 thereafter. In any
9 civil action described in this section, such limitations on
10 damages shall be the amount effective at the time of the
11 occurrence. The commissioner of insurance shall publish the
12 amount of the limitations on damages contained in this section
13 on the insurance division's internet site and shall update the
14 published amount annually.

15 Sec. 4. Section 668A.1, subsection 2, paragraphs a and b,
16 Code 2023, are amended to read as follows:

17 a. If the answer or finding pursuant to [subsection 1,](#)
18 paragraph "b", is affirmative, or if the claim is against any
19 physician and surgeon, osteopathic physician and surgeon,
20 dentist, podiatric physician, optometrist, pharmacist,
21 chiropractor, physician assistant, or nurse, licensed under
22 chapter 147, or a hospital licensed under chapter 135B, arising
23 out of patient care, then the full amount of the punitive or
24 exemplary damages awarded shall be paid to the claimant.

25 b. If the answer or finding pursuant to [subsection 1,](#)
26 paragraph "b", is negative, and if the claim is not against
27 any physician and surgeon, osteopathic physician and surgeon,
28 dentist, podiatric physician, optometrist, pharmacist,
29 chiropractor, physician assistant, or nurse, licensed under
30 chapter 147, or a hospital licensed under chapter 135B, arising
31 out of patient care, then after payment of all applicable
32 costs and fees, an amount not to exceed twenty-five percent
33 of the punitive or exemplary damages awarded may be ordered
34 paid to the claimant, with the remainder of the award to be
35 ordered paid into a civil reparations trust fund administered

1 by the state court administrator. Funds placed in the civil
2 reparations trust shall be under the control and supervision of
3 the executive council, and shall be disbursed only for purposes
4 of indigent civil litigation programs or insurance assistance
5 programs.

6 Sec. 5. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 Sec. 6. APPLICABILITY. This division of this Act applies to
9 causes of action accrued on or after the effective date of this
10 division of this Act.

11 DIVISION II

12 MEDICAL ERROR TASK FORCE

13 Sec. 7. MEDICAL ERROR TASK FORCE.

14 1. The department of health and human services shall
15 convene a task force to review medical error rates of licensed
16 physicians in this state and shall make recommendations to the
17 general assembly and the director of health and human services
18 including recommendations that address options for reducing
19 medical error rates, improvements in education and training
20 to minimize medical errors, and whether applicable penalties
21 for medical errors and physician licensure review measures are
22 sufficient.

23 2. a. The task force shall include all of the following
24 voting members:

25 (1) The director of health and human services, or the
26 director's designee.

27 (2) The director of inspections and appeals, or the
28 director's designee.

29 (3) The executive director of the board of medicine.

30 (4) The ombudsman.

31 (5) A representative of the Iowa medical society.

32 (6) A representative of the board of regents affiliated with
33 the university of Iowa hospitals and clinics.

34 (7) The commissioner of insurance, or the commissioner's
35 designee.

1 (8) The attorney general, or the attorney general's
2 designee.

3 b. The task force shall also include four members of the
4 general assembly serving as ex officio, nonvoting members, one
5 representative to be appointed by the speaker of the house of
6 representatives, one representative to be appointed by the
7 minority leader of the house of representatives, one senator to
8 be appointed by the president of the senate after consultation
9 with the majority leader of the senate, and one senator to be
10 appointed by the minority leader of the senate.

11 c. The director of health and human services, or the
12 director's designee, may add members to the task force as
13 necessary to complete the work of the task force.

14 3. The department of health and human services shall provide
15 administrative support to the task force. The director of
16 health and human services, or the director's designee, shall
17 serve as chairperson of the task force, and shall schedule
18 meetings of the task force as necessary to complete the work
19 of the task force.

20 4. The task force shall dissolve upon submission of the
21 report to the general assembly and the director of health and
22 human services, but no later than January 8, 2024.>

23 2. Title page, line 1, by striking <noneconomic>

24 3. Title page, line 2, after <providers,> by inserting
25 <creating a medical error task force,>>

A. MEYER of Webster