



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 24, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2716, an Act relating to civil actions for personal injury or death, including certain evidentiary, reporting, and study information requirements.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2716

AN ACT

RELATING TO CIVIL ACTIONS FOR PERSONAL INJURY OR DEATH,
INCLUDING CERTAIN EVIDENTIARY, REPORTING, AND STUDY
INFORMATION REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135.40, Code 2005, is amended to read
as follows:

135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.

Any person, hospital, sanatorium, nursing or rest home or
other organization may provide information, interviews,
reports, statements, memoranda, or other data relating to the
condition and treatment of any person to the department, the
Iowa medical society or any of its allied medical societies,
~~or~~ the Iowa osteopathic medical association, ~~or~~ any in-
hospital staff committee, or the Iowa healthcare
collaborative, to be used in the course of any study for the
purpose of reducing morbidity or mortality, and no liability
of any kind or character for damages or other relief shall
arise or be enforced against any person or organization that
has acted reasonably and in good faith, by reason of having
provided such information or material, or by reason of having
released or published the findings and conclusions of such
groups to advance medical research and medical education, or
by reason of having released or published generally a summary
of such studies.

For the purposes of this section, and section 135.41, the
"Iowa healthcare collaborative" means an organization which is
exempt from federal income taxation under section 501(c)(3) of
the Internal Revenue Code and which is established to provide

direction to promote quality, safety, and value improvement collaborative efforts by hospitals and physicians.

Sec. 2. Section 135.41, Code 2005, is amended to read as follows:

135.41 PUBLICATION.

The department, the Iowa medical society or any of its allied medical societies, ~~or~~ the Iowa osteopathic medical association, ~~or~~ any in-hospital staff committee, ~~or~~ the Iowa healthcare collaborative shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. In all events the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances. A violation of this section shall constitute a simple misdemeanor.

Sec. 3. NEW SECTION. 505.27 MEDICAL MALPRACTICE INSURANCE -- REPORTS REQUIRED.

1. An insurer providing medical malpractice insurance coverage to Iowa health care providers shall file annually on or before June 1 with the commissioner a report of all medical malpractice insurance claims, both open claims and closed claims filed during the reporting period, against any such Iowa insureds during the preceding calendar year.

2. The report shall be in writing and contain all of the following information aggregated by specialty area and paid loss and paid expense categories established by the commissioner:

a. The total number of claims in the reporting period and the nature and substance of such claims.

b. The total amounts paid within six months after final disposition of the claims.

c. The total amount reserved for the payment of claims incurred and reported but not disposed.

d. The expenses, as set forth by rule, related to the claims.

e. Any other additional information as required by the commissioner by rule.

3. The commissioner shall compile annually the data included in reports filed by insurers pursuant to this section into an aggregate form by insurer, except that such data shall not include information that directly or indirectly identifies any individual, including a patient, an insured, or a health care provider. The commissioner shall submit a written report summarizing such data along with any recommendations to the general assembly and the governor by December 1, 2007, with subsequent reports submitted to the general assembly and the governor annually thereafter.

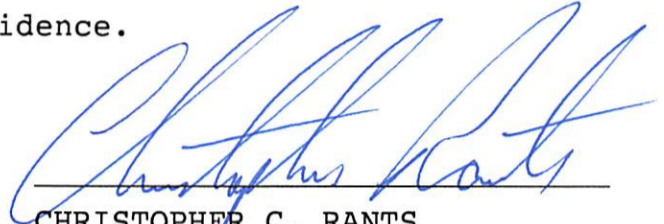
4. A report prepared pursuant to subsection 1 or 3 shall be open to the public and shall be made available to a requesting party by the commissioner at no charge, except that any identifying information of any individual, including a patient, an insured, or health care provider, shall remain confidential.

5. For purposes of this section, "health care provider" means the same as defined in section 135.61, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, and "insurer" means an insurance company authorized to transact insurance business in this state. "Insurer" does not include a health care provider who maintains professional liability insurance coverage through a self-insurance plan, an unauthorized insurance company transacting business with an insured person in this state, or a person not authorized to transact insurance business in this state.

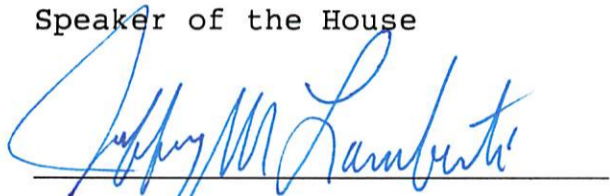
Sec. 4. NEW SECTION. 622.31 EVIDENCE OF REGRET OR SORROW.

In any civil action for professional negligence, personal injury, or wrongful death or in any arbitration proceeding for professional negligence, personal injury, or wrongful death against a person in a profession represented by the examining boards listed in section 272C.1 and any other licensed profession recognized in this state, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, based upon the alleged negligence in the practice of that profession or occupation, that portion of a statement, affirmation, gesture, or conduct expressing sorrow, sympathy, commiseration, condolence, compassion, or a

general sense of benevolence that was made by the person to the plaintiff, relative of the plaintiff, or decision maker for the plaintiff that relates to the discomfort, pain, suffering, injury, or death of the plaintiff as a result of an alleged breach of the applicable standard of care is inadmissible as evidence. Any response by the plaintiff, relative of the plaintiff, or decision maker for the plaintiff to such statement, affirmation, gesture, or conduct is similarly inadmissible as evidence.



CHRISTOPHER C. RANTS
Speaker of the House



JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2716, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved May 24, 2006



THOMAS J. VILSACK
Governor