

2-18-97 Human Resources
FILED FEB 18 1997
3-4-97 Amend & Do Pass
w/s-3111

SENATE FILE **153** 3-13-97 *Referred*
BY TINSMAN *Judiciary*

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to medical malpractice actions by modifying the
2 statute of limitations for minors.

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

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S.F. 153

SENATE FILE 153

S-3111

1 Amend Senate File 153 as follows:

2 1. Page 1, line 20, by striking the words
3 "brought pursuant to paragraph "a"" and inserting the
4 following: "subject to paragraph "a" and brought".

By COMMITTEE ON HUMAN RESOURCES
BY NANCY BOETTGER, Chairperson

S-3111 FILED MARCH 4, 1997

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1 Section 1. Section 614.1, subsection 9, Code 1997, is
2 amended to read as follows:

3 9. MALPRACTICE.

4 a. These Except as provided in paragraph "b", those
5 founded on injuries to the person or wrongful death against
6 any physician and surgeon, osteopath, osteopathic physician
7 and surgeon, dentist, podiatric physician, optometrist,
8 pharmacist, chiropractor, or nurse, licensed under chapter
9 147, or a hospital licensed under chapter 135B, arising out of
10 patient care, within two years after the date on which the
11 claimant knew, or through the use of reasonable diligence
12 should have known, or received notice in writing of the
13 existence of, the injury or death for which damages are sought
14 in the action, whichever of the dates occurs first, but in no
15 event shall any action be brought more than six years after
16 the date on which occurred the act or omission or occurrence
17 alleged in the action to have been the cause of the injury or
18 death unless a foreign object unintentionally left in the body
19 caused the injury or death.

20 b. An action brought pursuant to paragraph "a" on behalf
21 of a minor who was under the age of six years when the act,
22 omission, or occurrence alleged in the action occurred, shall
23 be commenced no later than the minor's eighth birthday.

24 Sec. 2. Section 614.8, Code 1997, is amended to read as
25 follows:

26 614.8 MINORS AND PERSONS WITH MENTAL ILLNESS.

27 a. The times limited for actions herein in this chapter,
28 except those brought for penalties and forfeitures, shall-be
29 are extended in favor of minors-and persons with mental
30 illness, so that they shall have one year from and after the
31 termination of such the disability within which to commence
32 said an action.

33 b. Except as provided in section 614.1, subsection 9, the
34 times limited for actions in this chapter, except those
35 brought for penalties and forfeitures, are extended in favor

1 of minors, so that they shall have one year from and after
2 attainment of majority within which to commence an action.

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EXPLANATION

The bill provides that the time period for commencing an action for medical malpractice for a minor under six years of age when the act, omission, or occurrence alleged in the action occurred, is extended to the minor's eighth birthday. For a minor six years of age or older when such an act, omission, or occurrence alleged in an action occurred, Code section 614.1 would generally allow the commencement of an action within two years after the date on which the claimant knew, or through reasonable diligence should have known, or received notice of the injury or death, but in no event more than six years after the date on which occurred the act, omission, or occurrence alleged in the action, unless a foreign object was unintentionally left in the body.