

House Study Bill 663

Bill Text

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1 1 Section 1. Section [22.7](#), Code Supplement 1999, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 39. All documents in professional
1 4 liability cases subject to sections 668.11 and 668.11A, prior
1 5 to completion of the certification process required by section
1 6 668.11.

1 7 Sec. 2. NEW SECTION. 668.11A CONFIDENTIALITY IN
1 8 PROFESSIONAL LIABILITY CASES.

1 9 1. All filings in professional liability cases subject to
1 10 the time period limitations for expert witness certification
1 11 in section 668.11 shall be confidential, shall not be
1 12 inspected by the public, and shall not be disclosed to the
1 13 public, until the certification process is complete. This
1 14 requirement does not apply to the service of documents and
1 15 pleadings between parties to the action, and does not limit
1 16 the use of documents and pleadings related to the case by
1 17 attorneys, the attorneys' staff, parties, potential witnesses
1 18 in the case, and court personnel administering such files and
1 19 cases.

1 20 2. Pleadings, court notices, orders, and postings related
1 21 to professional liability cases shall not contain the full,
1 22 real names of professional liability defendants, until the
1 23 certification process required by section 668.11 is complete.
1 24 The court shall enact rules relating to the designation of
1 25 professional liability defendants in such documents.

1 26 3. Hearings in the case held prior to completion of the
1 27 certification process required by section 668.11 shall be
1 28 closed to the public.

1 29 4. Any person who knowingly discloses or receives
1 30 information protected by this section shall be liable for
1 31 contempt, punishable by both fine and imprisonment.

1 32 EXPLANATION

1 33 This bill requires that professional liability cases be
1 34 treated confidentially by the parties and the court, until the
1 35 certification of expert witnesses pursuant to Code section
2 1 668.11 is complete. The bill provides that professional
2 2 liability defendants will not be designated by their full,
2 3 real names on any documents related to the case, and that
2 4 hearing in the case shall be closed to the public until the
2 5 certification process is complete. A related amendment is
2 6 made to Code section 22.7, pertaining to confidential records.

2 7 Violations of the confidentiality requirements are
2 8 punishable as contempt with both fine and imprisonment.

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2 10 jj/as/5