

FEB 4 2003
JUDICIARY

HOUSE FILE 116
BY MADDOX

(COMPANION TO 1979SS
BY REDFERN)

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

A BILL FOR

1 An Act requiring a physician to report certain burn injuries to
2 the state fire marshal's office, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 116

1 Section 1. NEW SECTION. 147.113A REPORT OF BURN
2 INJURIES.

3 1. In every case where a person receives a second-degree
4 or third-degree burn to five percent or more of the person's
5 body as a whole, a burn to the upper respiratory tract, or
6 occurring laryngeal edema due to the inhalation of super-
7 heated air, or any burn injury which is likely to result in
8 death, the burn injury shall be reported to the state fire
9 marshal's office by the attending physician. The report shall
10 include the name of the person, a brief description of the
11 burn or injury, and, if ascertainable, the address of the
12 person. Any provision of law or rule of evidence regarding
13 confidential communications is suspended with respect to the
14 provisions of this section.

15 2. Upon receiving the report, if the state fire marshal
16 believes the person with the burn injury was involved in the
17 commission of any crime, either as perpetrator or a victim,
18 the state fire marshal shall commence an investigation into
19 the circumstances of the burn injury and make a report of the
20 investigation to the county attorney in the county where the
21 burn injury occurred. The state fire marshal's office shall
22 not divulge any information received under the provisions of
23 this section except to a law enforcement agency, and then only
24 to an agency involved in the investigation of the alleged
25 commission of a crime.

26 3. A physician who fails to make a report regarding a burn
27 injury required by this section commits a simple misdemeanor.

28 EXPLANATION

29 This bill requires a physician to report certain burn
30 injuries to the state fire marshal's office.

31 Under the bill, the attending physician shall report to the
32 state fire marshal's office any of the following: a person
33 who receives a second-degree or third-degree burn to 5 percent
34 or more of the person's body as a whole, a burn to the upper
35 respiratory tract, or occurring laryngeal edema due to the

1 inhalation of super-heated air, or any burn injury which is
2 likely to result in death. The bill requires the report to
3 include the name of the person who received the burn injury, a
4 brief description of the injury, and, if ascertainable, the
5 address of the person. Any provision of law regarding
6 confidential communications by a physician is suspended by the
7 bill.

8 The bill provides that if the state fire marshal believes
9 the person who received the burn injury was involved in the
10 commission of a crime, either as the perpetrator or a victim,
11 the state fire marshal shall start an investigation into the
12 circumstances of the burn injury. The bill then requires the
13 state fire marshal to file a report of the investigation with
14 the county attorney in the county where the burn injury
15 occurred. The bill also prohibits the state fire marshal from
16 disclosing any information received under the bill except
17 disclosure may be made to a law enforcement agency involved in
18 the investigation.

19 A physician who fails to report a burn injury as required
20 by the bill commits a simple misdemeanor. A simple
21 misdemeanor is punishable by confinement for no more than 30
22 days or a fine of at least \$50 but not more than \$500 or by
23 both.

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