

JAN 22 2003
HUMAN RESOURCES

HOUSE FILE 41
BY TYMESON

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

A BILL FOR

1 An Act relating to liability for the rendering of disaster and
2 emergency care by designated medical care professionals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HC-41

1 Section 1. Section 147A.10, Code 2003, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4. A physician who voluntarily and
4 gratuitously, and other than in the ordinary course of the
5 physician's employment or practice, responds to a need for
6 medical care created by an emergency or a state or local
7 disaster shall not be subject to criminal liability by reason
8 of having issued or executed the orders for such care, and
9 shall not be liable for civil damages for acts or omissions
10 relating to the issuance or execution of the orders unless the
11 acts or omissions constitute recklessness. A physician's
12 designee, advanced registered nurse practitioner, or physician
13 assistant who voluntarily and gratuitously, and other than in
14 the ordinary course of the person's employment or practice,
15 responds to a need for medical care created by an emergency or
16 a state or local disaster shall not be subject to criminal
17 liability by reason of having issued or executed the orders
18 for such care that the physician's designee, advanced
19 registered nurse practitioner, or physician assistant is able
20 to provide without the supervision of a physician, and shall
21 not be liable for civil damages for acts or omissions relating
22 to the issuance or execution of the orders unless the acts or
23 omissions constitute recklessness.

24 Sec. 2. Section 148C.4, Code 2003, is amended to read as
25 follows:

26 148C.4 SERVICES PERFORMED BY ASSISTANTS.

27 1. A physician assistant may perform medical services when
28 the services are rendered under the supervision of the
29 physician or physicians specified in the physician assistant
30 license approved by the board. A trainee may perform medical
31 services when the services are rendered within the scope of an
32 approved program. For the purposes of this section, "medical
33 services rendered under the supervision of the physician or
34 physicians specified in the physician assistant license
35 approved by the board" includes making a pronouncement of

1 death for a patient whose death is anticipated if the death
2 occurs in a licensed hospital, a licensed health care
3 facility, a Medicare-certified home health agency, or a
4 Medicare-certified hospice program or facility, with notice of
5 the death to a physician and in accordance with the directions
6 of a physician.

7 2. Notwithstanding subsection 1, a physician assistant
8 licensed pursuant to this chapter or authorized to practice in
9 any other state who voluntarily and gratuitously, and other,
10 than in the ordinary course of the physician assistant's
11 employment or practice, responds to a need for medical care
12 created by an emergency or a state or local disaster may
13 render such care that the physician assistant is able to
14 provide without the supervision of the physician or physicians
15 specified in the physician assistant license, or under such
16 supervision as is available. A physician who supervises a
17 physician assistant providing medical care pursuant to this
18 subsection shall not be required to meet the requirements of
19 section 148C.3, subsection 4, relating to supervising
20 physician qualifications.

21 EXPLANATION

22 This bill relates to exemptions from liability for medical
23 care provided by a physician, physician's designee, advanced
24 registered nurse practitioner, or physician's assistant in
25 response to an emergency or a state or local disaster. The
26 bill provides that a physician who voluntarily and
27 gratuitously, and other than in the ordinary course of
28 employment or practice, responds to a need for medical care
29 created by such an emergency or a state or local disaster
30 shall not be subject to criminal liability by reason of having
31 issued or executed the orders for such care, and shall not be
32 liable for civil damages for acts or omissions relating to the
33 issuance or execution of the orders unless the acts or
34 omissions constitute recklessness. The bill extends the same
35 exemption from liability to a physician's designee, advanced

1 registered nurse practitioner, or physician assistant who
2 voluntarily and gratuitously, and other than in the ordinary
3 course of their employment or practice, responds to a need for
4 medical care created by an emergency or a state or local
5 disaster, by reason of having issued or executed the orders
6 for such care that the physician's designee, advanced
7 registered nurse practitioner, or physician assistant is able
8 to provide without the supervision of a physician.

9 The bill makes corresponding changes relating to physician
10 assistants licensed pursuant to Code chapter 148C. The bill
11 provides that a physician assistant licensed to perform
12 medical services under the supervision of a physician or
13 physicians specified in the physician assistant's license, or
14 authorized to practice in any other state, who voluntarily and
15 gratuitously, and other than in the ordinary course of the
16 physician assistant's employment or practice, responds to a
17 need for medical care created by an emergency or a state or
18 local disaster may render care without the supervision of the
19 physician or physicians specified in the physician assistant
20 license, or under such supervision as is available. The bill
21 provides that a physician who supervises a physician assistant
22 providing this medical care shall not be required to meet the
23 requirements of Code section 148C.3, subsection 4, relating to
24 supervising physician qualifications.

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