

MAR 6 2003
JUDICIARY

HOUSE FILE 475
BY PAULSEN

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

A BILL FOR

1 An Act relating to the award of damages in an action alleging
2 medical malpractice.

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

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HF 475

1 Section 1. NEW SECTION. 147.136A LIMITATION ON
2 NONECONOMIC DAMAGES.

3 In any action for personal injury or wrongful death against
4 any physician and surgeon, osteopath, osteopathic physician
5 and surgeon, dentist, podiatrist, optometrist, pharmacist,
6 chiropractor, or nurse licensed under this chapter or against
7 any hospital licensed under chapter 135B, in which liability
8 is admitted or established, the present value of the damages
9 for economic and noneconomic losses incurred or to be incurred
10 in the future by the plaintiff by reason of personal injury or
11 death shall be awarded as follows:

12 1. For losses based upon the negligence of one or more of
13 the defendants, the amount of economic damages.

14 2. For losses based upon the recklessness of one or more
15 of the defendants, the amount of economic damages plus any
16 noneconomic damages. The amount of noneconomic damages
17 awarded shall not exceed the amount of economic damages
18 awarded.

19 3. For losses based upon the gross negligence of one or
20 more of the defendants, the amount of economic damages plus
21 any noneconomic damages. The amount of noneconomic damages
22 awarded shall not exceed three times the amount of economic
23 damages awarded.

24 4. For losses based upon the intentional wrongdoing of one
25 or more of the defendants, the amount of damages as provided
26 in section 668A.1, subsection 2.

27 EXPLANATION

28 This bill relates to the award of economic, noneconomic,
29 and punitive damages awarded in a medical malpractice action
30 against any physician and surgeon, osteopath, osteopathic
31 physician and surgeon, dentist, podiatrist, optometrist,
32 pharmacist, chiropractor, or nurse licensed under chapter 147
33 or against any hospital licensed under chapter 135B in which
34 liability is admitted or established. The bill generally
35 places restrictions on the awarding of noneconomic damages.