

Senate File 2005 - Introduced

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BY JOHNSON

A BILL FOR

1 An Act relating to awards of noneconomic damages against health
2 care providers.

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

1 Section 1. NEW SECTION. 668B.1 Title.

2 This chapter may be cited as the "*Noneconomic Damage Awards*
3 *Against Health Care Providers Act*".

4 Sec. 2. NEW SECTION. 668B.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Health care provider*" means a physician as defined
8 in section 135.1, an advanced registered nurse practitioner
9 licensed pursuant to chapter 152, a hospital as defined in
10 section 135B.1, and a health care facility as defined in
11 section 135C.1.

12 2. "*Health care services*" means services that involve
13 diagnosis, treatment, medical evaluation, advice, or such acts
14 as may be permissible under the health care licensing statutes
15 of this state.

16 3. "*Noneconomic damages*" means damages arising from
17 pain, suffering, inconvenience, physical impairment, mental
18 anguish, emotional pain and suffering, loss of chance, loss of
19 consortium, and any other nonpecuniary damages.

20 Sec. 3. NEW SECTION. 668B.3 Damage awards.

21 In any action for damages for injury or death against any
22 health care provider, whether based in tort, contract, or
23 otherwise, arising out of an act or omission in connection with
24 the provision of health care services, the injured plaintiff
25 shall be entitled to recover noneconomic damages, but such
26 damages shall not exceed two hundred fifty thousand dollars,
27 except upon a finding of actual malice on the part of the
28 defendant.

29

EXPLANATION

30 This bill creates the noneconomic damage awards against
31 health care provider Act.

32 The bill provides that in any action for noneconomic damages
33 for injury or death against any health care provider whether
34 based in tort, contract, or otherwise, arising out of an act
35 or omission in connection with the provision of health care

1 services, the injured plaintiff shall be entitled to recover
2 noneconomic damages not to exceed \$250,000, except upon a
3 finding of actual malice on the part of the defendant.

4 "Noneconomic damages" is defined as damages arising from
5 pain, suffering, inconvenience, physical impairment, mental
6 anguish, emotional pain and suffering, loss of chance, loss of
7 consortium, and any other nonpecuniary damages.

8 "Health care provider" means a physician defined as a
9 person licensed to practice medicine and surgery, osteopathic
10 medicine and surgery, osteopathy, chiropractic, podiatry, or
11 optometry under the laws of this state pursuant to Code section
12 135.1, an advanced registered nurse practitioner licensed
13 pursuant to Code chapter 152, a hospital defined as a place
14 which is devoted primarily to the maintenance and operation of
15 facilities for the medical diagnosis, treatment, or care over a
16 period exceeding 24 hours of two or more nonrelated individuals
17 pursuant to Code section 135B.1, and a health care facility
18 defined as a residential care facility, a nursing facility, an
19 intermediate care facility for persons with mental illness,
20 or an intermediate care facility for persons with mental
21 retardation pursuant to Code section 135C.1.