

House Study Bill 502 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to expert witness standards in medical
2 malpractice lawsuits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.139, subsections 3 and 4, Code 2018,
2 are amended to read as follows:

3 3. If the defendant is board-certified in a specialty, the
4 person is certified in the same or a substantially similar
5 specialty by a board recognized by the American board of
6 medical specialties, ~~or~~ the American osteopathic association,
7 or the council on podiatric medical education.

8 4. a. If the defendant is a licensed physician or
9 osteopathic physician under chapter 148, the person is a
10 physician or osteopathic physician licensed in this state or
11 another state.

12 b. If the defendant is a licensed podiatric physician under
13 chapter 149, the person is a podiatric physician licensed in
14 this state or another state.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill amends expert witness standards in medical
19 malpractice lawsuits to include podiatric specialists.

20 Code section 147.139 provides that if the standard of care
21 given by a health care provider is at issue, the court shall
22 only allow a person the plaintiff designates as an expert
23 witness to qualify as an expert witness and to testify on the
24 issue of the appropriate standard of care or breach of the
25 standard of care if, among other criteria, the following is
26 established.

27 Under current law, if the defendant is board certified in
28 a specialty, the person the plaintiff designates as an expert
29 witness must be certified in the same or a substantially
30 similar specialty by a board recognized by the American board
31 of medical specialties or the American osteopathic association.
32 The bill provides that the council on podiatric medical
33 education may also be a recognizing organization.

34 Under current law, if the defendant is a licensed physician
35 or osteopathic physician under Code chapter 148, the person the

1 plaintiff designates as an expert witness must be a physician
2 or osteopathic physician licensed in this state or another
3 state. The bill requires that if the defendant is a licensed
4 podiatric physician under Code chapter 149, the person the
5 plaintiff designates as an expert witness must be a podiatric
6 physician licensed in this state or another state.