

**Senate Study Bill 3150 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

**A BILL FOR**

1 An Act relating to civil actions, including the total amount  
2 recoverable as a noneconomic damages award against a health  
3 care provider and evidence offered to prove past medical  
4 expenses.

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

1 Section 1. Section 147.136A, subsection 2, Code 2020, is  
2 amended to read as follows:

3 2. The total amount recoverable in any civil action for  
4 noneconomic damages for personal injury or death, whether in  
5 tort, contract, or otherwise, against a health care provider  
6 shall be limited to two hundred fifty thousand dollars for any  
7 occurrence resulting in injury or death of a patient regardless  
8 of the number of plaintiffs, derivative claims, theories of  
9 liability, or defendants in the civil action, ~~unless the jury~~  
10 ~~determines that there is a substantial or permanent loss or~~  
11 ~~impairment of a bodily function, substantial disfigurement,~~  
12 ~~or death, which warrants a finding that imposition of such a~~  
13 ~~limitation would deprive the plaintiff of just compensation for~~  
14 ~~the injuries sustained.~~

15 Sec. 2. NEW SECTION. **622.4 Medical expenses.**

16 Evidence offered to prove past medical expenses shall be  
17 limited to evidence of the amounts actually paid to satisfy  
18 the bills that have been satisfied, regardless of the source  
19 of payment, and evidence of the amounts actually necessary  
20 to satisfy the bills that have been incurred but not yet  
21 satisfied. This section does not impose upon any party an  
22 affirmative duty to seek a reduction in billed charges to which  
23 the party is not contractually entitled.

24 EXPLANATION

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

27 This bill relates to civil actions, including the total  
28 amount of noneconomic damages recoverable in a civil action for  
29 personal injury or death against a health care provider and  
30 evidence offered to prove past medical expenses.

31 Current law limits to \$250,000 the amount of noneconomic  
32 damages recoverable for any occurrence resulting in injury or  
33 death of a patient regardless of the number of plaintiffs,  
34 derivative claims, theories of liability, or defendants in  
35 the civil action, unless the jury determines that there is

1 a substantial or permanent loss or impairment of a bodily  
2 function, substantial disfigurement, or death, which warrants  
3 a finding that imposition of such a limitation would deprive  
4 the plaintiff of just compensation for the injuries sustained.  
5 Current law also provides that the limitation on damages  
6 shall not apply as to a defendant if the defendant's actions  
7 constituted actual malice.

8 The bill eliminates the exception to the limitation  
9 of \$250,000 that would allow the jury to determine if the  
10 imposition of such a limitation would deprive the plaintiff of  
11 just compensation for the injuries sustained.

12 Under the bill, "noneconomic damages" means damages arising  
13 from pain, suffering, inconvenience, physical impairment,  
14 mental anguish, emotional pain and suffering, loss of chance,  
15 loss of consortium, or any other nonpecuniary damages.

16 The bill also provides that evidence offered to prove past  
17 medical expenses shall be limited to evidence of the amounts  
18 that were actually paid to satisfy bills that have been  
19 satisfied and evidence of the amounts necessary to satisfy  
20 the bills that have not yet been satisfied. The bill does  
21 not impose an affirmative duty to seek a reduction in billed  
22 charges to which the party is not contractually entitled.