

House File 341 - Introduced

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BY SHIPLEY

A BILL FOR

1 An Act relating to the statute of limitations for recovery from
2 injuries sustained from treatment for identity disorder.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 9, paragraph a, Code
2 2021, is amended to read as follows:

3 a. Except as provided in paragraph "b" or "c", those
4 founded on injuries to the person or wrongful death against
5 any physician and surgeon, osteopathic physician and surgeon,
6 dentist, podiatric physician, optometrist, pharmacist,
7 chiropractor, physician assistant, or nurse, licensed under
8 chapter 147, or a hospital licensed under **chapter 135B**, arising
9 out of patient care, within two years after the date on which
10 the claimant knew, or through the use of reasonable diligence
11 should have known, or received notice in writing of the
12 existence of, the injury or death for which damages are sought
13 in the action, whichever of the dates occurs first, but in no
14 event shall any action be brought more than six years after
15 the date on which occurred the act or omission or occurrence
16 alleged in the action to have been the cause of the injury or
17 death unless a foreign object unintentionally left in the body
18 caused the injury or death.

19 Sec. 2. Section 614.1, subsection 9, Code 2021, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. c. Those founded on injuries to the person
22 against any physician and surgeon, osteopathic physician and
23 surgeon, pharmacist, chiropractor, physician assistant, or
24 nurse, licensed under chapter 147, or a hospital licensed
25 under chapter 135B, arising out of patient care for cross-sex
26 hormone treatment, surgery, or any other medical intervention
27 or device associated with identity disorder, within two years
28 after the date on which the claimant knew, or through the use
29 of reasonable diligence should have known, or received notice
30 in writing of the existence of, the injury for which damages
31 are sought in the action, whichever of the dates occurs first.

32 EXPLANATION

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

35 This bill amends the statute of limitations for medical

1 malpractice for a person who is seeking damages resulting from
2 injuries sustained during patient care for cross-sex hormone
3 treatment, surgery, or any other medical intervention or device
4 associated with the identity disorder.

5 Under current law, the medical malpractice statute of
6 limitations bars actions from being brought more than two years
7 after the discovery of the injury or damage, but also bars
8 actions from being brought more than six years after the injury
9 has occurred for all causes of actions. The bill removes the
10 six-year limitation for injuries arising from treatment of
11 identity disorder but provides that the claimant must still
12 bring the action within two years of discovery of the injury.