

House File 436 - Introduced

HOUSE FILE 436

BY A. MEYER and BOSSMAN

A BILL FOR

1 An Act designating certain graduate medical residents as
2 employees of the state under the Iowa tort claims Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 669.2, subsection 4, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* "Employee of the state" also includes a
4 graduate medical resident licensed pursuant to section 148.5
5 working for a private or public hospital in Iowa.

6 EXPLANATION

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

9 This bill designates graduate medical residents working
10 in private or public hospitals and licensed pursuant to Code
11 section 148.5 as employees of the state under the Iowa tort
12 claims Act codified as Code chapter 669.

13 Under current law, graduate medical residents at state
14 hospitals are protected under the Iowa tort claims Act.

15 The Iowa tort claims Act provides that upon certification by
16 the attorney general that a defendant in a suit was an employee
17 of the state acting within the scope of the employee's office
18 or employment at the time of the incident upon which the claim
19 is based, the suit commenced upon the claim shall be deemed to
20 be an action against the state and if the state is not already
21 a defendant, the state shall be substituted as the defendant in
22 place of the employee.