

Senate Study Bill 1225 - Introduced

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

A BILL FOR

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

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

1 Section 1. Section 147.136A, subsection 2, Code 2021, 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
5 in tort, contract, or otherwise, against a health care
6 provider shall be limited to ~~two hundred fifty thousand~~ one
7 million dollars for any occurrence resulting in injury or
8 death of a patient regardless of the number of plaintiffs,
9 derivative claims, theories of liability, or defendants in
10 the civil action, ~~unless the jury determines that there is~~
11 ~~a substantial or permanent loss or impairment of a bodily~~
12 ~~function, substantial disfigurement, or death, which warrants a~~
13 ~~finding that imposition of such a limitation would deprive the~~
14 ~~plaintiff of just compensation for the injuries sustained.~~

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 Under current law, the limit for the total amount
19 recoverable for noneconomic damages for personal injury or
20 death against a health care provider in a civil action is
21 \$250,000, unless the jury determines that there is substantial
22 or permanent loss or impairment of a bodily function,
23 substantial disfigurement, or death, which warrants a finding
24 that imposition of such a limitation would deprive the
25 plaintiff of just compensation for the injuries sustained.
26 This bill increases the cap from \$250,000 to \$1 million and
27 removes the exception to the cap.