

Senate File 2175 - Introduced

SENATE FILE 2175

BY PETERSEN

A BILL FOR

1 An Act relating to medical malpractice by exempting claims
2 involving sexual assault from the limitations on noneconomic
3 damages.

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

1 Section 1. Section 147.136A, subsection 3, Code 2024, is
2 amended to read as follows:

3 3. The limitation on damages contained in this section shall
4 not apply as to a defendant if ~~that~~ any of the following are
5 true:

6 a. That defendant's actions constituted actual malice.

7 b. That defendant's action is sexual in nature regardless of
8 either of the following:

9 (1) The act was committed under auspice of providing
10 professional diagnosis, counseling, or treatment.

11 (2) At the time the act occurred, the patient believed the
12 act was for medically or professionally appropriate diagnosis,
13 counseling, or treatment.

14 EXPLANATION

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

17 This bill creates an exception to a medical malpractice
18 limitation on damages in personal injury actions that involve
19 a sexual assault. The bill provides that if the health
20 care provider is a defendant in a personal injury action,
21 the limitation on noneconomic damages does not apply if the
22 defendant's action is sexual in nature regardless of if the
23 action was committed under the guise of medical diagnosis,
24 counseling, or treatment or if the patient believed at the time
25 the act occurred it was for medical diagnosis, counseling, or
26 treatment.