

Senate Study Bill 3006 - Introduced

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

A BILL FOR

1 An Act relating to protections for health care institutions,
2 health care payors, and medical practitioners including
3 those related to the exercise of a right of conscience,
4 whistleblower activities, and free speech, and providing
5 penalties.

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

1 Section 1. NEW SECTION. 135S.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Adverse action*" includes termination of employment;
5 transfer or demotion from a current position; an adverse
6 administrative action; reassignment to a different shift or
7 job title; increased administrative duties; denial of staff
8 privileges; denial of board certification; loss of career
9 specialty; reduction of wages, benefits, or privileges; refusal
10 to award a grant, contract, or other funding opportunity;
11 refusal to provide residency training opportunities; denial,
12 deprivation, or disqualification of licensure; withholding
13 or disqualifying from financial aid and other assistance;
14 impediment of the establishment or improvement of a health care
15 institution or health care payor; impediment of the acquisition
16 or merger of a health care institution or health care payor; or
17 any other penalty, discipline, or retaliatory action.

18 2. a. "*Conscience*" means the ethical, moral, or religious
19 beliefs or principles held by a medical practitioner, health
20 care institution, or health care payor.

21 b. With respect to persons who are institutions,
22 corporations, or other legal entities, "*conscience*" is
23 determined by reference to that entity's governing documents
24 including but not limited to published ethical, moral, or
25 religious guidelines or directives, mission statements,
26 constitutions, articles of incorporation, bylaws, policies, or
27 regulations.

28 3. "*Discrimination*" means an adverse action taken against,
29 or a threat of adverse action communicated to, a medical
30 practitioner, health care institution, or health care payor as
31 a result of the refusal of the medical practitioner, health
32 care institution, or health care payor to participate in a
33 health care service on the basis of conscience.

34 4. "*Health care institution*" means a hospital, an
35 outpatient primary care location, a medical center, a physician

1 organization, a professional association, an ambulatory
2 surgical center, a private office of a medical practitioner, a
3 pharmacy, a health care facility, a medical or nursing school,
4 a medical training facility, or any other entity or location
5 in which health care services are performed. *"Health care*
6 *institution"* includes but is not limited to organizations,
7 corporations, partnerships, associations, agencies, networks,
8 sole proprietorships, and joint ventures.

9 5. *"Health care payor"* means an employer, a health plan,
10 an insurer, a management services organization, or any other
11 entity that pays for or arranges for payment, in whole or in
12 part, for a health care service.

13 6. *"Health care service"* means medical care provided to a
14 patient at any time during the patient's course of treatment,
15 including but not limited to initial examination, testing,
16 diagnosis, or referral; dispensing or administration of a drug,
17 medication, or device; psychological therapy or counseling;
18 research, prognosis, therapy, recordmaking, notes related to
19 treatment, set up, or performance of a surgery or procedure; or
20 any other care or service performed or provided by a medical
21 practitioner.

22 7. *"Insurer"* means any entity, including a health
23 service corporation, health maintenance organization, or any
24 similar corporation or organization, or an employer offering
25 self-insurance, that provides a health benefit plan, but does
26 not include an entity that provides public coverage.

27 8. *"Medical practitioner"* means a person who facilitates
28 or participates, or who is asked to facilitate or participate
29 in a health care service, including but not limited to a
30 health-related professional licensed by a board designated in
31 section 147.13, and any other person licensed, certified, or
32 otherwise authorized or permitted by the laws of this state
33 to administer a health care service in the ordinary course of
34 business or in the practice of a profession.

35 9. *"Participate in a health care service"* means to provide,

1 perform, assist with, facilitate, refer for, provide counseling
2 for, advise with regard to, admit for the purposes of
3 providing, or take part in a health care service in any way.

4 10. "Person" means the same as defined in section 4.1.

5 Sec. 2. NEW SECTION. 135S.2 **Exercise of conscience for**
6 **health care institutions, health care payors, and medical**
7 **practitioners — immunity — exception.**

8 1. a. A health care institution or health care payor shall
9 not be required to participate in or pay for a health care
10 service that violates the health care institution's or health
11 care payor's conscience, including by permitting the use of the
12 health care institution's or health care payor's facilities.

13 b. A health care payor shall list any health care service
14 the health care payor refuses to pay for on the basis of their
15 right of conscience in the health care payor's policies, plans,
16 contracts, or other agreements.

17 c. Except as provided in subsection 4, a health care
18 institution or health care payor that refuses to participate in
19 or pay for a health care service under this section is immune
20 from liability for damages allegedly arising from the refusal,
21 and such refusal shall not be the basis for any discrimination
22 against the health care institution or health care payor.

23 2. a. A medical practitioner has the right not to
24 participate in a health care service that violates the medical
25 practitioner's conscience.

26 b. A health care institution may require a medical
27 practitioner who is employed, contracted, or granted admitting
28 privileges by the health care institution and who is seeking to
29 exercise their conscience by not participating in a health care
30 service, to submit to the health care institution a written
31 refusal signed by the medical practitioner. A written refusal
32 made under this paragraph shall refer only generally to the
33 grounds of conscience. Except as provided in subsection 4,
34 a health care institution is immune from liability for the
35 exercise of conscience by a medical practitioner.

1 *c.* A medical practitioner who refuses to participate in a
2 health care service under this section is immune from liability
3 for damages allegedly arising from the refusal, and such
4 refusal shall not be the basis for any discrimination against
5 the medical practitioner.

6 3. This section shall not be construed to relieve a health
7 care institution of the requirement to provide emergency
8 medical services to all patients as required under 42 U.S.C.
9 §1395dd.

10 4. The immunity provisions of this section shall not apply
11 to a health care institution or a health care payor owned or
12 operated by the state or a political subdivision of the state.

13 Sec. 3. NEW SECTION. **135S.3 Exercise of conscience not**
14 **grounds for loss of privileges, immunities, or public benefits.**

15 The exercise of conscience by a health care institution,
16 health care payor, or medical practitioner not to participate
17 in a health care service shall not be grounds for loss of any
18 privileges, immunities, or public benefits under state law.

19 Sec. 4. NEW SECTION. **135S.4 Whistleblower protections.**

20 1. A medical practitioner or health care institution shall
21 not be discriminated against because the medical practitioner
22 or health care institution does any of the following:

23 *a.* Provides, causes to be provided, or intends to provide
24 or cause to be provided information relating to a suspected
25 violation of this chapter to the medical practitioner or health
26 care institution's employer, the attorney general, any agency
27 charged with protecting health care rights of conscience,
28 the United States department of health and human services,
29 the United States commission on civil rights, or any other
30 federal agency charged with protecting health care rights of
31 conscience.

32 *b.* Testifies or intends to testify in a proceeding
33 concerning a violation of this chapter.

34 *c.* Assists or participates, or intends to assist or
35 participate, in a proceeding under this chapter.

1 2. It shall be unlawful to discriminate against a medical
2 practitioner because the medical practitioner discloses
3 information to appropriate government, regulatory, or law
4 enforcement entities that the medical practitioner reasonably
5 believes evidences any of the following:

6 a. A violation of any law or rule.

7 b. A violation of any standard of care or ethical guidelines
8 for the provision of any health care service.

9 c. Gross mismanagement, a gross waste of funds, an abuse
10 of authority, practices, or methods of treatment that may put
11 patient health at risk, or a substantial and specific danger to
12 public health or safety.

13 3. This section shall not be construed to exempt a
14 person from the requirements of the federal Health Insurance
15 Portability and Accountability Act of 1996, Pub. L. No.
16 104-191, including amendments thereto and regulations
17 promulgated thereunder, or any other applicable confidentiality
18 and patient privacy requirements.

19 **Sec. 5. NEW SECTION. 135S.5 Free speech protections —**
20 **notification of complaints — penalty.**

21 1. The department of health and human services, a licensing
22 board designated under chapter 147, or any other licensing
23 or certifying entity of a medical practitioner shall not
24 reprimand, sanction, or revoke or threaten to revoke a license
25 or certification of a medical practitioner who is licensed
26 or certified by the department, licensing board, or other
27 licensing or certifying entity for engaging in speech or
28 expressive activity protected under the first amendment to
29 the Constitution of the United States, unless the department,
30 licensing board, or other licensing or certifying entity
31 demonstrates beyond a reasonable doubt that the medical
32 practitioner's speech was the direct cause of physical harm
33 to a person with whom the medical practitioner had a medical
34 practitioner-patient relationship within the three years
35 immediately preceding the incident of physical harm.

1 Sec. 7. NEW SECTION. 135S.7 Relationship to rights and
2 remedies relating to abortion.

3 This chapter shall not be construed to modify or limit the
4 rights and remedies provided under chapter 146.

5 Sec. 8. Section 146.1, Code 2024, is amended to read as
6 follows:

7 146.1 Liability of persons relating to performance of
8 abortions — written affirmative consent required.

9 1. An individual who may lawfully perform, facilitate,
10 assist, refer for, or otherwise participate in medical
11 procedures which will result in an abortion shall not be
12 required against that individual's religious beliefs or moral
13 convictions to perform, facilitate, assist, refer for, or
14 otherwise participate in such procedures.

15 2. A person shall not discriminate against any individual in
16 any way, including but not limited to employment, promotion,
17 advancement, transfer, licensing, education, training or the
18 granting of hospital privileges or staff appointments, because
19 of the individual's participation in or refusal to participate
20 in ~~recommending, performing, or assisting in an abortion~~
21 procedure as described in subsection 1.

22 3. An individual shall not be scheduled, assigned, or
23 requested to directly or indirectly perform, facilitate,
24 assist, refer for, or otherwise participate in an abortion
25 unless the individual first affirmatively consents in writing
26 to perform, facilitate, refer for, or otherwise participate in
27 the abortion.

28 4. For the purposes of **this chapter**, "abortion" means the
29 termination of a human pregnancy with the intent other than to
30 produce a live birth or to remove a dead fetus. Abortion does
31 not include medical care which has as its primary purpose the
32 treatment of a serious physical condition requiring emergency
33 medical treatment necessary to save the life of a mother.

34 Sec. 9. APPLICABILITY. This Act applies to a health care
35 payor policy, contract, plan, or other agreement delivered,

1 issued for delivery, continued, or renewed in this state on or
2 after January 1, 2025.

3

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

5

the explanation's substance by the members of the general assembly.

6

This bill relates to protections for health care
7 institutions, health care payors, and medical practitioners
8 involving a right of conscience, whistleblower activities, and
9 free speech.

10

The bill provides definitions used in the bill including for
11 "conscience", "health care institution", "health care payor",
12 "health care service", and "medical practitioner".

13

The bill provides that a health care institution or health
14 care payor shall not be required to participate in or pay for a
15 health care service that violates the health care institution's
16 or health care payor's conscience. A health care payor shall
17 list any health care service the health care payor refuses to
18 pay for on the basis of their conscience in the health care
19 payor's policies, plans, contracts, or other agreements.

20

A health care institution or health care payor that refuses
21 to participate in or pay for a health care service is immune
22 from liability for damages allegedly arising from the refusal,
23 and such refusal shall not be the basis for any discrimination
24 against the health care institution or health care payor.

25

The bill also provides that a medical practitioner has
26 the right not to participate in a health care service that
27 violates the medical practitioner's conscience. A health care
28 institution may require a medical practitioner who is employed,
29 contracted, or granted admitting privileges by the health care
30 institution and who is seeking to exercise their conscience
31 by not participating in a health care service, to submit to
32 the health care institution a written refusal signed by the
33 medical practitioner. A health care institution is immune from
34 liability for the exercise of conscience not to participate in
35 a health care service by a medical practitioner. A medical

1 practitioner who refuses to participate in a health care
2 service due to exercise of conscience is immune from liability
3 for damages allegedly arising from the refusal, and such
4 refusal shall not be the basis for any discrimination against
5 the medical practitioner.

6 These provisions are not to be construed to relieve a
7 health care institution of the requirement under federal law
8 to provide emergency medical services to all patients. The
9 immunity provisions do not apply to a health care institution
10 or health care payor owned or operated by the state or a
11 political subdivision of the state.

12 The bill provides that a medical practitioner's, health care
13 institution's, or health care payor's exercise of conscience
14 not to participate in a health care service shall not be
15 grounds for loss of any privileges, immunities, or public
16 benefits under state law.

17 The bill provides whistleblower protections by providing
18 that a medical practitioner or health care institution shall
19 not be discriminated against because the medical practitioner
20 or health care institution: provides, causes to be provided,
21 or intends to provide or cause to be provided information
22 relating to a suspected violation of the bill to the medical
23 practitioner or health care institution's employer or various
24 other entities specified in the bill; testifies or intends to
25 testify in a proceeding concerning a violation of the bill; or
26 assists or participates, or intends to assist or participate,
27 in a proceeding under the bill. It is also unlawful under the
28 bill to discriminate against a medical practitioner because
29 the medical practitioner discloses information to appropriate
30 government, regulation, or law enforcement entities that the
31 medical practitioner reasonably believes evidences a violation
32 of any law or rule; a violation of any standard of care or
33 ethical guidelines for the provision of any health care
34 service; or gross mismanagement, a gross waste of funds, an
35 abuse of authority, practices, or methods of treatment that

1 may put patient health at risk, or a substantial and specific
2 danger to public health or safety. These provisions are not to
3 be construed to exempt a person from the requirements of the
4 federal Health Insurance Portability and Accountability Act.

5 The bill also provides that the department of health and
6 human services (HHS), a health professional licensing board,
7 or any other licensing or certifying entity of a medical
8 practitioner shall not reprimand, sanction, or revoke or
9 threaten to revoke a license or certification of a medical
10 practitioner for engaging in speech or expressive activity
11 protected under the first amendment to the Constitution of
12 the United States, unless HHS, a licensing board, or other
13 licensing or certifying entity demonstrates beyond a reasonable
14 doubt that the medical practitioner's speech was the direct
15 cause of physical harm to a person with whom the medical
16 practitioner had a medical practitioner-patient relationship
17 within the three years immediately preceding the incident
18 of physical harm. Within 14 days of receiving a complaint
19 alleging a medical practitioner's speech was the direct cause
20 of physical harm to a person with whom the medical practitioner
21 had a medical practitioner-patient relationship that may result
22 in revocation of a medical practitioner's license, HHS, a
23 licensing board, or other licensing or certifying entity shall
24 provide the medical practitioner with a copy of the complaint.
25 If HHS, a licensing board, or other licensing or certifying
26 entity fails to provide the complaint within 14 days of
27 receipt, HHS, the licensing board, or other certifying entity
28 shall pay the medical practitioner an administrative penalty of
29 \$500 for each week of noncompliance.

30 The bill provides that it is unlawful for a person to
31 interfere or attempt to interfere with the exercise of
32 conscience not to participate in a health care service or the
33 whistleblower or free speech rights and protections authorized
34 under the bill. A health care institution, health care payor,
35 or medical practitioner injured by unlawful interference

1 under the bill is entitled to bring a civil action that, if
2 successful, may result in injunctive relief, monetary damages
3 for injuries suffered, and reasonable costs and attorney fees.

4 The provisions of the bill shall not be construed as
5 modifying or limiting the rights and remedies provided under
6 Code chapter 146 (abortions — refusal to perform).

7 The bill also amends Code chapter 146 to provide that an
8 individual shall not be scheduled, assigned, or requested to
9 directly or indirectly perform, facilitate, refer for, or
10 otherwise participate in an abortion unless the individual
11 first affirmatively consents in writing to perform, facilitate,
12 refer for, or otherwise participate in the abortion.

13 The bill applies to a health care payor policy, contract,
14 plan, or other agreement delivered, issued for delivery,
15 continued, or renewed in the state on or after January 1, 2025.