

House File 704

HOUSE FILE
 BY COMMITTEE ON COMMERCE,
 REGULATION AND LABOR

(SUCCESSOR TO HSB 15)

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved

A BILL FOR

1 An Act relating to awards of noneconomic damages against health
 2 care providers.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4 TLSB 1582HV 81
 5 rh/pj/5

PAG LIN

1 1 Section 1. NEW SECTION. 668B.1 TITLE.
 1 2 This chapter may be cited as the "Noneconomic Damage Awards
 1 3 Against Health Care Providers Act".
 1 4 Sec. 2. NEW SECTION. 668B.2 DEFINITIONS.
 1 5 As used in this chapter, unless the context otherwise
 1 6 requires:
 1 7 1. "Health care provider" means a physician as defined in
 1 8 section 135.1, a hospital as defined in section 135B.1, or a
 1 9 health care facility as defined in section 135C.1.
 1 10 2. "Health care services" means services that involve
 1 11 diagnosis, treatment, medical evaluation, advice, or such acts
 1 12 as may be permissible under the health care licensing statutes
 1 13 of this state.
 1 14 3. "Noneconomic damages" means damages arising from pain,
 1 15 suffering, inconvenience, physical impairment, mental anguish,
 1 16 emotional pain and suffering, loss of chance, loss of
 1 17 consortium, and any other nonpecuniary damages.
 1 18 Sec. 3. NEW SECTION. 668B.3 DAMAGE AWARDS.
 1 19 In any action for damages for injury or death against any
 1 20 health care provider, whether based in tort, contract, or
 1 21 otherwise, arising out of an act or omission in connection
 1 22 with the provision of health care services, the injured
 1 23 plaintiff shall be entitled to recover noneconomic damages,
 1 24 but such damages shall not exceed two hundred fifty thousand
 1 25 dollars, except upon a finding of actual malice on the part of
 1 26 the defendant.

1 27 EXPLANATION
 1 28 This bill creates the noneconomic damage awards against
 1 29 health care providers Act.
 1 30 The bill provides that in any action for noneconomic
 1 31 damages for injury or death against any health care provider
 1 32 whether based in tort, contract, or otherwise, arising out of

1 33 an act or omission in connection with the provision of health
1 34 care services, the injured plaintiff shall be entitled to
1 35 recover noneconomic damages not to exceed \$250,000, except
2 1 upon a finding of actual malice on the part of the defendant.

2 2 "Health care provider" means a physician defined as a
2 3 person licensed to practice medicine and surgery, osteopathic
2 4 medicine and surgery, osteopathy, chiropractic, podiatry, or
2 5 optometry under the laws of this state pursuant to Code
2 6 section 135.1, a hospital defined as a place which is devoted
2 7 primarily to the maintenance and operation of facilities for
2 8 the medical diagnosis, treatment, or care over a period
2 9 exceeding 24 hours of two or more nonrelated individuals
2 10 pursuant to Code section 135B.1, and a health care facility
2 11 defined as a residential care facility, a nursing facility, an
2 12 intermediate care facility for persons with mental illness, or
2 13 an intermediate care facility for persons with mental
2 14 retardation pursuant to Code section 135C.1.

2 15 "Noneconomic damages" is defined as damages arising from
2 16 pain, suffering, inconvenience, physical impairment, mental
2 17 anguish, emotional pain and suffering, loss of chance, loss of
2 18 consortium, and any other nonpecuniary damages.

2 19 LSB 1582HV 81

2 20 rh:nh/pj/5