

e. Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This paragraph does not apply to a gift or pledge from a publicly held business corporation.

f. The confidential records described in paragraphs "a" through "e" shall not be construed to make confidential those portions of records disclosing any of the following:

- (1) The amount and date of the donation.
- (2) Any donor-designated use or purpose of the donation.
- (3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

g. Except as provided in paragraphs "a" through "f", portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to this chapter.

This subsection does not apply to a report filed with the ethics and campaign disclosure board pursuant to section 8.7.

Approved May 24, 2006

CHAPTER 1128

REPORTS AND INFORMATION RELATING TO MEDICAL CONDITION AND TREATMENT

H.F. 2716

AN ACT relating to civil actions for personal injury or death, including certain evidentiary, reporting, and study information requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.40, Code 2005, is amended to read as follows:

135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.

Any person, hospital, sanatorium, nursing or rest home or other organization may provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person to the department, the Iowa medical society or any of its allied medical societies, ~~or the Iowa osteopathic medical association, or any in-hospital staff committee, or the Iowa healthcare collaborative,~~ to be used in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization that has acted reasonably and in good faith, by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

For the purposes of this section, and section 135.41, the “Iowa healthcare collaborative” means an organization which is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and which is established to provide direction to promote quality, safety, and value improvement collaborative efforts by hospitals and physicians.

Sec. 2. Section 135.41, Code 2005, is amended to read as follows:

135.41 PUBLICATION.

The department, the Iowa medical society or any of its allied medical societies, ~~or the Iowa osteopathic medical association, or any in-hospital staff committee, or the Iowa healthcare collaborative~~ shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. In all events the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances. A violation of this section shall constitute a simple misdemeanor.

Sec. 3. NEW SECTION. 505.27 MEDICAL MALPRACTICE INSURANCE — REPORTS REQUIRED.

1. An insurer providing medical malpractice insurance coverage to Iowa health care providers shall file annually on or before June 1 with the commissioner a report of all medical malpractice insurance claims, both open claims and closed claims filed during the reporting period, against any such Iowa insureds during the preceding calendar year.

2. The report shall be in writing and contain all of the following information aggregated by specialty area and paid loss and paid expense categories established by the commissioner:

a. The total number of claims in the reporting period and the nature and substance of such claims.

b. The total amounts paid within six months after final disposition of the claims.

c. The total amount reserved for the payment of claims incurred and reported but not disposed.

d. The expenses, as set forth by rule, related to the claims.

e. Any other additional information as required by the commissioner by rule.

3. The commissioner shall compile annually the data included in reports filed by insurers pursuant to this section into an aggregate form by insurer, except that such data shall not include information that directly or indirectly identifies any individual, including a patient, an insured, or a health care provider. The commissioner shall submit a written report summarizing such data along with any recommendations to the general assembly and the governor by December 1, 2007, with subsequent reports submitted to the general assembly and the governor annually thereafter.

4. A report prepared pursuant to subsection 1 or 3 shall be open to the public and shall be made available to a requesting party by the commissioner at no charge, except that any identifying information of any individual, including a patient, an insured, or health care provider, shall remain confidential.

5. For purposes of this section, “health care provider” means the same as defined in section 135.61, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, and “insurer” means an insurance company authorized to transact insurance business in this state. “Insurer” does not include a health care provider who maintains professional liability insurance coverage through a self-insurance plan, an unauthorized insurance company transacting business with an insured person in this state, or a person not authorized to transact insurance business in this state.

Sec. 4. NEW SECTION. 622.31 EVIDENCE OF REGRET OR SORROW.

In any civil action for professional negligence, personal injury, or wrongful death or in any arbitration proceeding for professional negligence, personal injury, or wrongful death against a person in a profession represented by the examining boards listed in section 272C.1 and any

other licensed profession recognized in this state, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, based upon the alleged negligence in the practice of that profession or occupation, that portion of a statement, affirmation, gesture, or conduct expressing sorrow, sympathy, commiseration, condolence, compassion, or a general sense of benevolence that was made by the person to the plaintiff, relative of the plaintiff, or decision maker for the plaintiff that relates to the discomfort, pain, suffering, injury, or death of the plaintiff as a result of an alleged breach of the applicable standard of care is inadmissible as evidence. Any response by the plaintiff, relative of the plaintiff, or decision maker for the plaintiff to such statement, affirmation, gesture, or conduct is similarly inadmissible as evidence.

Approved May 24, 2006

CHAPTER 1129

COURT ADMINISTRATION AND PROCEDURE

H.F. 2740

AN ACT relating to the judicial branch and court administration and procedure and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.133, subsection 2, Code 2005, is amended to read as follows:

2. Except for appeals from ~~final~~ orders entered in child in need of assistance proceedings or ~~final~~ orders entered pursuant to section 232.117, appellate procedures shall be governed by the same provisions applicable to appeals from the district court. The supreme court may prescribe rules to expedite the resolution of appeals from final orders entered in child in need of assistance proceedings or ~~final~~ orders entered pursuant to section 232.117.

Sec. 2. Section 236.5, subsection 5, Code 2005, is amended to read as follows:

5. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff ~~having jurisdiction to enforce the order or consent agreement of the county in which the order or consent decree is initially entered~~, and the twenty-four hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified. The clerk shall notify the county sheriff and the twenty-four hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four hour dispatcher for the law enforcement agencies upon notification by the clerk.

Sec. 3. Section 558.66, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Upon receipt of a certificate ~~from~~ issued by the clerk of the district court or ~~an appellate clerk~~