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JUDICIARY

SENATE FILE 2218

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LAMBERTI, MCKIBBEN, HAHN, ANGELO,
and ZIEMAN

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to an award of noneconomic damages in a medical
2 malpractice action.

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

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1 Section 1. NEW SECTION. 147.141 LIMITATION ON
2 NONECONOMIC DAMAGES.

3 1. In an action for personal injury or wrongful death
4 against a physician and surgeon, osteopath, osteopathic
5 physician and surgeon, dentist, podiatrist, optometrist,
6 pharmacist, chiropractor, or nurse licensed under this
7 chapter, based on the alleged negligence of the practitioner
8 in the practice of that profession or occupation, or against a
9 hospital licensed under chapter 135B, based on the alleged
10 negligence of the hospital in patient care, in which liability
11 is admitted or established, an award of noneconomic damages
12 shall not exceed five hundred thousand dollars.

13 2. For purposes of this section, "noneconomic damages"
14 means nonpecuniary losses that would not have occurred but for
15 the injury or death giving rise to the cause of action,
16 including pain and suffering, inconvenience, physical
17 impairment, mental anguish, loss of capacity for enjoyment of
18 life, and any other nonpecuniary losses.

19 EXPLANATION

20 This bill provides that an award of noneconomic damages in
21 an action for personal injury or wrongful death against a
22 physician and surgeon, osteopath, osteopathic physician and
23 surgeon, dentist, podiatrist, optometrist, pharmacist,
24 chiropractor, or nurse licensed under Code chapter 147, based
25 on the alleged negligence of the practitioner in the practice
26 of that profession or occupation, or against a hospital
27 licensed under Code chapter 135B, based on the alleged
28 negligence of the hospital in patient care, in which liability
29 is admitted or established, shall not exceed \$500,000.

30 "Noneconomic damages" is defined as nonpecuniary losses that
31 would not have occurred but for the injury giving rise to the
32 cause of action, including pain and suffering, inconvenience,
33 physical impairment, mental anguish, loss of capacity for
34 enjoyment of life, and any other nonpecuniary losses.

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