

MAR 1 1 2005
Place On Calendar

HOUSE FILE 704
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:

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HF 704

1 Section 1. NEW SECTION. 668B.1 TITLE.

2 This chapter may be cited as the "Noneconomic Damage Awards
3 Against Health Care Providers Act".

4 Sec. 2. NEW SECTION. 668B.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Health care provider" means a physician as defined in
8 section 135.1, a hospital as defined in section 135B.1, or a
9 health care facility as defined in section 135C.1.

10 2. "Health care services" means services that involve
11 diagnosis, treatment, medical evaluation, advice, or such acts
12 as may be permissible under the health care licensing statutes
13 of this state.

14 3. "Noneconomic damages" means damages arising from pain,
15 suffering, inconvenience, physical impairment, mental anguish,
16 emotional pain and suffering, loss of chance, loss of
17 consortium, and any other nonpecuniary damages.

18 Sec. 3. NEW SECTION. 668B.3 DAMAGE AWARDS.

19 In any action for damages for injury or death against any
20 health care provider, whether based in tort, contract, or
21 otherwise, arising out of an act or omission in connection
22 with the provision of health care services, the injured
23 plaintiff shall be entitled to recover noneconomic damages,
24 but such damages shall not exceed two hundred fifty thousand
25 dollars, except upon a finding of actual malice on the part of
26 the defendant.

27 EXPLANATION

28 This bill creates the noneconomic damage awards against
29 health care providers Act.

30 The bill provides that in any action for noneconomic
31 damages for injury or death against any health care provider
32 whether based in tort, contract, or otherwise, arising out of
33 an act or omission in connection with the provision of health
34 care services, the injured plaintiff shall be entitled to
35 recover noneconomic damages not to exceed \$250,000, except

1 upon a finding of actual malice on the part of the defendant.

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

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

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HORBACH, CH.
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704 HSB 15
COMMERCE, REGULATION & LABOR

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
COMMERCE, REGULATION AND
LABOR BILL BY CHAIRPERSON
JENKINS)

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

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