

House File 571 - Reprinted

HOUSE FILE 571
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 139)

(As Amended and Passed by the House March 26, 2025)

A BILL FOR

1 An Act relating to protections for medical practitioners,
2 health care institutions, and health care payors including
3 those related to the exercise of conscience, whistleblower
4 activities, and free speech, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Medical Ethics Defense Act".

3 Sec. 2. NEW SECTION. 135S.1 Definitions.

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

6 1. a. "*Conscience*" means the ethical, moral, or religious
7 beliefs or principles held by a medical practitioner, health
8 care institution, or health care payor.

9 b. With respect to persons who are institutions,
10 corporations, or other legal entities, "*conscience*" is
11 determined by reference to that entity's governing documents
12 including but not limited to published ethical, moral, or
13 religious guidelines or directives, mission statements,
14 constitutions, articles of incorporation, bylaws, policies, or
15 regulations.

16 2. "*Discrimination*" means an adverse action, including but
17 not limited to any penalty, disciplinary, or retaliatory action
18 taken against, or a threat of adverse action communicated to, a
19 medical practitioner, health care institution, or health care
20 payor as a result of the refusal of the medical practitioner,
21 health care institution, or health care payor to participate
22 in a health care service on the basis of conscience.

23 "*Discrimination*" not does include the negotiation or purchase of
24 insurance or a health care service by a nongovernmental entity
25 or individual, the refusal to use or purchase insurance or a
26 health care service by a nongovernmental entity or individual,
27 or a health care institution's good-faith effort to accommodate
28 a medical practitioner's, health care institution's, or health
29 care payor's exercise of conscience.

30 3. "*Health care institution*" means an organization,
31 corporation, partnership, association, agency, network, sole
32 proprietorship, joint venture, or other entity that provides
33 a health care service.

34 4. "*Health care payor*" means an employer; a health plan;
35 a management services organization; any entity, including a

1 health service corporation, health maintenance organization,
2 or any similar corporation or organization, or an employer
3 offering self-insurance, that provides a health benefit plan;
4 or any other entity that pays for or arranges for payment, in
5 whole or in part, for a health care service.

6 5. "*Health care service*" means medical research and medical
7 care provided to a patient or client at any time during the
8 patient's or client's course of treatment, including but
9 not limited to testing; diagnosis; record making; referral;
10 prescribing, dispensing, or administering any drug, medication,
11 or device; therapy or counseling; and preparation or
12 arrangement for a surgical procedure.

13 6. "*Medical practitioner*" means a person who facilitates
14 or participates, or who is asked to facilitate or participate
15 in a health care service, including but not limited to a
16 health-related professional licensed by a board designated in
17 section 147.13, and any other person licensed, certified, or
18 otherwise authorized or permitted by the laws of this state
19 to administer a health care service in the ordinary course
20 of business or in the practice of a profession. "*Medical*
21 *practitioner*" includes any student enrolled in an educational
22 institution who is a prospective medical practitioner.

23 8. "*Participate in a health care service*" means to provide,
24 perform, assist with, facilitate, refer for, provide counseling
25 for, advise with regard to, admit for the purposes of
26 providing, or take part in a health care service in any way.

27 Sec. 3. NEW SECTION. 135S.2 Exercise of conscience for
28 health care institutions, health care payors, and medical
29 practitioners — exception.

30 1. a. A medical practitioner, health care institution,
31 or health care payor has the right not to participate in
32 or pay for a health care service that violates the medical
33 practitioner's, health care institution's, or health care
34 payor's conscience. This paragraph shall not be construed to
35 waive or modify a duty a medical practitioner, health care

1 institution, or health care payor may have to participate in or
2 pay for a health care service that does not violate the medical
3 practitioner's conscience.

4 *b.* A medical practitioner, health care institution, or
5 health care payor who refuses to participate in a health care
6 service under this section shall not be discriminated against
7 for the medical practitioner's, health care institution's, or
8 health care payor's exercise of conscience.

9 2. A health care payor shall not decline to pay for a health
10 care service due to a medical practitioner's, health care
11 institution's, or health care payor's refusal to participate
12 in a health care service under this section if the health care
13 payor is contractually obligated to pay for the health care
14 service.

15 3. This section shall not be construed to relieve a health
16 care institution of the requirement to provide emergency
17 medical services to individuals as required under 42 U.S.C.
18 §1395dd.

19 4. Notwithstanding any other provision of this chapter to
20 the contrary, a medical practitioner, health care institution,
21 or health care payor that holds itself out to the public as
22 religion-based, states in the entity's governing documents
23 that the entity has a religious purpose or mission, and that
24 has internal operating policies or procedures that implement
25 the entity's religious beliefs, shall have the right to make
26 employment, staffing, contracting, and admitting privilege
27 decisions consistent with the entity's religious beliefs.

28 Sec. 4. NEW SECTION. 135S.3 **Exercise of conscience —**
29 **immunity.**

30 1. A medical practitioner, health care institution,
31 or health care payor shall not be civilly, criminally, or
32 administratively liable for the medical practitioner's, health
33 care institution's, or health care payor's good faith exercise
34 of conscience.

35 2. A health care institution shall not be civilly,

1 criminally, or administratively liable for the good faith
2 exercise of conscience by a medical practitioner employed,
3 contracted, or granted admitting privileges by the health care
4 institution.

5 Sec. 5. NEW SECTION. 135S.4 Whistleblower protections.

6 1. A medical practitioner, health care institution, or
7 health care payor shall not be discriminated against because
8 the medical practitioner, health care institution, or health
9 care payor does any of the following:

10 a. Provides, causes to be provided, or intends to provide
11 or cause to be provided information relating to a suspected
12 violation of this chapter to the medical practitioner's,
13 health care institution's, or health care payor's employer,
14 the attorney general, any state agency charged with protecting
15 health care rights of conscience, the United States department
16 of health and human services, the United States commission
17 on civil rights, or any other federal agency charged with
18 protecting health care rights of conscience.

19 b. Testifies or intends to testify in a proceeding
20 concerning a violation of this chapter.

21 c. Assists or participates, or intends to assist or
22 participate, in a proceeding under this chapter.

23 2. It shall be unlawful to discriminate against a medical
24 practitioner, health care institution, or health care payor
25 because the medical practitioner, health care institution,
26 or health care payor discloses information that the medical
27 practitioner, health care institution, or health care payor
28 reasonably believes evidences any of the following:

29 a. A violation of any law or rule.

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

32 c. Gross mismanagement, a gross waste of funds, an abuse
33 of authority, practices or methods of treatment that may put
34 patient or client health at risk, or a substantial and specific
35 danger to public health or safety.

1 3. This section shall not be construed to exempt a
2 person from the requirements of the federal Health Insurance
3 Portability and Accountability Act of 1996, Pub. L. No.
4 104-191, including amendments thereto and regulations
5 promulgated thereunder, or any other applicable confidentiality
6 and patient or client privacy requirements.

7 Sec. 6. NEW SECTION. 135S.5 **Free speech protections —**
8 **notification of complaints — penalty.**

9 1. The department of health and human services, a licensing
10 board designated under chapter 147, or any other state
11 licensing or certifying entity of a medical practitioner shall
12 not reprimand, sanction, or revoke or threaten to revoke a
13 license or certification of a medical practitioner, health care
14 institution, or health care payor who is licensed or certified
15 by the department, licensing board, or other licensing or
16 certifying entity, for engaging in speech, expressive activity,
17 or association protected under the first amendment to the
18 Constitution of the United States, unless the department,
19 licensing board, or other licensing or certifying entity
20 demonstrates by clear and convincing evidence that the medical
21 practitioner's, health care institution's, or health care
22 payor's speech, expressive activity, or association was the
23 direct cause of physical harm to a person with whom the medical
24 practitioner, health care institution, or health care payor had
25 a medical practitioner-patient or medical practitioner-client
26 relationship within the three years immediately preceding the
27 incident of physical harm.

28 2. *a.* Within twenty-one days of receipt of a complaint
29 that alleges a violation of speech, expressive activity, or
30 association protected under subsection 1 that may result
31 in revocation of a medical practitioner's, health care
32 institution's, or health care payor's license, certification,
33 or registration, the department, licensing board, or other
34 licensing or certifying entity shall provide the medical
35 practitioner, health care institution, or health care payor

1 with a copy of the complaint.

2 **b.** If the department, licensing board, or other licensing or
3 certifying entity fails to provide a copy of the complaint to
4 the medical practitioner, health care institution, or health
5 care payor within twenty-one days of receipt, the department,
6 licensing board, or other certifying entity shall pay the
7 medical practitioner, health care institution, or health care
8 payor an administrative penalty of five hundred dollars for
9 each day of noncompliance.

10 3. The state shall not contract with, recognize, approve,
11 or require a medical practitioner, health care institution,
12 or health care payor to obtain a certification or credential
13 issued or approved by the department of health and human
14 services, a licensing board designated under chapter 147,
15 or any other licensing or certifying entity of a medical
16 practitioner, health care institution, or health care payor
17 that revokes or refuses to issue a certification or credential
18 to the medical practitioner, health care institution, or
19 health care payor if the medical practitioner, health care
20 institution, or health care payor is in compliance with this
21 chapter and did not provide medical advice or treatment to a
22 patient or client.

23 Sec. 7. NEW SECTION. 135S.6 Unlawful interference —
24 relief.

25 1. It is unlawful for a person to interfere or attempt to
26 interfere with the exercise of conscience not to participate in
27 a health care service, or in the whistleblower or free speech
28 rights and protections under this chapter, whether by duress,
29 coercion, or any other means.

30 2. A health care institution, health care payor, or medical
31 practitioner that alleges injury by unlawful interference
32 by a person under this chapter may bring a civil action in
33 a court of competent jurisdiction. If a court of competent
34 jurisdiction finds a person liable under this section, the
35 court may order any of the following:

1 *a.* Injunctive relief, when appropriate, including but not
2 limited to reinstatement of a medical practitioner to the
3 medical practitioner's previous position, or reinstatement
4 or reactivation of licensure or certification of a medical
5 practitioner, or reactivation or reinstatement of licensure of
6 a health care institution or a health care payor.

7 *b.* Monetary damages for injuries suffered.

8 *c.* Reasonable costs and attorney fees.

9 3. The rights, remedies, and prohibitions contained in this
10 chapter shall be in addition to and cumulative of any other
11 right, remedy, or prohibition accorded by common law or state
12 or federal law. This chapter shall not be construed to deny,
13 abrogate, or impair any such common law or statutory right,
14 remedy, or prohibition.

15 4. Any additional burden or expense to another medical
16 practitioner, health care institution, or health care payor
17 arising from the exercise of conscience pursuant to this
18 chapter shall not be a defense to a violation of this chapter.

19 5. A person shall not bring a civil action against a person
20 who declines to use or purchase a health care service from
21 a medical practitioner, health care institution, or health
22 care payor because of the medical practitioner's, health care
23 institution's, or health care payor's exercise of conscience
24 under this chapter.

25 Sec. 8. NEW SECTION. 135S.7 Severability.

26 If any provision of this chapter or its application to any
27 person or circumstance is held invalid, the invalidity shall
28 not affect other provisions or applications of this chapter
29 which can be given effect without the invalid provision or
30 application, and to this end the provisions of this chapter are
31 severable.