

MAR 5 2003
HUMAN RESOURCES

HOUSE FILE 422
BY MERTZ

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

A BILL FOR

1 An Act authorizing the use of investigational, experimental, new,
2 or unconventional medical treatment.

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

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HF 422

1 Section 1. NEW SECTION. 148.14 ACCESS TO MEDICAL
2 TREATMENT -- INVESTIGATIONAL, EXPERIMENTAL, OR UNCONVENTIONAL
3 MEDICAL TREATMENT.

4 1. This section shall be known as and may be cited as the
5 "Access to Medical Treatment Act".

6 2. For the purpose of this section, unless the context
7 otherwise requires, "physician" means a person licensed by the
8 board of medical examiners to practice medicine and surgery or
9 osteopathic medicine and surgery.

10 3. Notwithstanding any other provision of law, an
11 individual shall have the right to be treated by a physician
12 for an illness or disease with any investigational,
13 experimental, new, or unconventional medical treatment that is
14 desired by the individual or is authorized by the individual's
15 legal guardian or attorney in fact under chapter 144B,
16 providing that all of the following circumstances are
17 applicable:

18 a. The individual has been personally examined by the
19 physician.

20 b. A reasonable basis is not present to conclude that the
21 medical treatment, when administered as directed, poses an
22 unreasonable and significant risk of danger to the individual.

23 c. The physician has provided the individual with both an
24 oral explanation and a written statement that discloses the
25 facts regarding the nature of the medical treatment and
26 specifically indicates that the treatment offered is
27 investigational, experimental, new, or unconventional. If the
28 medical treatment offered involves a drug or medical device,
29 the explanation and statement shall disclose whether or not
30 the drug or medical device has been approved by the United
31 States food and drug administration and any material risks of
32 the drug or medical device that are generally recognized by a
33 reasonably prudent physician. The individual or the
34 individual's legal guardian or attorney in fact shall
35 acknowledge with a signature receipt of the explanation and

1 statement.

2 4. A physician's provision of medical treatment to an
3 individual in accordance with this section shall not by itself
4 constitute or be considered to be unprofessional practice or
5 conduct.

6 EXPLANATION

7 This bill allows a physician to authorize the use of
8 investigational, experimental, new, or unconventional medical
9 treatment provided the physician has personally examined the
10 individual, there is no reason to conclude that the treatment
11 poses an unreasonable or significant risk to the individual,
12 and the individual being treated or the individual's legal
13 guardian or attorney in fact under Code chapter 144B, relating
14 to a durable power of attorney for health care, has provided
15 informed written consent.

16 The bill may be cited as the "Access to Medical Treatment
17 Act". A physician's treatment of an individual in compliance
18 with the bill shall not by itself constitute unprofessional
19 practice or conduct.

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