

Sec. 4. Section 476.97, subsection 11, Code 2001, is amended by adding the following new paragraphs:

NEW PARAGRAPH. j. Upon the request of a local exchange carrier, the board shall, when required by this subsection, grant the carrier temporary authority to place in effect seventy-five percent, or such lesser amount as the carrier may request, of the requested increases in rates, charges, schedules, or regulations by filing with the board a bond conditioned upon the refund in a manner to be prescribed by the board of any amounts collected from any customer class in excess of the amounts which would have been collected under rates, charges, schedules, or regulations finally approved by the board. The board shall approve a request for temporary authority within thirty days after the date of filing of the request. The decision shall be effective immediately.

The board shall determine the rate of interest to be paid by a public utility to persons receiving refunds. The interest rate to be applied to refunds of moneys collected subject to refund under this subsection is one percent per annum plus the average quarterly interest rate at commercial banks for twenty-four-month loans for personal expenditures, as determined by the board, compounded annually. The board shall consider federal reserve statistical release G.19 or its equivalent when determining interest to be paid under this subsection.

NEW PARAGRAPH. k. The board and the consumer advocate may employ additional temporary staff, or may contract for professional services with persons who are not state employees, as the board and consumer advocate deem necessary to review a local exchange carrier's operations, proposal for modifications, rate change proposal, or proposed changes in aggregate revenue weighted prices pursuant to this subsection. Beginning July 1, 2002, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board to hire additional staff and contract for services under this subsection. The costs of the additional staff and services shall be assessed to the local exchange carrier pursuant to the procedures in sections 475A.6 and 476.10.

Sec. 5. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 4, 2002

CHAPTER 1061

LIFE-SUSTAINING PROCEDURES — OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS

S.F. 2155

AN ACT providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

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

Section 1. Section 144A.2, Code 2001, is amended to read as follows:
144A.2 DEFINITIONS.

Except as otherwise provided, as used in this chapter:

1. "Adult" means an individual eighteen years of age or older.
2. "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

3. "Declaration" means a document executed in accordance with the requirements of section 144A.3.

4. "Department" means the Iowa department of public health.

5. "Emergency medical care provider" means emergency medical care provider as defined in section 147A.1.

4. ~~6.~~ "Health care provider" means a person, including an emergency medical care provider, who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

7. "Hospital" means hospital as defined in section 135B.1.

5. ~~8.~~ "Life-sustaining procedure" means any medical procedure, treatment, or intervention, including resuscitation, which meets both of the following requirements:

a. Utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function.

b. When applied to a patient in a terminal condition, would serve only to prolong the dying process.

"Life-sustaining procedure" does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

9. "Out-of-hospital do-not-resuscitate order" means a written order signed by a physician, executed in accordance with the requirements of section 144A.7A and issued consistent with this chapter, that directs the withholding or withdrawal of resuscitation when an adult patient in a terminal condition is outside the hospital.

6. ~~10.~~ "Physician" means a person licensed to practice medicine and surgery, osteopathy or osteopathic medicine and surgery in this state.

7. ~~11.~~ "Qualified patient" means a patient who has executed a declaration or an out-of-hospital do-not-resuscitate order in accordance with this chapter and who has been determined by the attending physician to be in a terminal condition.

12. "Resuscitation" means any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to chest compression, defibrillation, intubation, and emergency drugs intended to alter cardiac function or otherwise to sustain life.

8. ~~13.~~ "Terminal condition" means an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery.

Sec. 2. Section 144A.3, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The declaration must be signed by the declarant or another person acting on behalf of the declarant at the direction of the declarant, must contain the date of ~~its~~ the declaration's execution, and must be witnessed or acknowledged by one of the following methods:

Sec. 3. Section 144A.3, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2001, are amended to read as follows:

(1) A health care provider attending the declarant on the date of execution of the declaration.

(2) An employee of a health care provider attending the declarant on the date of execution of the declaration.

Sec. 4. Section 144A.7, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. The attorney in fact designated to make treatment decisions for the patient should such person be diagnosed as suffering from a terminal condition, if the designation is in writing and complies with chapter 144B or section 633.705.

Sec. 5. NEW SECTION. 144A.7A OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS.

1. If an attending physician issues an out-of-hospital do-not-resuscitate order for an adult patient under this section, the physician shall use the form prescribed pursuant to subsection 2, include a copy of the order in the patient's medical record, and provide a copy to the patient or an individual authorized to act on the patient's behalf.

2. The department, in collaboration with interested parties, shall prescribe uniform out-of-hospital do-not-resuscitate order forms and uniform personal identifiers, and shall adopt administrative rules necessary to implement this section. The uniform forms and personal identifiers shall be used statewide.

3. The out-of-hospital do-not-resuscitate order form shall include all of the following:

- a. The patient's name.
- b. The patient's date of birth.
- c. The name of the individual authorized to act on the patient's behalf, if applicable.
- d. A statement that the patient is in a terminal condition.
- e. The physician's signature.
- f. The date the form is signed.
- g. A concise statement of the nature and scope of the order.
- h. Any other information necessary to provide clear and reliable instructions to a health care provider.

4. A health care provider may withhold or withdraw resuscitation outside a hospital consistent with an out-of-hospital do-not-resuscitate order issued under this section and the rules or protocols adopted by the department.

5. In fulfilling the instructions of an out-of-hospital do-not-resuscitate order under this chapter, a health care provider shall continue to provide appropriate comfort care and pain relief to the patient.

6. An out-of-hospital do-not-resuscitate order shall not apply when a patient is in need of emergency medical services due to a sudden accident or injury resulting from a motor vehicle collision, fire, mass casualty, or other cause of a sudden accident or injury which is outside the scope of the patient's terminal condition.

7. An out-of-hospital do-not-resuscitate order is deemed revoked at any time that a patient, or an individual authorized to act on the patient's behalf as designated on the out-of-hospital do-not-resuscitate order, is able to communicate in any manner the intent that the order be revoked, without regard to the mental or physical condition of the patient. A revocation is only effective as to the health care provider upon communication to that provider by the patient, an individual authorized to act on the patient's behalf as designated in the order, or by another person to whom the revocation is communicated.

8. The personal wishes of family members or other individuals who are not authorized in the order to act on the patient's behalf shall not supersede a valid out-of-hospital do-not-resuscitate order.

9. If uncertainty regarding the validity or applicability of an out-of-hospital do-not-resuscitate order exists, a health care provider shall provide necessary and appropriate resuscitation.

10. A health care provider shall document compliance or noncompliance with an out-of-hospital do-not-resuscitate order and the reasons for not complying with the order, including evidence that the order was revoked or uncertainty regarding the validity or applicability of the order.

11. This section shall not preclude a hospital licensed under chapter 135B from honoring an out-of-hospital do-not-resuscitate order entered in accordance with this section and in compliance with established hospital policies and protocols.

Sec. 6. Section 144A.8, Code 2001, is amended to read as follows:

144A.8 TRANSFER OF PATIENTS.

1. An attending physician who is unwilling to comply with the requirements of section 144A.5, or who is unwilling to comply with the declaration of a qualified patient in accordance

with section 144A.6 or an out-of-hospital do-not-resuscitate order pursuant to section 144A.7A, or who is unwilling to comply with the provisions of section 144A.7 or 144A.7A shall take all reasonable steps to effect the transfer of the patient to another physician.

2. If the policies of a health care provider preclude compliance with the declaration or out-of-hospital do-not-resuscitate order of a qualified patient under this chapter or preclude compliance with the provisions of section 144A.7 or 144A.7A, the provider shall take all reasonable steps to effect the transfer of the patient to a facility in which the provisions of this chapter can be carried out.

Sec. 7. Section 144A.9, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In the absence of actual notice of the revocation of a declaration or of an out-of-hospital do-not-resuscitate order, the following, while acting in accordance with the requirements of this chapter, are not subject to civil or criminal liability or guilty of unprofessional conduct:

Sec. 8. SECTION 144A.9, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 4. In the absence of actual notice of the revocation of an out-of-hospital do-not-resuscitate order, a health care provider who complies with this chapter is not subject to civil or criminal liability or guilty of unprofessional conduct in entering, executing, or otherwise participating in an out-of-hospital do-not-resuscitate order.

Sec. 9. Section 144A.10, Code 2001, is amended to read as follows:
144A.10 PENALTIES.

1. Any person who willfully conceals, withholds, cancels, destroys, alters, defaces, or obliterates the declaration, out-of-hospital do-not-resuscitate order, or out-of-hospital do-not-resuscitate identifier of another without the declarant's or patient's consent or who falsifies or forges a revocation of the declaration or out-of-hospital do-not-resuscitate order of another is guilty of a serious misdemeanor.

2. Any person who falsifies or forges the declaration or out-of-hospital do-not-resuscitate order of another, or willfully conceals or withholds personal knowledge of or delivery of a revocation as provided in section 144A.4 or 144A.7A, with the intent to cause a withholding or withdrawal of life-sustaining procedures, is guilty of a serious misdemeanor.

Sec. 10. Section 144A.11, subsections 1, 2, 3, and 4, Code 2001, are amended to read as follows:

1. Death resulting from the withholding or withdrawal of life-sustaining procedures pursuant to a declaration or out-of-hospital do-not-resuscitate order and in accordance with this chapter does not, for any purpose, constitute a suicide, or homicide, or dependent adult abuse.

2. The making executing of a declaration pursuant to section 144A.3 or an out-of-hospital do-not-resuscitate order pursuant to section 144A.7A does not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance is legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures pursuant to this chapter, notwithstanding any term of the policy to the contrary.

3. A physician, health care provider, health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not require any person to execute a declaration or an out-of-hospital do-not-resuscitate order as a condition for being insured for, or receiving, health care services.

4. This chapter creates no presumption concerning the intention of an individual who has not executed a declaration or an out-of-hospital do-not-resuscitate order with respect to the use, withholding, or withdrawal of life-sustaining procedures in the event of a terminal condition.

Sec. 11. APPLICATION TO EXISTING ORDERS. An out-of-hospital do-not-resuscitate

order or similar order executed prior to July 1, 2002, is valid and shall be honored in accordance with the then-applicable provisions of law.

Approved April 4, 2002

CHAPTER 1062

DRY FIRE HYDRANT AND RURAL WATER SUPPLY EDUCATION AND DEMONSTRATION PROJECT

S.F. 2160

AN ACT relating to the dry fire hydrant and rural water supply education and demonstration project.

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

Section 1. DRY FIRE HYDRANTS. For purposes of the dry fire hydrant and rural water supply education and demonstration project created in 1998 Iowa Acts, chapter 1219, and administered by the department of economic development, "dry fire hydrant" means a water supply system permanently installed in existing lakes, ponds, streams, holding tanks, or other water sources that provide a ready means of water to be transported by a fire tanker truck.

Approved April 4, 2002

CHAPTER 1063

HIGHWAYS AND MOTOR VEHICLES — MISCELLANEOUS PROVISIONS

S.F. 2192

AN ACT relating to highways and motor vehicles and condemnation, including condemnation of property by the state department of transportation, registration, sale, and operation of certain vehicles, issuance of driver's licenses and nonoperator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates.

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

DIVISION I HIGHWAYS

Section 1. Section 6B.2A, subsection 4, Code 2001, is amended to read as follows:
4. This section shall not apply to a condemnation of property by the state department of transportation or a county for right-of-way that is contiguous to an existing road right-of-way