

641—85.2(135) Definitions. For the purpose of these rules, the following definitions shall apply:

85.2(1) “*Conflict of interest*” means a standard which precludes the participation of a panel member in the proceedings with regard to a patient whenever the panel member is a relative of the patient, is a direct care provider of the patient or has a financial interest in the patient.

85.2(2) “*Correspondent*” means a person other than a relative of the patient who has demonstrated a genuine interest in promoting the best interest of a patient by having a personal relationship with the patient, by participating in the planning of a patient’s care and treatment, by regularly visiting the patient, or by regularly communicating with the patient.

85.2(3) “*Department*” means Iowa department of public health.

85.2(4) “*Local board*” means a local substitute medical decision-making board established under Iowa Code section 135.29.

85.2(5) “*Medical care*” means care a reasonably prudent person would consider to be medically necessary. It includes, but is not limited to, procedures which involve any significant invasion of bodily integrity requiring an incision or producing substantial pain, discomfort, debilitation or which has a potential for significant bodily harm. This includes, but is not limited to, any medical, surgical or diagnostic intervention or procedure for which a general anesthetic is used. Medical care may include placement decisions where there is inadequate time to obtain appointment of a guardian and the placement is a medical consideration or a medical necessity.

The definition does not include discontinuance of medical treatment which is sustaining life functions because the board does not have authority to make this decision.

The definition also does not include the following types of care which can ordinarily be provided without special approval and do not need to be submitted to the board for consideration:

- a. Routine office-based care or routine dental care;
- b. Routine diagnosis or treatment such as extraction of bodily fluids for analysis, administration of medications or routine activities of daily living support;
- c. Any procedure which is provided under emergency circumstances.

85.2(6) “*Other surrogate decision maker*” means an attorney-in-fact, guardian, spouse, adult child, parent or an adult sibling who is reasonably available, willing and able to make a medical care decision.

85.2(7) “*Panel*” means a group of three or more members of a local board or the state board who are appointed by the chairperson of that board to hear a case when an application has been filed with the board or when an appeal has been filed with the state board.

85.2(8) “*Patient*” means the person for whom the medical care decision is proposed. They may be in a hospital, long-term care facility, home, or other setting.

85.2(9) “*Person incapable of making their own medical care decisions*” means a patient who is unable to adequately understand and appreciate the nature and consequences of a proposed medical care decision, including the benefits and risks of the proposed medical care and of alternatives to such care, and cannot thereby reach an informed decision to consent or refuse such care in a knowing and voluntary manner that promotes the patient’s well-being and autonomy. This incapability may be temporary or permanent.

85.2(10) “*Physician*” means any individual licensed under Iowa Code chapter 148, 150, or 150A.

85.2(11) “*State board*” means the state substitute medical decision-making board established under Iowa Code section 135.28.