

House Amendment 3046

Amendment Text

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1 1 Amend [Senate File 13](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 "Section 1. NEW SECTION. 135L.1 NOTIFICATION
1 6 REQUIREMENTS – MEDICAL PROCEDURES PERFORMED ON
1 7 MINORS.
1 8 1. As used in this section, unless the context
1 9 otherwise requires:
1 10 a. "Medical emergency" means a condition that,
1 11 based on a physician's clinical judgment, so
1 12 complicates the health of a minor as to require
1 13 immediate medical intervention.
1 14 b. "Medical provider" means a person licensed to
1 15 practice medicine and surgery, osteopathic medicine
1 16 and surgery, osteopathy, chiropractic, massage
1 17 therapy, physical therapy, podiatry, nursing,
1 18 dentistry, optometry, or as a physician assistant,
1 19 dental hygienist, or an acupuncturist, or advanced
1 20 emergency medical care provider.
1 21 c. "Minor" means a person under eighteen years of
1 22 age who has not been and is not married.
1 23 d. "Parent" means one parent or a legal guardian
1 24 or custodian of a minor.
1 25 2. A medical provider shall not provide or perform
1 26 any diagnosis, treatment, or other medical
1 27 intervention of, to, or on a minor until a parent of
1 28 the minor has been notified of the minor's request or
1 29 presentation for medical intervention. This
1 30 requirement does not apply if the medical provider
1 31 certifies, in writing, that a medical emergency exists
1 32 which necessitates the immediate provision or
1 33 performance of diagnosis, treatment, or other medical
1 34 intervention.
1 35 Sec. 2. Section [125.33](#), subsection 1, Code 1995,
1 36 is amended to read as follows:
1 37 1. A substance abuser or chronic substance abuser
1 38 may apply for voluntary treatment or rehabilitation
1 39 services directly to a facility or to a licensed
1 40 physician and surgeon or osteopathic physician and
1 41 surgeon. If the proposed patient is a minor or an
1 42 incompetent person, a parent, a legal guardian or
1 43 other legal representative

~~may~~

- shall make the

1 44 application. The licensed physician and surgeon or
1 45 osteopathic physician and surgeon or any employee or
1 46 person acting under the direction or supervision of
1 47 the physician and surgeon or osteopathic physician and
1 48 surgeon, or the facility shall not report or disclose
1 49 the name of the person or the fact that treatment was
1 50 requested or has been undertaken to any law
2 1 enforcement officer or law enforcement agency; nor
2 2 shall such information be admissible as evidence in
2 3 any court, grand jury, or administrative proceeding
2 4 unless authorized by the person seeking treatment.

~~If~~
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~~the person seeking such treatment or rehabilitation is~~

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-
~~a minor who has personally made application for~~
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2 7

~~treatment, the fact that the minor sought treatment or~~
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2 8
-
~~rehabilitation or is receiving treatment or~~

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~~rehabilitation services shall not be reported or~~
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2 10

~~disclosed to the parents or legal guardian of such~~
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-
~~minor without the minor's consent, and the minor may~~

2 12
-
~~give legal consent to receive such treatment and~~
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2 13

~~rehabilitation.~~

-
2 14 Sec. 3. Section [141.22](#), subsection 6, Code 1995,
2 15 is amended to read as follows:
2 16 6. A person may apply for voluntary treatment,
2 17 contraceptive services, or screening or treatment for
2 18 AIDS and other sexually transmitted diseases, directly
2 19 to a licensed physician and surgeon, an osteopathic
2 20 physician and surgeon, or a family planning clinic.
2 21

~~Notwithstanding any other provision of law, if~~
- ~~If the~~
2 22 person seeking the treatment is a minor
-
~~who has~~

-
2 23
-
~~personally made~~
- ~~a parent, legal guardian, or custodian~~
2 24 shall make the application for services, screening, or
2 25 treatment

~~, the fact that the minor sought services or~~
-
2 26
-
~~is receiving services, screening, or treatment shall~~
-

2 27

~~not be reported or disclosed, except for statistical~~

2 28

~~purposes~~

~~Notwithstanding any other provision of law,~~

2 29

~~however, the~~

~~The~~ minor shall be informed prior to
2 30 testing that upon confirmation according to prevailing
2 31 medical technology of a positive HIV-related test
2 32 result the minor's parent, legal guardian, or
2 33 custodian is required to be informed by the testing
2 34 facility. Testing facilities where minors are tested
2 35 shall have available a program to assist minors and
2 36 parents, legal guardians, and custodians with the
2 37 notification process which emphasizes the need for
2 38 family support and assists in making available the
2 39 resources necessary to accomplish that goal. However,
2 40 a testing facility which is precluded by federal
2 41 statute, regulation, or center for disease control
2 42 guidelines, from informing the legal guardian is
2 43 exempt from the notification requirement, but not from
2 44 the requirement for an assistance program.

~~The minor~~

2 45

~~shall give written consent to these procedures and to~~

2 46

~~receive the services, screening, or treatment. Such~~

2 47

~~consent is not subject to later disaffirmance by~~

2 48

~~reason of minority.~~

2 49 Sec. 4. Section [147.137](#), subsection 3, Code 1995,
2 50 is amended to read as follows:
3 1 3. Is signed by the patient for whom the procedure
3 2 is to be performed, or if the patient for any reason
3 3 lacks legal capacity to consent, including that the
3 4 patient is under eighteen years of age and has not
3 5 been and is not married. is signed by a person who has
3 6 legal authority to consent on behalf of that patient
3 7 in those circumstances.
3 8 Sec. 5. Section [147A.10](#), subsection 2, Code 1995,
3 9 is amended to read as follows:
3 10 2. A physician, physician's designee, physician
3 11 assistant, or advanced emergency medical care provider
3 12 shall not be subject to civil liability solely by
3 13 reason of failure to obtain consent before rendering
3 14 emergency medical, surgical, hospital or health
3 15 services to any individual

~~—, regardless of age,~~

- when

3 16 the patient is unable to give consent for any reason
3 17 and there is no other person reasonably available who
3 18 is legally authorized to consent to the providing of
3 19 such care. However, if the individual is under
3 20 eighteen years of age and has not been and is not
3 21 married, a parent, legal guardian, or custodian shall
3 22 be notified prior to the rendering of services to the
3 23 individual, unless a medical emergency exists. For
3 24 the purposes of this subsection "medical emergency"
3 25 means medical emergency as defined in section 135L.1.

3 26 Sec. 6. Section [229.2](#), subsection 1, unnumbered
3 27 paragraph 2, Code 1995, is amended to read as follows:

3 28 In the case of a minor, the parent, guardian, or
3 29 custodian

~~— may~~

- shall make application for admission of

3 30 the minor as a voluntary patient.

3 31 Sec. 7. Section [229.2](#), subsection 1, paragraphs a
3 32 through f, Code 1995, are amended by striking the
3 33 paragraphs.

3 34 Sec. 8. Sections 140.9 and 599.6, Code 1995, are
3 35 repealed."

3 36 #2. Title page, line 1, by striking the words
3 37 "decision-making process" and inserting the following:
3 38 "notification process for minors seeking medical
3 39 intervention."

3 40 #3. Title page, by striking lines 2 and 3.

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