

House File 2562

S-5195

1 Amend House File 2562, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I  
5 CARE FACILITY PLACEMENT>

6 2. Page 7, after line 24 by inserting:

7 <Sec. \_\_\_\_ . NEW SECTION. 144H.6 Division of aging and  
8 disability services — notification.

9 1. Upon completion of a physician's certification pursuant  
10 to section 144H.2, and prior to a person authorized to consent  
11 taking any action under section 144H.3, the patient's attending  
12 physician shall forward a copy of the physician's certification  
13 to the department's division of aging and disability services.

14 2. At least ten days prior to a care facility or an  
15 attending physician petitioning the court for an order  
16 under section 144H.5, the care facility or the patient's  
17 attending physician shall forward a copy of the petition to the  
18 department's division of aging and disability services.

19 3. Upon granting a petition pursuant to section 144H.5,  
20 the court shall forward a copy of the court order to the  
21 department's division of aging and disability services.

22 4. A receiving care facility placing a patient pursuant  
23 to section 144H.3, or a court order under section 144H.5,  
24 shall notify the department's division of aging and disability  
25 services upon completion of the patient's placement at the  
26 receiving care facility.>

27 3. Page 7, line 25, by striking <144H.6> and inserting  
28 <144H.7>

29 4. Page 7, line 33, by striking <144H.7> and inserting  
30 <144H.8>

31 5. Page 8, line 9, by striking <144H.8> and inserting  
32 <144H.9>

33 6. Page 8, after line 11 by inserting:

34 <DIVISION \_\_\_\_  
35 PERSONS AUTHORIZED TO CONSENT — CONTINGENT ON ENACTMENT OF

1 LEGISLATION

2 Sec. \_\_\_\_\_. Section 144H.1, subsection 6, as enacted in  
3 Division I of this Act, is amended to read as follows:

4 6. *“Person authorized to consent”* means an individual,  
5 in the same order of priority prescribed in section 144A.7,  
6 subsection 1, paragraph “b”, who shall be guided by the express  
7 or implied intentions of the patient and who is reasonably  
8 available, willing, and competent to consent, refuse to  
9 consent, or withdraw consent on a patient’s behalf.

10 Sec. \_\_\_\_\_. CONTINGENT EFFECTIVE DATE. This division of this  
11 Act takes effect only if 2026 Iowa Acts, House File 2305, or  
12 successor legislation, amends section 144A.7, subsection 1,  
13 paragraph “b”, and is substantially similar to the following  
14 language:

15 b. If a patient does not have an attorney in fact, a  
16 guardian appointed pursuant to chapter 633, or a guardian  
17 who has obtained court approval in accordance with section  
18 232D.401, subsection 4, paragraph “a”, the decision may be made  
19 by any of the following individuals, who shall be guided by the  
20 express or implied intentions of the patient, in the following  
21 order of priority if no individual in the previous priority  
22 is reasonably available, willing, and competent to make the  
23 decision:

24 (1) The patient’s spouse.

25 (2) An adult child of the patient or, if the patient  
26 has more than one adult child, the decision agreed to by a  
27 majority of the adult children who are reasonably available for  
28 consultation with the patient’s attending provider.

29 (3) A parent of the patient or if the patient has more than  
30 one parent, the decision agreed to by both parents if both  
31 are reasonably available for consultation with the patient’s  
32 attending provider.

33 (4) An adult sibling of the patient or, if the patient  
34 has more than one adult sibling, the decision agreed to by a  
35 majority of the adult siblings who are reasonably available for

1 consultation with the patient's attending provider.

2 (5) The decision agreed to by a majority of the patient's  
3 adult relatives, including but not limited to grandchildren,  
4 grandparents, aunts, uncles, nieces, nephews, stepchildren,  
5 stepparents, and stepsiblings who are reasonably available for  
6 consultation with the patient's attending provider.

7 (6) A close adult friend.>

8 7. Title page, line 2, after <adults> by inserting <, and  
9 including effective date provisions>

10 8. By renumbering as necessary.

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MARK COSTELLO