

Reprinted

MAR 18 1991

HOUSE FILE 501
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

Filed On Calendar

(SUCCESSOR TO HSB 234)

Passed House, Date 3/21/91 (g 712) Passed Senate, Date 4/17/91 (P. 1302)
Vote: Ayes 85 Nays 10 Vote: Ayes 46 Nays 2
Approved May 8, 1991

A BILL FOR

1 An Act relating to establishing a durable power of attorney
2 authorized to make health care decisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 501

H-3269

- 1 Amend House File 501 as follows:
- 2 1. Page 2, line 34, by inserting after the word
- 3 "state" the following: ", to the extent the document
- 4 is consistent with the laws of this state".
- 5 2. Page 3, by striking line 26 and inserting the
- 6 following: "giving health care or stopping health
- 7 care which is necessary to".
- 8 3. Page 4, line 13, by inserting after the word
- 9 "court" the following: "sitting in equity".

By PETERSON of Carroll
KREMER of Buchanan

H-3269 FILED MARCH 19, 1991

Adopted 3/21 (g 712)

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1 Section 1. NEW SECTION. 144B.1 DEFINITIONS.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "Attorney in fact" means an individual who is
5 designated by a durable power of attorney for health care as
6 an agent to make health care decisions on behalf of a
7 principal and has consented to act in that capacity.

8 2. "Durable power of attorney for health care" means a
9 document authorizing an attorney in fact to make health care
10 decisions for the principal if the principal is unable, in the
11 judgment of the attending physician, to make health care
12 decisions.

13 3. "Health care" means any care, treatment, service, or
14 procedure to maintain, diagnose, or treat an individual's
15 physical or mental condition. "Health care" does not include
16 the provision of nutrition or hydration except when they are
17 required to be provided parenterally or through intubation.

18 4. "Health care decision" means the consent, refusal of
19 consent, or withdrawal of consent to health care.

20 5. "Health care provider" means a person who is licensed,
21 certified, or otherwise authorized or permitted by the law of
22 this state to administer health care in the ordinary course of
23 business or in the practice of a profession.

24 6. "Principal" means a person age eighteen or older who
25 has executed a durable power of attorney for health care.

26 Sec. 2. NEW SECTION. 144B.2 DURABLE POWER OF ATTORNEY
27 FOR HEALTH CARE.

28 A durable power of attorney for health care authorizes the
29 attorney in fact to make health care decisions for the
30 principal if the durable power of attorney for health care
31 substantially complies with the requirements of this chapter.
32 A document executed prior to the effective date of this Act
33 purporting to create a durable power of attorney for health
34 care shall be deemed valid if the document specifically
35 authorizes the attorney in fact to make health care decisions

1 and is signed by the principal.

2 Sec. 3. NEW SECTION. 144B.3 REQUIREMENTS.

3 1. An attorney in fact shall make health care decisions
4 only if the following requirements are satisfied:

5 a. The durable power of attorney for health care
6 explicitly authorizes the attorney in fact to make health care
7 decisions.

8 b. The durable power of attorney for health care contains
9 the date of its execution and is witnessed or acknowledged by
10 one of the following methods:

11 (1) Is signed by at least two individuals who, in the
12 presence of each other and the principal, witnessed the
13 signing of the instrument by the principal or by another
14 person acting on behalf of the principal at the principal's
15 direction.

16 (2) Is acknowledged before a notarial officer within this
17 state.

18 2. The following individuals shall not be witnesses for a
19 durable power of attorney for health care:

20 a. A health care provider attending the principal on the
21 date of execution.

22 b. An employee of a health care provider attending the
23 principal on the date of execution.

24 c. The individual designated in the durable power of
25 attorney for health care as the attorney in fact.

26 d. An individual who is less than eighteen years of age.

27 3. At least one of the witnesses for a durable power of
28 attorney for health care shall be an individual who is not a
29 relative of the principal by blood, marriage, or adoption
30 within the third degree of consanguinity.

31 4. A durable power of attorney for health care or similar
32 document executed in another state or jurisdiction in
33 compliance with the law of that state or jurisdiction shall be
34 deemed valid and enforceable in this state.

35 Sec. 4. NEW SECTION. 144B.4 INDIVIDUALS INELIGIBLE TO BE

1 ATTORNEY IN FACT.

2 The following individuals shall not be designated as the
3 attorney in fact to make health care decisions under a durable
4 power of attorney for health care:

5 1. A health care provider attending the principal on the
6 date of execution.

7 2. An employee of a health care provider attending the
8 principal on the date of execution unless the individual to be
9 designated is related to the principal by blood, marriage, or
10 adoption within the third degree of consanguinity.

11 Sec. 5. NEW SECTION. 144B.5 DURABLE POWER OF ATTORNEY
12 FOR HEALTH CARE -- FORM.

13 1. A durable power of attorney for health care executed
14 pursuant to this chapter may, but need not, be in the
15 following form:

16 I hereby designate _____ as my attorney in
17 fact (my agent) and give to my agent the power to make health
18 care decisions for me. This power exists only when I am
19 unable, in the judgment of my attending physician, to make
20 those health care decisions. The attorney in fact must act
21 consistently with my desires as stated in this document or
22 otherwise made known.

23 Except as otherwise specified in this document, this
24 document gives my agent the power, where otherwise consistent
25 with the law of this state, to consent to my physician not
326 giving treatment or stopping treatment which is necessary to
27 keep me alive.

28 This document gives my agent power to make health care
29 decisions on my behalf, including to consent, to refuse to
30 consent, or to withdraw consent to the provision of any care,
31 treatment, service, or procedure to maintain, diagnose, or
32 treat a physical or mental condition. This power is subject
33 to any statement of my desires and any limitations included in
34 this document.

35 My agent has the right to examine my medical records and to

1 consent to disclosure of such records.

2 2. In addition to the foregoing, the principal may provide
3 specific instructions in the document conferring the durable
4 power of attorney for health care, consistent with the
5 provisions of this chapter.

6 3. The principal may include a statement indicating that
7 the designated attorney in fact has been notified of and
8 consented to the designation.

9 4. A durable power of attorney for health care may
10 designate one or more alternative attorneys in fact.

11 Sec. 6. NEW SECTION. 144B.6 ATTORNEY IN FACT -- PRIORITY
12 TO MAKE DECISIONS.

316713 1. Unless the district court specifically finds that the
14 attorney in fact is acting in a manner contrary to the wishes
15 of the principal or the durable power of attorney for health
16 care provides otherwise, an attorney in fact who is known to
17 the health care provider to be available and willing to make
18 health care decisions has priority over any other person,
19 including a guardian appointed pursuant to chapter 633, to act
20 for the principal in all matters of health care decisions.
21 The attorney in fact has authority to make a particular health
22 care decision only if the principal is unable, in the judgment
23 of the attending physician, to make the health care decision.
24 If the principal objects to a decision to withhold or withdraw
25 health care, the principal shall be presumed to be able to
26 make a decision.

27 2. In exercising the authority under the durable power of
28 attorney for health care, the attorney in fact has a duty to
29 act in accordance with the desires of the principal as
30 expressed in the durable power of attorney for health care or
31 otherwise made known to the attorney in fact at any time. A
32 declaration executed by the principal pursuant to the life-
33 sustaining procedures Act, chapter 144A, shall not be
34 interpreted as expressing an intent to prohibit the withdrawal
35 of hydration or nutrition when required to be provided

1 parenterally or through intubation and shall not otherwise
2 restrict the authority of the attorney in fact unless either
3 the declaration or the durable power of attorney for health
4 care expressly provides otherwise. If the principal's desires
5 are unknown, the attorney in fact has a duty to act in the
6 best interests of the principal, taking into account the
7 principal's overall medical condition and prognosis.

8 Sec. 7. NEW SECTION. 144B.7 AUTHORITY TO REVIEW MEDICAL
9 RECORDS.

10 Except as limited by the durable power of attorney for
11 health care, an attorney in fact has the same right as the
12 principal to receive and review medical records of the
13 principal, and to consent to the disclosure of medical records
14 of the principal when acting pursuant to the durable power of
15 attorney for health care.

16 Sec. 8. NEW SECTION. 144B.8 REVOCATION OF DURABLE POWER
17 OF ATTORNEY.

18 1. A durable power of attorney for health care may be
19 revoked at any time and in any manner by which the principal
20 is able to communicate the intent to revoke, without regard to
21 mental or physical condition. Revocation may be by notifying
22 the attorney in fact orally or in writing. Revocation may
23 also be made by notifying a health care provider orally or in
24 writing while that provider is engaged in providing health
25 care to the principal. A revocation is only effective as to a
26 health care provider upon its communication to the provider by
27 the principal or by another to whom the principal has
28 communicated revocation. The health care provider shall
29 document the revocation in the treatment records of the
30 principal.

31 2. The principal is presumed to have the capacity to
32 revoke a durable power of attorney for health care.

33 3. Unless it provides otherwise, a valid durable power of
34 attorney for health care revokes any prior durable power of
35 attorney for health care.

1 4. If authority granted by a durable power of attorney for
2 health care is revoked under this section, an individual is
3 not subject to criminal prosecution or civil liability for
4 acting in good faith reliance upon the durable power of
5 attorney for health care unless the individual has actual
6 knowledge of the revocation.

7 5. The fact of execution and subsequent revocation of a
8 durable power of attorney shall have no effect upon subsequent
9 health care decisions made in accordance with accepted
10 principles of law and standards of medical care governing
11 those decisions.

12 Sec. 9. NEW SECTION. 144B.9 IMMUNITIES AND
13 RESPONSIBILITIES.

14 1. A health care provider is not subject to criminal
15 prosecution, civil liability, or professional disciplinary
16 action if the health care provider relies on a health care
17 decision and both of the following requirements are satisfied:

18 a. The decision is made by an attorney in fact who the
19 health care provider believes in good faith is authorized to
20 make the decision.

21 b. The health care provider believes in good faith that
22 the decision is not inconsistent with the desires of the
23 principal as expressed in the durable power of attorney for
24 health care or otherwise made known to the health care
25 provider, and, if the decision is to withhold or withdraw
26 health care necessary to keep the principal alive, the health
27 care provider has provided an opportunity for the principal to
28 object to the decision.

29 2. Notwithstanding a contrary health care decision of the
30 attorney in fact, the health care provider is not subject to
31 criminal prosecution, civil liability, or professional
32 disciplinary action for failing to withhold or withdraw health
33 care necessary to keep the principal alive. However, the
34 attorney in fact may make provisions to transfer the
35 responsibility for the care of the principal to another health

1 care provider.

2 3. An attorney in fact is not subject to criminal
3 prosecution or civil liability for any health care decision
4 made in good faith pursuant to a durable power of attorney for
5 health care.

6 4. It shall be presumed that an attorney in fact, and a
7 health care provider acting pursuant to the direction of an
8 attorney in fact, are acting in good faith and in the best
9 interests of the principal absent clear and convincing
10 evidence to the contrary.

11 5. For purposes of this section, acting in "good faith"
12 means acting consistent with the desires of the principal as
13 expressed in the durable power of attorney for health care or
14 otherwise made known to the attorney in fact, or where those
15 desires are unknown, acting in the best interests of the
16 principal, taking into account the principal's overall medical
17 condition and prognosis.

18 6. A health care provider or attorney in fact may presume
19 that a durable power of attorney for health care is valid
20 absent actual knowledge to the contrary.

21 Sec. 10. NEW SECTION. 144B.10 EMERGENCY TREATMENT.

22 This chapter does not affect the law governing health care
23 treatment in an emergency.

24 Sec. 11. NEW SECTION. 144B.11 PROHIBITED PRACTICES.

25 1. A health care provider, health care service plan,
26 insurer, self-insured employee welfare benefit plan, or
27 nonprofit hospital plan shall not condition admission to a
28 facility, or the providing of treatment, or insurance, on the
29 requirement that an individual execute a durable power of
30 attorney for health care.

31 2. A policy of life insurance shall not be legally
32 impaired or invalidated in any manner by the withholding or
33 withdrawing of health care pursuant to the direction of an
34 attorney in fact appointed pursuant to this chapter.

35 Sec. 12. NEW SECTION. 144B.12 GENERAL PROVISIONS.

1 1. This chapter does not create a presumption concerning
2 the intention of an individual who has not executed a durable
3 power of attorney for health care and does not impair or
4 supersede any right or responsibility of an individual to
5 consent, refuse to consent, or withdraw consent to health care
6 on behalf of another in the absence of a durable power of
7 attorney for health care.

8 2. This chapter shall not be construed to condone,
9 authorize, or approve any affirmative or deliberate act or
10 omission which would constitute mercy killing or euthanasia.

11 3. If after executing a durable power of attorney for
12 health care designating a spouse as attorney in fact, the
13 marriage between the principal and the attorney in fact is
14 dissolved, the power is thereby revoked. In the event of
15 remarriage to each other, the power is reinstated unless
16 otherwise revoked by the principal.

17 4. It is the responsibility of the principal to provide
18 for notification of a health care provider of the terms of the
19 principal's durable power of attorney for health care.

20 EXPLANATION

21 This bill establishes a durable power of attorney for
22 health care which may be executed by an individual giving
23 authority to the individual's agent to make health care
24 decisions for the individual. The individual executing a
25 durable power of attorney for health care, however, retains
26 the ability to make health care decisions even though the
27 power has been executed. The durable power of attorney for
28 health care may be revoked at any time by the individual.

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HOUSE FILE 501
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 234)

(As Amended and Passed by the House March 21, 1991)

Amended HSB 749
Passed House, Date 4/23/91 (p. 1455) Passed Senate, Date 4/17/91 (p. 1302)
Vote: Ayes 88 Nays 0 Vote: Ayes 46 Nays 2
Approved May 8, 1991 (p. 2193)

A BILL FOR

- 1 An Act relating to establishing a durable power of attorney
- 2 authorized to make health care decisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 501

S-3299

- 1 Amend House File 501, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by inserting after line 20 the
- 4 following:
- 5 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 2, by inserting after the
- 8 word "decisions" the following: "and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3299 FILED APRIL 3, 1991

Adopted 4/17/91 (p. 1302)

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1 Section 1. NEW SECTION. 144B.1 DEFINITIONS.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "Attorney in fact" means an individual who is
5 designated by a durable power of attorney for health care as
6 an agent to make health care decisions on behalf of a
7 principal and has consented to act in that capacity.

8 2. "Durable power of attorney for health care" means a
9 document authorizing an attorney in fact to make health care
10 decisions for the principal if the principal is unable, in the
11 judgment of the attending physician, to make health care
12 decisions.

13 3. "Health care" means any care, treatment, service, or
14 procedure to maintain, diagnose, or treat an individual's
15 physical or mental condition. "Health care" does not include
16 the provision of nutrition or hydration except when they are
17 required to be provided parenterally or through intubation.

18 4. "Health care decision" means the consent, refusal of
19 consent, or withdrawal of consent to health care.

20 5. "Health care provider" means a person who is licensed,
21 certified, or otherwise authorized or permitted by the law of
22 this state to administer health care in the ordinary course of
23 business or in the practice of a profession.

24 6. "Principal" means a person age eighteen or older who
25 has executed a durable power of attorney for health care.

26 Sec. 2. NEW SECTION. 144B.2 DURABLE POWER OF ATTORNEY
27 FOR HEALTH CARE.

28 A durable power of attorney for health care authorizes the
29 attorney in fact to make health care decisions for the
30 principal if the durable power of attorney for health care
31 substantially complies with the requirements of this chapter.
32 A document executed prior to the effective date of this Act
33 purporting to create a durable power of attorney for health
34 care shall be deemed valid if the document specifically
35 authorizes the attorney in fact to make health care decisions

1 and is signed by the principal.

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4 only if the following requirements are satisfied:

5 a. The durable power of attorney for health care
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7 decisions.

8 b. The durable power of attorney for health care contains
9 the date of its execution and is witnessed or acknowledged by
10 one of the following methods:

11 (1) Is signed by at least two individuals who, in the
12 presence of each other and the principal, witnessed the
13 signing of the instrument by the principal or by another
14 person acting on behalf of the principal at the principal's
15 direction.

16 (2) Is acknowledged before a notarial officer within this
17 state.

18 2. The following individuals shall not be witnesses for a
19 durable power of attorney for health care:

20 a. A health care provider attending the principal on the
21 date of execution.

22 b. An employee of a health care provider attending the
23 principal on the date of execution.

24 c. The individual designated in the durable power of
25 attorney for health care as the attorney in fact.

26 d. An individual who is less than eighteen years of age.

27 3. At least one of the witnesses for a durable power of
28 attorney for health care shall be an individual who is not a
29 relative of the principal by blood, marriage, or adoption
30 within the third degree of consanguinity.

31 4. A durable power of attorney for health care or similar
32 document executed in another state or jurisdiction in
33 compliance with the law of that state or jurisdiction shall be
34 deemed valid and enforceable in this state, to the extent the
35 document is consistent with the laws of this state.

1 Sec. 4. NEW SECTION. 144B.4 INDIVIDUALS INELIGIBLE TO BE
2 ATTORNEY IN FACT.

3 The following individuals shall not be designated as the
4 attorney in fact to make health care decisions under a durable
5 power of attorney for health care:

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7 date of execution.

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9 principal on the date of execution unless the individual to be
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15 pursuant to this chapter may, but need not, be in the
16 following form:

17 I hereby designate _____ as my attorney in
18 fact (my agent) and give to my agent the power to make health
19 care decisions for me. This power exists only when I am
20 unable, in the judgment of my attending physician, to make
21 those health care decisions. The attorney in fact must act
22 consistently with my desires as stated in this document or
23 otherwise made known.

24 Except as otherwise specified in this document, this
25 document gives my agent the power, where otherwise consistent
26 with the law of this state, to consent to my physician not
27 giving health care or stopping health care which is necessary
28 to keep me alive.

29 This document gives my agent power to make health care
30 decisions on my behalf, including to consent, to refuse to
31 consent, or to withdraw consent to the provision of any care,
32 treatment, service, or procedure to maintain, diagnose, or
33 treat a physical or mental condition. This power is subject
34 to any statement of my desires and any limitations included in
35 this document.

1 My agent has the right to examine my medical records and to
2 consent to disclosure of such records.

3 2. In addition to the foregoing, the principal may provide
4 specific instructions in the document conferring the durable
5 power of attorney for health care, consistent with the
6 provisions of this chapter.

7 3. The principal may include a statement indicating that
8 the designated attorney in fact has been notified of and
9 consented to the designation.

10 4. A durable power of attorney for health care may
11 designate one or more alternative attorneys in fact.

12 Sec. 6. NEW SECTION. 144B.6 ATTORNEY IN FACT -- PRIORITY
13 TO MAKE DECISIONS.

14 1. Unless the district court sitting in equity
15 specifically finds that the attorney in fact is acting in a
16 manner contrary to the wishes of the principal or the durable
17 power of attorney for health care provides otherwise, an
18 attorney in fact who is known to the health care provider to
19 be available and willing to make health care decisions has
20 priority over any other person, including a guardian appointed
21 pursuant to chapter 633, to act for the principal in all
22 matters of health care decisions. The attorney in fact has
23 authority to make a particular health care decision only if
24 the principal is unable, in the judgment of the attending
25 physician, to make the health care decision. If the principal
26 objects to a decision to withhold or withdraw health care, the
27 principal shall be presumed to be able to make a decision.

28 2. In exercising the authority under the durable power of
29 attorney for health care, the attorney in fact has a duty to
30 act in accordance with the desires of the principal as
31 expressed in the durable power of attorney for health care or
32 otherwise made known to the attorney in fact at any time. A
33 declaration executed by the principal pursuant to the life-
34 sustaining procedures Act, chapter 144A, shall not be
35 interpreted as expressing an intent to prohibit the withdrawal

1 of hydration or nutrition when required to be provided
2 parenterally or through intubation and shall not otherwise
3 restrict the authority of the attorney in fact unless either
4 the declaration or the durable power of attorney for health
5 care expressly provides otherwise. If the principal's desires
6 are unknown, the attorney in fact has a duty to act in the
7 best interests of the principal, taking into account the
8 principal's overall medical condition and prognosis.

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19 1. A durable power of attorney for health care may be
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21 is able to communicate the intent to revoke, without regard to
22 mental or physical condition. Revocation may be by notifying
23 the attorney in fact orally or in writing. Revocation may
24 also be made by notifying a health care provider orally or in
25 writing while that provider is engaged in providing health
26 care to the principal. A revocation is only effective as to a
27 health care provider upon its communication to the provider by
28 the principal or by another to whom the principal has
29 communicated revocation. The health care provider shall
30 document the revocation in the treatment records of the
31 principal.

32 2. The principal is presumed to have the capacity to
33 revoke a durable power of attorney for health care.

34 3. Unless it provides otherwise, a valid durable power of
35 attorney for health care revokes any prior durable power of

1 attorney for health care.

2 4. If authority granted by a durable power of attorney for
3 health care is revoked under this section, an individual is
4 not subject to criminal prosecution or civil liability for
5 acting in good faith reliance upon the durable power of
6 attorney for health care unless the individual has actual
7 knowledge of the revocation.

8 5. The fact of execution and subsequent revocation of a
9 durable power of attorney shall have no effect upon subsequent
10 health care decisions made in accordance with accepted
11 principles of law and standards of medical care governing
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14 RESPONSIBILITIES.

15 1. A health care provider is not subject to criminal
16 prosecution, civil liability, or professional disciplinary
17 action if the health care provider relies on a health care
18 decision and both of the following requirements are satisfied:

19 a. The decision is made by an attorney in fact who the
20 health care provider believes in good faith is authorized to
21 make the decision.

22 b. The health care provider believes in good faith that
23 the decision is not inconsistent with the desires of the
24 principal as expressed in the durable power of attorney for
25 health care or otherwise made known to the health care
26 provider, and, if the decision is to withhold or withdraw
27 health care necessary to keep the principal alive, the health
28 care provider has provided an opportunity for the principal to
29 object to the decision.

30 2. Notwithstanding a contrary health care decision of the
31 attorney in fact, the health care provider is not subject to
32 criminal prosecution, civil liability, or professional
33 disciplinary action for failing to withhold or withdraw health
34 care necessary to keep the principal alive. However, the
35 attorney in fact may make provisions to transfer the

1 responsibility for the care of the principal to another health
2 care provider.

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4 prosecution or civil liability for any health care decision
5 made in good faith pursuant to a durable power of attorney for
6 health care.

7 4. It shall be presumed that an attorney in fact, and a
8 health care provider acting pursuant to the direction of an
9 attorney in fact, are acting in good faith and in the best
10 interests of the principal absent clear and convincing
11 evidence to the contrary.

12 5. For purposes of this section, acting in "good faith"
13 means acting consistent with the desires of the principal as
14 expressed in the durable power of attorney for health care or
15 otherwise made known to the attorney in fact, or where those
16 desires are unknown, acting in the best interests of the
17 principal, taking into account the principal's overall medical
18 condition and prognosis.

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20 that a durable power of attorney for health care is valid
21 absent actual knowledge to the contrary.

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23 This chapter does not affect the law governing health care
24 treatment in an emergency.

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26 1. A health care provider, health care service plan,
27 insurer, self-insured employee welfare benefit plan, or
28 nonprofit hospital plan shall not condition admission to a
29 facility, or the providing of treatment, or insurance, on the
30 requirement that an individual execute a durable power of
31 attorney for health care.

32 2. A policy of life insurance shall not be legally
33 impaired or invalidated in any manner by the withholding or
34 withdrawing of health care pursuant to the direction of an
35 attorney in fact appointed pursuant to this chapter.

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2 1. This chapter does not create a presumption concerning
3 the intention of an individual who has not executed a durable
4 power of attorney for health care and does not impair or
5 supersede any right or responsibility of an individual to
6 consent, refuse to consent, or withdraw consent to health care
7 on behalf of another in the absence of a durable power of
8 attorney for health care.

9 2. This chapter shall not be construed to condone,
10 authorize, or approve any affirmative or deliberate act or
11 omission which would constitute mercy killing or euthanasia.

12 3. If after executing a durable power of attorney for
13 health care designating a spouse as attorney in fact, the
14 marriage between the principal and the attorney in fact is
15 dissolved, the power is thereby revoked. In the event of
16 remarriage to each other, the power is reinstated unless
17 otherwise revoked by the principal.

18 4. It is the responsibility of the principal to provide
19 for notification of a health care provider of the terms of the
20 principal's durable power of attorney for health care.

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SENATE AMENDMENT TO HOUSE FILE 501

H-3749

1 Amend House File 501, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 20 the
4 following:

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

7 2. Title page, line 2, by inserting after the
8 word "decisions" the following: "and providing an
9 effective date".

10 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3749 FILED APRIL 19, 1991

House concurred 4/23/91 (p. 1455)

M. Peterson - Chair
BLANSHAN
Kremer

HSB 234

Judiciary & Law Enforcement

HOUSE FILE 501
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW ENFORCEMENT
BILL BY CHAIRPERSON JAY)

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

A BILL FOR

1 An Act relating to establishing a durable power of attorney
2 authorized to make health care decisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 144B.1 DEFINITIONS.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "Attorney in fact" means an individual who is
5 designated by a durable power of attorney for health care as
6 an agent to make health care decisions on behalf of a
7 principal and has consented to act in that capacity.

8 2. "Durable power of attorney for health care" means a
9 document authorizing an attorney in fact to make health care
10 decisions for the principal if the principal is unable, in the
11 judgment of the attending physician, to make health care
12 decisions.

13 3. "Health care" means any care, treatment, service, or
14 procedure to maintain, diagnose, or treat an individual's
15 physical or mental condition. "Health care" does not include
16 the provision of nutrition or hydration except when they are
17 required to be provided parenterally or through intubation.

18 4. "Health care decision" means the consent, refusal of
19 consent, or withdrawal of consent to health care.

20 5. "Health care provider" means a person who is licensed,
21 certified, or otherwise authorized or permitted by the law of
22 this state to administer health care in the ordinary course of
23 business or in the practice of a profession.

24 6. "Principal" means a person age eighteen or older who
25 has executed a durable power of attorney for health care.

26 Sec. 2. NEW SECTION. 144B.2 DURABLE POWER OF ATTORNEY
27 FOR HEALTH CARE.

28 A durable power of attorney for health care authorizes the
29 attorney in fact to make health care decisions for the
30 principal if the durable power of attorney for health care
31 substantially complies with the requirements of this chapter.
32 A document executed prior to the effective date of this Act
33 purporting to create a durable power of attorney for health
34 care shall be deemed valid if the document specifically
35 authorizes the attorney in fact to make health care decisions

1 and is signed by the principal.

2 Sec. 3. NEW SECTION. 144B.3 REQUIREMENTS.

3 1. An attorney in fact shall make health care decisions
4 only if the following requirements are satisfied:

5 a. The durable power of attorney for health care
6 explicitly authorizes the attorney in fact to make health care
7 decisions.

8 b. The durable power of attorney for health care contains
9 the date of its execution and is witnessed or acknowledged by
10 one of the following methods:

11 (1) Is signed by at least two individuals who, in the
12 presence of each other and the principal, witnessed the
13 signing of the instrument by the principal or by another
14 person acting on behalf of the principal at the principal's
15 direction.

16 (2) Is acknowledged before a notarial officer within this
17 state.

18 2. The following individuals shall not be witnesses for a
19 durable power of attorney for health care:

20 a. A health care provider attending the principal on the
21 date of execution.

22 b. An employee of a health care provider attending the
23 principal on the date of execution.

24 c. The individual designated in the durable power of
25 attorney for health care as the attorney in fact.

26 d. An individual who is less than eighteen years of age.

27 3. At least one of the witnesses for a durable power of
28 attorney for health care shall be an individual who is not a
29 relative of the principal by blood, marriage, or adoption
30 within the third degree of consanguinity.

31 4. A durable power of attorney for health care or similar
32 document executed in another state or jurisdiction in
33 compliance with the law of that state or jurisdiction shall be
34 deemed valid and enforceable in this state.

35 Sec. 4. NEW SECTION. 144B.4 INDIVIDUALS INELIGIBLE TO BE

1 ATTORNEY IN FACT.

2 The following individuals shall not be designated as the
3 attorney in fact to make health care decisions under a durable
4 power of attorney for health care:

5 1. A health care provider attending the principal on the
6 date of execution.

7 2. An employee of a health care provider attending the
8 principal on the date of execution unless the individual to be
9 designated is related to the principal by blood, marriage, or
10 adoption within the third degree of consanguinity.

11 Sec. 5. NEW SECTION. 144B.5 DURABLE POWER OF ATTORNEY
12 FOR HEALTH CARE -- FORM.

13 1. A durable power of attorney for health care executed
14 pursuant to this chapter may, but need not, be in the
15 following form:

16 I hereby designate _____ as my attorney in
17 fact (my agent) and give to my agent the power to make health
18 care decisions for me. This power exists only when I am
19 unable, in the judgment of my attending physician, to make
20 those health care decisions. The attorney in fact must act
21 consistently with my desires as stated in this document or
22 otherwise made known.

23 Except as otherwise specified in this document, this
24 document gives my agent the power, where otherwise consistent
25 with the law of this state, to consent to my physician not
26 giving treatment or stopping treatment which is necessary to
27 keep me alive.

28 This document gives my agent power to make health care
29 decisions on my behalf, including to consent, to refuse to
30 consent, or to withdraw consent to the provision of any care,
31 treatment, service, or procedure to maintain, diagnose, or
32 treat a physical or mental condition. This power is subject
33 to any statement of my desires and any limitations included in
34 this document.

35 My agent has the right to examine my medical records and to

1 consent to disclosure of such records.

2 2. In addition to the foregoing, the principal may provide
3 specific instructions in the document conferring the durable
4 power of attorney for health care, consistent with the
5 provisions of this chapter.

6 3. The principal may include a statement indicating that
7 the designated attorney in fact has been notified of and
8 consented to the designation.

9 4. A durable power of attorney for health care may
10 designate one or more alternative attorneys in fact.

11 Sec. 6. NEW SECTION. 144B.6 ATTORNEY IN FACT -- PRIORITY
12 TO MAKE DECISIONS.

13 1. Unless the district court specifically finds that the
14 attorney in fact is acting in a manner contrary to the wishes
15 of the principal or the durable power of attorney for health
16 care provides otherwise, an attorney in fact who is known to
17 the health care provider to be available and willing to make
18 health care decisions has priority over any other person,
19 including a guardian appointed pursuant to chapter 633, to act
20 for the principal in all matters of health care decisions.
21 The attorney in fact has authority to make a particular health
22 care decision only if the principal is unable, in the judgment
23 of the attending physician, to make the health care decision.
24 If the principal objects to a decision to withhold or withdraw
25 health care, the principal shall be presumed to be able to
26 make a decision.

27 2. In exercising the authority under the durable power of
28 attorney for health care, the attorney in fact has a duty to
29 act in accordance with the desires of the principal as
30 expressed in the durable power of attorney for health care or
31 otherwise made known to the attorney in fact at any time. A
32 declaration executed by the principal pursuant to the life-
33 sustaining procedures Act, chapter 144A, shall not be
34 interpreted as expressing an intent to prohibit the withdrawal
35 of hydration or nutrition when required to be provided

1 parenterally or through intubation and shall not otherwise
2 restrict the authority of the attorney in fact unless either
3 the declaration or the durable power of attorney for health
4 care expressly provides otherwise. If the principal's desires
5 are unknown, the attorney in fact has a duty to act in the
6 best interests of the principal, taking into account the
7 principal's overall medical condition and prognosis.

8 Sec. 7. NEW SECTION. 144B.7 AUTHORITY TO REVIEW MEDICAL
9 RECORDS.

10 Except as limited by the durable power of attorney for
11 health care, an attorney in fact has the same right as the
12 principal to receive and review medical records of the
13 principal, and to consent to the disclosure of medical records
14 of the principal when acting pursuant to the durable power of
15 attorney for health care.

16 Sec. 8. NEW SECTION. 144B.8 REVOCATION OF DURABLE POWER
17 OF ATTORNEY.

18 1. A durable power of attorney for health care may be
19 revoked at any time and in any manner by which the principal
20 is able to communicate the intent to revoke, without regard to
21 mental or physical condition. Revocation may be by notifying
22 the attorney in fact orally or in writing. Revocation may
23 also be made by notifying a health care provider orally or in
24 writing while that provider is engaged in providing health
25 care to the principal. A revocation is only effective as to a
26 health care provider upon its communication to the provider by
27 the principal or by another to whom the principal has
28 communicated revocation. The health care provider shall
29 document the revocation in the treatment records of the
30 principal.

31 2. The principal is presumed to have the capacity to
32 revoke a durable power of attorney for health care.

33 3. Unless it provides otherwise, a valid durable power of
34 attorney for health care revokes any prior durable power of
35 attorney for health care.

1 4. If authority granted by a durable power of attorney for
2 health care is revoked under this section, an individual is
3 not subject to criminal prosecution or civil liability for
4 acting in good faith reliance upon the durable power of
5 attorney for health care unless the individual has actual
6 knowledge of the revocation.

7 5. The fact of execution and subsequent revocation of a
8 durable power of attorney shall have no effect upon subsequent
9 health care decisions made in accordance with accepted
10 principles of law and standards of medical care governing
11 those decisions.

12 Sec. 9. NEW SECTION. 144B.9 IMMUNITIES AND
13 RESPONSIBILITIES.

14 1. A health care provider is not subject to criminal
15 prosecution, civil liability, or professional disciplinary
16 action if the health care provider relies on a health care
17 decision and both of the following requirements are satisfied:

18 a. The decision is made by an attorney in fact who the
19 health care provider believes in good faith is authorized to
20 make the decision.

21 b. The health care provider believes in good faith that
22 the decision is not inconsistent with the desires of the
23 principal as expressed in the durable power of attorney for
24 health care or otherwise made known to the health care
25 provider, and, if the decision is to withhold or withdraw
26 health care necessary to keep the principal alive, the health
27 care provider has provided an opportunity for the principal to
28 object to the decision.

29 2. Notwithstanding a contrary health care decision of the
30 attorney in fact, the health care provider is not subject to
31 criminal prosecution, civil liability, or professional
32 disciplinary action for failing to withhold or withdraw health
33 care necessary to keep the principal alive. However, the
34 attorney in fact may make provisions to transfer the
35 responsibility for the care of the principal to another health

1 care provider.

2 3. An attorney in fact is not subject to criminal
3 prosecution or civil liability for any health care decision
4 made in good faith pursuant to a durable power of attorney for
5 health care.

6 4. It shall be presumed that an attorney in fact, and a
7 health care provider acting pursuant to the direction of an
8 attorney in fact, are acting in good faith and in the best
9 interests of the principal absent clear and convincing
10 evidence to the contrary.

11 5. For purposes of this section, acting in "good faith"
12 means acting consistent with the desires of the principal as
13 expressed in the durable power of attorney for health care or
14 otherwise made known to the attorney in fact, or where those
15 desires are unknown, acting in the best interests of the
16 principal, taking into account the principal's overall medical
17 condition and prognosis.

18 6. A health care provider or attorney in fact may presume
19 that a durable power of attorney for health care is valid
20 absent actual knowledge to the contrary.

21 Sec. 10. NEW SECTION. 144B.10 EMERGENCY TREATMENT.

22 This chapter does not affect the law governing health care
23 treatment in an emergency.

24 Sec. 11. NEW SECTION. 144B.11 PROHIBITED PRACTICES.

25 1. A health care provider, health care service plan,
26 insurer, self-insured employee welfare benefit plan, or
27 nonprofit hospital plan shall not condition admission to a
28 facility, or the providing of treatment, or insurance, on the
29 requirement that an individual execute a durable power of
30 attorney for health care.

31 2. A policy of life insurance shall not be legally
32 impaired or invalidated in any manner by the withholding or
33 withdrawing of health care pursuant to the direction of an
34 attorney in fact appointed pursuant to this chapter.

35 Sec. 12. NEW SECTION. 144B.12 GENERAL PROVISIONS.

1 1. This chapter does not create a presumption concerning
2 the intention of an individual who has not executed a durable
3 power of attorney for health care and does not impair or
4 supersede any right or responsibility of an individual to
5 consent, refuse to consent, or withdraw consent to health care
6 on behalf of another in the absence of a durable power of
7 attorney for health care.

8 2. This chapter shall not be construed to condone,
9 authorize, or approve any affirmative or deliberate act or
10 omission which would constitute mercy killing or euthanasia.

11 3. If after executing a durable power of attorney for
12 health care designating a spouse as attorney in fact, the
13 marriage between the principal and the attorney in fact is
14 dissolved, the power is thereby revoked. In the event of
15 remarriage to each other, the power is reinstated unless
16 otherwise revoked by the principal.

17 4. It is the responsibility of the principal to provide
18 for notification of a health care provider of the terms of the
19 principal's durable power of attorney for health care.

20 EXPLANATION

21 This bill establishes a durable power of attorney for
22 health care which may be executed by an individual giving
23 authority to the individual's agent to make health care
24 decisions for the individual. The individual executing a
25 durable power of attorney for health care, however, retains
26 the ability to make health care decisions even though the
27 power has been executed. The durable power of attorney for
28 health care may be revoked at any time by the individual.

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HOUSE FILE 501

AN ACT

RELATING TO ESTABLISHING A DURABLE POWER OF ATTORNEY
AUTHORIZED TO MAKE HEALTH CARE DECISIONS AND PROVIDING
AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 144B.1 DEFINITIONS.

For purposes of this chapter, unless the context otherwise requires:

1. "Attorney in fact" means an individual who is designated by a durable power of attorney for health care as an agent to make health care decisions on behalf of a principal and has consented to act in that capacity.
2. "Durable power of attorney for health care" means a document authorizing an attorney in fact to make health care decisions for the principal if the principal is unable, in the judgment of the attending physician, to make health care decisions.
3. "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition. "Health care" does not include the provision of nutrition or hydration except when they are required to be provided parenterally or through intubation.

4. "Health care decision" means the consent, refusal of consent, or withdrawal of consent to health care.

5. "Health care provider" means a person 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.

6. "Principal" means a person age eighteen or older who has executed a durable power of attorney for health care.

Sec. 2. NEW SECTION. 144B.2 DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

A durable power of attorney for health care authorizes the attorney in fact to make health care decisions for the principal if the durable power of attorney for health care substantially complies with the requirements of this chapter. A document executed prior to the effective date of this Act purporting to create a durable power of attorney for health care shall be deemed valid if the document specifically authorizes the attorney in fact to make health care decisions and is signed by the principal.

Sec. 3. NEW SECTION. 144B.3 REQUIREMENTS.

1. An attorney in fact shall make health care decisions only if the following requirements are satisfied:
 - a. The durable power of attorney for health care explicitly authorizes the attorney in fact to make health care decisions.
 - b. The durable power of attorney for health care contains the date of its execution and is witnessed or acknowledged by one of the following methods:
 - (1) Is signed by at least two individuals who, in the presence of each other and the principal, witnessed the signing of the instrument by the principal or by another person acting on behalf of the principal at the principal's direction.
 - (2) Is acknowledged before a notarial officer within this state.

2. The following individuals shall not be witnesses for a durable power of attorney for health care:

- a. A health care provider attending the principal on the date of execution.
- b. An employee of a health care provider attending the principal on the date of execution.
- c. The individual designated in the durable power of attorney for health care as the attorney in fact.
- d. An individual who is less than eighteen years of age.

3. At least one of the witnesses for a durable power of attorney for health care shall be an individual who is not a relative of the principal by blood, marriage, or adoption within the third degree of consanguinity.

4. A durable power of attorney for health care or similar document executed in another state or jurisdiction in compliance with the law of that state or jurisdiction shall be deemed valid and enforceable in this state, to the extent the document is consistent with the laws of this state.

Sec. 4. NEW SECTION. 144B.4 INDIVIDUALS INELIGIBLE TO BE ATTORNEY IN FACT.

The following individuals shall not be designated as the attorney in fact to make health care decisions under a durable power of attorney for health care:

- 1. A health care provider attending the principal on the date of execution.
- 2. An employee of a health care provider attending the principal on the date of execution unless the individual to be designated is related to the principal by blood, marriage, or adoption within the third degree of consanguinity.

Sec. 5. NEW SECTION. 144B.5 DURABLE POWER OF ATTORNEY FOR HEALTH CARE -- FORM.

1. A durable power of attorney for health care executed pursuant to this chapter may, but need not, be in the following form:

I hereby designate _____ as my attorney in fact (my agent) and give to my agent the power to make health care decisions for me. This power exists only when I am unable, in the judgment of my attending physician, to make those health care decisions. The attorney in fact must act consistently with my desires as stated in this document or otherwise made known.

Except as otherwise specified in this document, this document gives my agent the power, where otherwise consistent with the law of this state, to consent to my physician not giving health care or stopping health care which is necessary to keep me alive.

This document gives my agent power to make health care decisions on my behalf, including to consent, to refuse to consent, or to withdraw consent to the provision of any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. This power is subject to any statement of my desires and any limitations included in this document.

My agent has the right to examine my medical records and to consent to disclosure of such records.

2. In addition to the foregoing, the principal may provide specific instructions in the document conferring the durable power of attorney for health care, consistent with the provisions of this chapter.

3. The principal may include a statement indicating that the designated attorney in fact has been notified of and consented to the designation.

4. A durable power of attorney for health care may designate one or more alternative attorneys in fact.

Sec. 6. NEW SECTION. 144B.6 ATTORNEY IN FACT -- PRIORITY TO MAKE DECISIONS.

1. Unless the district court sitting in equity specifically finds that the attorney in fact is acting in a manner contrary to the wishes of the principal or the durable

power of attorney for health care provides otherwise, an attorney in fact who is known to the health care provider to be available and willing to make health care decisions has priority over any other person, including a guardian appointed pursuant to chapter 633, to act for the principal in all matters of health care decisions. The attorney in fact has authority to make a particular health care decision only if the principal is unable, in the judgment of the attending physician, to make the health care decision. If the principal objects to a decision to withhold or withdraw health care, the principal shall be presumed to be able to make a decision.

2. In exercising the authority under the durable power of attorney for health care, the attorney in fact has a duty to act in accordance with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the attorney in fact at any time. A declaration executed by the principal pursuant to the life-sustaining procedures Act, chapter 144A, shall not be interpreted as expressing an intent to prohibit the withdrawal of hydration or nutrition when required to be provided parenterally or through intubation and shall not otherwise restrict the authority of the attorney in fact unless either the declaration or the durable power of attorney for health care expressly provides otherwise. If the principal's desires are unknown, the attorney in fact has a duty to act in the best interests of the principal, taking into account the principal's overall medical condition and prognosis.

Sec. 7. NEW SECTION. 144B.7 AUTHORITY TO REVIEW MEDICAL RECORDS.

Except as limited by the durable power of attorney for health care, an attorney in fact has the same right as the principal to receive and review medical records of the principal, and to consent to the disclosure of medical records of the principal when acting pursuant to the durable power of attorney for health care.

Sec. 8. NEW SECTION. 144B.8 REVOCATION OF DURABLE POWER OF ATTORNEY.

1. A durable power of attorney for health care may be revoked at any time and in any manner by which the principal is able to communicate the intent to revoke, without regard to mental or physical condition. Revocation may be by notifying the attorney in fact orally or in writing. Revocation may also be made by notifying a health care provider orally or in writing while that provider is engaged in providing health care to the principal. A revocation is only effective as to a health care provider upon its communication to the provider by the principal or by another to whom the principal has communicated revocation. The health care provider shall document the revocation in the treatment records of the principal.

2. The principal is presumed to have the capacity to revoke a durable power of attorney for health care.

3. Unless it provides otherwise, a valid durable power of attorney for health care revokes any prior durable power of attorney for health care.

4. If authority granted by a durable power of attorney for health care is revoked under this section, an individual is not subject to criminal prosecution or civil liability for acting in good faith reliance upon the durable power of attorney for health care unless the individual has actual knowledge of the revocation.

5. The fact of execution and subsequent revocation of a durable power of attorney shall have no effect upon subsequent health care decisions made in accordance with accepted principles of law and standards of medical care governing those decisions.

Sec. 9. NEW SECTION. 144B.9 IMMUNITIES AND RESPONSIBILITIES.

1. A health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary

action if the health care provider relies on a health care decision and both of the following requirements are satisfied:

a. The decision is made by an attorney in fact who the health care provider believes in good faith is authorized to make the decision.

b. The health care provider believes in good faith that the decision is not inconsistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the health care provider, and, if the decision is to withhold or withdraw health care necessary to keep the principal alive, the health care provider has provided an opportunity for the principal to object to the decision.

2. Notwithstanding a contrary health care decision of the attorney in fact, the health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary action for failing to withhold or withdraw health care necessary to keep the principal alive. However, the attorney in fact may make provisions to transfer the responsibility for the care of the principal to another health care provider.

3. An attorney in fact is not subject to criminal prosecution or civil liability for any health care decision made in good faith pursuant to a durable power of attorney for health care.

4. It shall be presumed that an attorney in fact, and a health care provider acting pursuant to the direction of an attorney in fact, are acting in good faith and in the best interests of the principal absent clear and convincing evidence to the contrary.

5. For purposes of this section, acting in "good faith" means acting consistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the attorney in fact, or where those desires are unknown, acting in the best interests of the

principal, taking into account the principal's overall medical condition and prognosis.

6. A health care provider or attorney in fact may presume that a durable power of attorney for health care is valid absent actual knowledge to the contrary.

Sec. 10. NEW SECTION. 144B.10 EMERGENCY TREATMENT.

This chapter does not affect the law governing health care treatment in an emergency.

Sec. 11. NEW SECTION. 144B.11 PROHIBITED PRACTICES.

1. A health care provider, health care service plan, insurer, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not condition admission to a facility, or the providing of treatment, or insurance, on the requirement that an individual execute a durable power of attorney for health care.

2. A policy of life insurance shall not be legally impaired or invalidated in any manner by the withholding or withdrawing of health care pursuant to the direction of an attorney in fact appointed pursuant to this chapter.

Sec. 12. NEW SECTION. 144B.12 GENERAL PROVISIONS.

1. This chapter does not create a presumption concerning the intention of an individual who has not executed a durable power of attorney for health care and does not impair or supersede any right or responsibility of an individual to consent, refuse to consent, or withdraw consent to health care on behalf of another in the absence of a durable power of attorney for health care.

2. This chapter shall not be construed to condone, authorize, or approve any affirmative or deliberate act or omission which would constitute mercy killing or euthanasia.

3. If after executing a durable power of attorney for health care designating a spouse as attorney in fact, the marriage between the principal and the attorney in fact is dissolved, the power is thereby revoked. In the event of remarriage to each other, the power is reinstated unless otherwise revoked by the principal.

4. It is the responsibility of the principal to provide for notification of a health care provider of the terms of the principal's durable power of attorney for health care.

Sec. 13. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 501, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 8, 1991

TERRY E. BRANSTAD
Governor

HF 501