

JAN 20 2008

JUDICIARY

HOUSE FILE 2062

BY HAHN

(COMPANION TO SF 2007

BY MCKEAN)

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

A BILL FOR

1 An Act relating to responsibilities of a guardian in procuring
 2 professional services for a ward with a physical or mental
 3 disability which do not require prior court approval.

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

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HF 2062

1 Section 1. Section 633.635, subsection 1, paragraph e,
2 Code 1999, is amended to read as follows:

3 e. Ensuring the ward receives professional care,
4 counseling, treatment or services as needed. If necessitated
5 by the physical or mental disability of the ward, the
6 provision of professional care, counseling, treatment, or
7 services includes the provision of such care or services under
8 anesthesia.

9 Sec. 2. Section 633.635, subsection 2, paragraph b, Code
10 1999, is amended to read as follows:

11 b. Arranging the provision of major elective surgery or
12 any other nonemergency major medical procedure. For the
13 purposes of this paragraph, "major elective surgery" and
14 "nonemergency major medical procedure" do not include the
15 provision to the ward of professional care, counseling,
16 treatment, or services under anesthesia, if the use of
17 anesthesia is necessitated by the physical or mental
18 disability of the ward.

19 EXPLANATION

20 This bill provides that a guardian is not required to seek
21 prior court approval in the instance in which anesthesia is
22 used in providing the ward professional care, counseling,
23 treatment, or services, if use of anesthesia is necessitated
24 by the physical or mental disability of the ward. The bill
25 also provides that "major elective surgery" and "nonemergency
26 major medical procedure", the provision of which to a ward
27 require prior court approval, do not include provision of
28 professional care, counseling, treatment, or services to a
29 ward under anesthesia when the physical or mental disability
30 of the ward necessitates the use of anesthesia.

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