

MAR 1 1999
HUMAN RESOURCES

HOUSE FILE
BY FORD

440

(COMPANION TO LSB 1332SS
BY TINSMAN)

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

A BILL FOR

1 An Act relating to establishment and maintenance of a central
2 registry for declarations relating to the use of life-
3 sustaining procedures, and creating a fund.

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

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HF 440

1 Section 1. NEW SECTION. 144A.3A RECORDING OF
2 DECLARATIONS.

3 1. A declaration executed or otherwise valid pursuant to
4 section 144A.3 shall be filed with the Iowa department of
5 public health and shall be maintained in a central registry.
6 A fee shall be paid upon filing a declaration, to be deposited
7 and utilized by the fund in section 144A.3C.

8 2. Requests for copies of individual declarations by
9 medical care facilities and services, and by health care, law
10 enforcement, and emergency services professionals, shall be
11 made with information sufficient to demonstrate authorized
12 access, as the department may provide.

13 3. A request may be made on the basis of one or more of
14 the following identifiers related to the author of the
15 declaration:

16 a. Name and address.

17 b. Social security number.

18 c. Driver's license number or nonoperator's identification
19 number.

20 4. Information shall be provided immediately in response
21 to a request from a person with authorized access to the
22 registry.

23 5. Registry information shall not be disseminated,
24 except as necessary to implement the provisions of a
25 declaration.

26 6. A declaration that is valid according to the provisions
27 of section 144A.3 shall not be considered invalid solely
28 because it is not filed in the central registry.

29 7. This section creates no express or implied rights of
30 action.

31 Sec. 2. NEW SECTION. 144A.3B CREATION AND MAINTENANCE OF
32 A CENTRAL REGISTRY.

33 1. A central registry is created within the department of
34 public health for retention of declarations relating to the
35 use of life-sustaining procedures. The department shall

1 organize and staff the registry, and adopt rules for its
2 operation, including the provision of forms or information
3 throughout the state related to the filing of declarations.

4 | 2. The department of public health shall collect,
5 maintain, and disseminate copies of declarations, according to
6 the provisions of this section, sections 144A.3A and 144A.3C,
7 and related rules. A record of all information requests and
8 dissemination of declarations shall be maintained by the
9 registry, including the name of requestor, and the date and
10 purpose of dissemination.

11 | 3. The department of public health shall maintain one or
12 more methods for medical care facilities and services, and for
13 health care professionals to access copies of individual
14 declarations that shall make such copies available to such
15 persons on a twenty-four hour per day, seven day per week
16 basis, and which the department and all persons authorized by
17 this chapter may use for obtaining such copies. Such method
18 may include but shall not be limited to use of toll-free
19 telephone lines, facsimile transmissions, and the internet.

20 | 4. The state department of transportation, in consultation
21 with the department of public health, subject to the
22 limitations of section 321.11, and within the context of any
23 existing federal privacy and confidentiality requirements,
24 shall develop methods and procedures related to providing
25 driver's license and nonoperator identification numbers for
26 registry purposes, and indicating on a driver's license or
27 nonoperator's identification that a person has filed a
28 declaration with the central registry.

29 | Sec. 3. NEW SECTION. 144A.3C DECLARATION REGISTRY FUND.

30 | A fund is established for declarations relating to the use
31 of life-sustaining procedures, as a separate fund within the
32 state treasury, under the control of the department of public
33 health. The fund shall consist of fees received upon the
34 filing of such declarations, which shall be considered
35 repayment receipts as defined in section 8.2, and other funds

1 allocated for the purposes of establishing and maintaining the
2 declaration registry. Notwithstanding section 8.33,
3 unencumbered or unobligated moneys and any interest remaining
4 in the fund on June 30 of any fiscal year shall not revert to
5 the general fund of the state, but shall remain available for
6 expenditure in subsequent fiscal years.

7 Sec. 4. Section 144A.4, Code 1999, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. The attending physician shall
10 communicate such revocation to the registry in section
11 144A.3B.

12 EXPLANATION

13 This bill establishes a central registry for the filing of
14 declarations relating to the use of life-sustaining
15 procedures, commonly known as living wills.

16 The bill establishes three new Code sections. Code section
17 144A.3B provides that the Iowa department of public health
18 shall maintain and staff the central registry for such
19 declarations, and shall create and maintain a method of
20 accessing the declarations that makes the content of such
21 declarations available 24 hours per day, seven days per week.
22 The department is authorized to adopt rules related to the
23 operation of the registry. The state department of
24 transportation is to cooperate with the department of public
25 health, subject to privacy limitations related to driver's
26 license information, regarding use of driver's license numbers
27 as identifiers, and the use of driver's licenses to reflect
28 that a person has filed a declaration with the registry.

29 Code section 144A.3A provides details related to filing
30 declarations with the department of public health, including
31 the payment of a filing fee. A declaration that is not filed
32 with the central registry remains valid and enforceable,
33 however. Only health care providers and services, and health
34 care, law enforcement, and emergency services professionals
35 may access the declarations from the registry, upon proof of

1 entitlement to such access, as may be established by the
2 department. A person who is authorized to access the registry
3 must also provide one or more listed identifiers related to
4 the author of the declaration. The department must respond as
5 soon as possible to a request for a copy of a declaration.
6 Registry information may not be redisseminated, except to
7 effectuate the purposes of the declaration. However, no
8 express or implied rights of action are created by the
9 section.

10 | Code section 144A.3C establishes a separate fund for the
11 establishment and maintenance of the registry, which includes
12 filing fees and other funds allocated for the registry.
13 Moneys in the fund do not revert to the general fund of the
14 state.

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