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JUDICIARY

FILED JAN 10 2000

SENATE FILE 2007

BY MCKEAN

Passed Senate, ^(p. 455) Date 2/29/00

Passed House, ^(p. 1021) Date 3-28-00

Vote: Ayes 48 Nays 0

Vote: Ayes 98 Nays 0

Approved 4-7-00

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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SF 2007 JUDICIARY

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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SENATE FILE 2007

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Amend Senate File 2007 as follows:

1. Page 1, by striking lines 7 and 8, and inserting the following: "services limited to the provision of routine physical and dental examinations and procedures under anesthesia is included, if the anesthesia is provided within the scope of the health care practitioner's scope of practice."

2. Page 1, by striking lines 16 through 18, and inserting the following: "treatment, or services limited to the provision of routine physical and dental examinations and procedures under anesthesia, if the use of anesthesia is necessitated by the physical or mental disability of the ward, and if the anesthesia is provided within the scope of the health care practitioner's scope of practice."

Sec. ____ . Section 633.635, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For the purposes of this section:

a. "Routine dental examinations and procedures" includes preventive services, diagnostic services, restorative services, periodontal services, endodontic services, oral surgery, prosthetic services, and orthodontic procedures.

b. "Routine physical examinations and procedures" includes examinations and procedures performed for the purpose of general treatment or diagnosis or for the purpose of treatment or diagnosis related to a specific illness, symptom, complaint, or injury."

3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
ANDY MCKEAN, Chairperson

S-5008 FILED FEBRUARY 9, 2000

Adopted
2/29/00
(P. 455)

H 2/29/00 *Judiciary*
H- 3/9/00 *Do Pass*
H. 3/23/00 *Unfinished Business Calendar*

SENATE FILE **2007**

BY MCKEAN

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 29, 2000)

 - New Language by the Senate

Passed Senate, Date _____ Passed House, Date 3-28-00
Vote: Ayes _____ Nays _____ Vote: Ayes 98 Nays 0
Approved 4-7-00

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:

S.F. 2007

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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 limited to the provision of routine physical and
8 dental examinations and procedures under anesthesia is
9 included, if the anesthesia is provided within the scope of
10 the health care practitioner's scope of practice.

11 Sec. 2. Section 633.635, subsection 2, paragraph b, Code
12 1999, is amended to read as follows:

13 b. Arranging the provision of major elective surgery or
14 any other nonemergency major medical procedure. For the
15 purposes of this paragraph, "major elective surgery" and
16 "nonemergency major medical procedure" do not include the
17 provision to the ward of professional care, counseling,
18 treatment, or services limited to the provision of routine
19 physical and dental examinations and procedures under
20 anesthesia, if the use of anesthesia is necessitated by the
21 physical or mental disability of the ward, and if the
22 anesthesia is provided within the scope of the health care
23 practitioner's scope of practice.

24 Sec. 3. Section 633.635, Code 1999, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 2A. For the purposes of this section:

27 a. "Routine dental examinations and procedures" includes
28 preventive services, diagnostic services, restorative
29 services, periodontal services, endodontic services, oral
30 surgery, prosthetic services, and orthodontic procedures.

31 b. "Routine physical examinations and procedures" includes
32 examinations and procedures performed for the purpose of
33 general treatment or diagnosis or for the purpose of treatment
34 or diagnosis related to a specific illness, symptom,
35 complaint, or injury.

SENATE FILE 2007

AN ACT

RELATING TO RESPONSIBILITIES OF A GUARDIAN IN PROCURING
PROFESSIONAL SERVICES FOR A WARD WITH A PHYSICAL OR MENTAL
DISABILITY WHICH DO NOT REQUIRE PRIOR COURT APPROVAL.

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

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

e. Ensuring the ward receives professional care,
counseling, treatment or services as needed. If necessitated
by the physical or mental disability of the ward, the
provision of professional care, counseling, treatment, or
services limited to the provision of routine physical and
dental examinations and procedures under anesthesia is
included, if the anesthesia is provided within the scope of
the health care practitioner's scope of practice.

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

b. Arranging the provision of major elective surgery or
any other nonemergency major medical procedure. For the
purposes of this paragraph, "major elective surgery" and
"nonemergency major medical procedure" do not include the
provision to the ward of professional care, counseling,
treatment, or services limited to the provision of routine
physical and dental examinations and procedures under
anesthesia, if the use of anesthesia is necessitated by the
physical or mental disability of the ward, and if the
anesthesia is provided within the scope of the health care
practitioner's scope of practice.

Sec. 3. Section 633.635, Code 1999, is amended by adding
the following new subsection:

NEW SUBSECTION. 2A. For the purposes of this section:

- a. "Routine dental examinations and procedures" includes
preventive services, diagnostic services, restorative
services, periodontal services, endodontic services, oral
surgery, prosthetic services, and orthodontic procedures.
- b. "Routine physical examinations and procedures" includes
examinations and procedures performed for the purpose of
general treatment or diagnosis or for the purpose of treatment
or diagnosis related to a specific illness, symptom,
complaint, or injury.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2007, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/7, 2000

THOMAS J. VILSACK
Governor

SF 2007