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SENATE FILE

239

BY TINSMAN

Passed Senate, Date \_\_\_\_\_ Passed House, 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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SF 239 HUMAN RESOURCES

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 redisseminated,  
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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