

House File 2570 - Introduced

HOUSE FILE 2570
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 161)

A BILL FOR

1 An Act relating to the authority of an attorney in fact under a
2 durable power of attorney for health care.

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

1 Section 1. Section 144B.6, subsection 2, Code 2026, is
2 amended to read as follows:

3 2. In exercising the authority under the durable power
4 of attorney for health care, the attorney in fact has a duty
5 to act in accordance with the desires of the principal as
6 expressed in the durable power of attorney for health care,
7 a declaration executed by the principal pursuant to section
8 144A.3, or otherwise made known to the attorney in fact at
9 any time. ~~A declaration executed by the principal pursuant~~
10 ~~to the life-sustaining procedures Act, chapter 144A, shall~~
11 ~~not be interpreted as expressing an intent to prohibit the~~
12 ~~withdrawal of hydration or nutrition when required to be~~
13 ~~provided parenterally or through intubation and shall not~~
14 ~~otherwise restrict the~~ The authority of the attorney in fact
15 shall not be restricted by the desires of the principal as
16 expressed verbally to a person other than the attorney in fact
17 or in any other document unless either the declaration or, in a
18 separate section of the durable power of attorney for health
19 care, the principal expressly provides otherwise states that
20 the durable power of attorney for health care is limited and
21 includes the limitations on the authority of the attorney in
22 fact. If the principal's desires are unknown, the attorney in
23 fact has a duty to act in the best interests of the principal,
24 taking into account the principal's overall medical condition
25 and prognosis.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the authority of an attorney in fact
30 (attorney) under a durable power of attorney for health care
31 (durable power of attorney).

32 Current law provides that an attorney under a durable power
33 of attorney has the duty to act in accordance with the desires
34 expressed in the durable power of attorney or made known to
35 the attorney by the principal who executed the durable power

1 of attorney. If the principal executes a declaration related
2 to life-sustaining procedures, the declaration shall not be
3 interpreted to prohibit the attorney from withdrawing hydration
4 or nutrition in certain circumstances, or otherwise restrict
5 the authority of the attorney.

6 The bill requires the attorney in fact to act in accordance
7 with the desires of the principal as expressed in the durable
8 power of attorney, a declaration relating to the use of
9 life-sustaining procedures, or made known to the attorney by
10 the principal. The bill provides that the authority of the
11 attorney shall not be restricted by the principal's desires
12 expressed verbally to a person other than the attorney, or in
13 another document, unless the document authorizing the durable
14 power of attorney states in a separate section that the durable
15 power of attorney is limited, and includes the limitations on
16 the attorney's authority.