

House File 2305 - Reprinted

HOUSE FILE 2305
BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO HF 708)

(As Amended and Passed by the House March 5, 2026)

A BILL FOR

1 An Act relating to health care decisions related to palliative
2 care, hospice programs, life-sustaining procedures,
3 out-of-hospital do-not-resuscitate orders, and durable power
4 of attorney for health care.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135J.1, Code 2026, is amended to read as
2 follows:

3 **135J.1 Definitions.**

4 For the purposes of this chapter unless otherwise defined:

5 1. "Attending ~~physician~~ provider" means a physician licensed
6 ~~pursuant to chapter 148 or a physician assistant licensed~~
7 ~~pursuant to chapter 148C,~~ physician assistant, or an advanced
8 registered nurse practitioner who is licensed in this state.

9 2. "Attorney in fact" means an individual who is designated
10 by a durable power of attorney for health care as an agent
11 to make health care decisions on behalf of a patient and has
12 consented to act in that capacity.

13 3. "Close adult friend" means a friend of a patient to whom
14 all of the following apply:

15 a. The individual is at least eighteen years of age.

16 b. The individual has shown special care and concern for the
17 patient.

18 c. The individual maintains regular contact with the patient
19 and is familiar with the patient's health, activities, and
20 beliefs.

21 d. The individual has provided an affidavit to the patient's
22 attending provider that states that the individual is willing and
23 able to be involved in the patient's care.

24 ~~2.~~ 4. "Core services" means physician services, nursing
25 services, medical social services, counseling services, and
26 volunteer services. These ~~core~~ services, as well as others
27 deemed necessary by the hospice in delivering safe and
28 appropriate care to ~~its case load~~ the hospice's hospice patients,
29 can be provided through either direct or indirect arrangement by
30 the hospice.

31 ~~3.~~ 5. "Department" means the department of inspections,
32 appeals, and licensing.

33 6. "Durable power of attorney for health care" means a
34 document authorizing an attorney in fact to make health care
35 decisions for a patient if the patient is unable, in the

1 judgment of the patient's attending provider, to make health care
2 decisions.

3 4. 7. "*Hospice patient*" or "*patient*" means a ~~diagnosed~~
4 ~~terminally ill person~~ an individual with an anticipated life
5 expectancy of six months or less, as certified by the attending
6 ~~physician~~ provider, who, alone or in conjunction with a unit of
7 care ~~as defined in subsection 9~~, has voluntarily requested and
8 received admission into ~~the~~ a hospice program. ~~If the patient~~
9 ~~is unable to request admission, a family member may voluntarily~~
10 ~~request and receive admission on the patient's behalf.~~

11 5. 8. "*Hospice patient's family*" means the immediate kin of
12 ~~the~~ a hospice patient, including a spouse, parent, stepparent,
13 brother, sister, stepbrother, stepsister, child, or stepchild.
14 Additional relatives or individuals with significant personal
15 ties to the hospice patient may be included in the hospice
16 patient's family.

17 6. 9. "*Hospice program*" means a centrally coordinated
18 program of home and inpatient care provided directly or through
19 an agreement under the direction of an identifiable hospice
20 administration providing palliative care directed at symptom
21 management and supportive medical and other health services
22 ~~to terminally ill hospice~~ patients and their families. A
23 licensed hospice program shall utilize a medically directed
24 interdisciplinary team and provide care to meet the physical,
25 emotional, social, spiritual, and other special needs which
26 are experienced during the final stages of illness, dying, and
27 bereavement. Hospice care shall be available twenty-four hours a
28 day, seven days a week.

29 7. 10. "*Interdisciplinary team*" means the hospice patient
30 and the hospice patient's family, the attending ~~physician~~
31 provider, and all of the following individuals trained to serve
32 with a licensed hospice program:

33 a. A licensed physician pursuant to chapter 148.

34 b. A licensed registered nurse pursuant to chapter 152.

35 c. An individual with at least a baccalaureate degree in the

1 field of social work providing medical-social services.

2 ~~d. Trained hospice volunteers~~ Volunteer services.

3 e. As deemed appropriate by the hospice, physician
4 assistants, providers of special services including but not
5 limited to a spiritual counselor, ~~a pharmacist~~ pharmacists, or
6 professionals in the fields of mental health may be included on
7 the interdisciplinary team.

8 ~~8.~~ 11. "Palliative care" means specialized medical care
9 ~~directed at managing symptoms experienced by the hospice provided~~
10 ~~to a patient, as well as addressing related needs of the patient~~
11 ~~and family as they experience the stress of the dying process~~
12 ~~who has been diagnosed by the patient's attending provider~~
13 with a serious illness. Palliative care is stress and symptom
14 management care, based on the needs of the patient rather than
15 the patient's diagnosis, provided by an interdisciplinary team.
16 The intent of palliative care is to enhance the quality of life
17 for the hospice patient and family unit, ~~and is not treatment~~
18 ~~directed at cure of the terminal illness.~~ Palliative care may be
19 provided at any stage of a patient's serious illness, regardless
20 of the patient's age, and may be provided in conjunction with
21 curative treatment for the serious illness.

22 12. "Serious illness" means a health condition that carries a
23 high risk of mortality and either negatively impacts a person's
24 daily functioning or quality of life, or excessively strains the
25 person's caregivers.

26 13. "Terminal condition" means the same as defined in section
27 144A.2.

28 ~~9.~~ 14. "Unit of care" means the a hospice patient and the
29 hospice patient's family within a hospice program.

30 ~~10.~~ 15. "Volunteer services" means the services provided by
31 individuals who have successfully completed a training program
32 developed by a licensed hospice program.

33 Sec. 2. Section 135J.3, Code 2026, is amended to read as
34 follows:

35 **135J.3 Basic requirements.**

1 A licensed hospice program shall include:

2 1. A planned program of hospice care, the medical components
3 of which shall be under the direction of an attending ~~physician~~
4 provider.

5 2. Centrally administered, coordinated ~~hospice~~ core services
6 provided in home, outpatient, or institutional settings.

7 3. A mechanism that assures the rights of ~~the patient and~~
8 family a unit of care.

9 4. ~~Palliative care~~ Symptom management provided to a ~~hospice~~
10 ~~patient and family~~ unit of care under the direction of an
11 attending ~~physician~~ provider.

12 5. An interdisciplinary team which develops, implements, and
13 evaluates the hospice plan of care for ~~the patient and family~~ a
14 unit of care.

15 6. Bereavement services.

16 7. Accessible hospice care twenty-four hours a day, seven
17 days a week in all settings.

18 8. An ongoing system of quality assurance and utilization
19 review.

20 Sec. 3. NEW SECTION. **135J.3A Patient incapable of making a**
21 **treatment decision.**

22 A patient who has a terminal condition, and who is comatose,
23 incompetent, or otherwise physically or mentally incapable of
24 communication, and who has not expressed their desire for
25 palliative care or a hospice program, may be placed in a hospice
26 program by any of the following individuals, who shall be guided
27 by the express or implied intentions of the patient, in the
28 following order of priority if no individual in the previous
29 priority is reasonably available, willing, and competent to make
30 the decision:

31 1. The patient's attorney in fact.

32 2. The guardian of the patient appointed pursuant to chapter
33 633. If the patient has appointed more than one guardian with
34 equal responsibilities, the decision agreed to by a majority of
35 the guardians. If no majority consensus is achieved by the

1 guardians, a court order shall be required.

2 3. The patient's spouse.

3 4. An adult child of the patient or, if the patient has more
4 than one adult child, the decision agreed to by a majority of the
5 adult children who are reasonably available for consultation with
6 the patient's attending provider.

7 5. A parent of the patient, or if the patient has more than
8 one parent, the decision agreed to by both parents if both
9 are reasonably available for consultation with the patient's
10 attending provider.

11 6. An adult sibling of the patient, or if the patient has
12 more than one sibling, the decision agreed to by a majority of
13 the adult siblings who are reasonably available for consultation
14 with the patient's attending provider.

15 7. The decision agreed to by a majority of the patient's
16 relatives, including but not limited to grandchildren,
17 grandparents, aunts, uncles, nieces, nephews, stepchildren,
18 stepparents, and stepsiblings who are at least eighteen years of
19 age and reasonably available for consultation with the patient's
20 attending provider.

21 8. A close adult friend.

22 Sec. 4. Section 144A.2, Code 2026, is amended to read as
23 follows:

24 **144A.2 Definitions.**

25 Except as otherwise provided, as used in this chapter:

26 1. "Adult" means an individual eighteen years of age or
27 older.

28 2. "Advanced registered nurse practitioner" means the same as
29 defined in section 152.1.

30 ~~2. 3. "Attending physician provider" means the physician~~
31 ~~selected by, or assigned to, the patient who has primary~~
32 ~~responsibility for the treatment and care of the patient same as~~
33 ~~defined in section 135J.1.~~

34 ~~3. 4. "Attending physician assistant" means the physician~~
35 ~~assistant selected by, or assigned to, the patient who has~~

1 ~~primary responsibility for the treatment and care of the patient~~

2 "Attorney in fact" means the same as defined in section 135J.1.

3 5. "Close adult friend" means the same as defined in section
4 135J.1.

5 4. 6. "Declaration" means a document executed in accordance
6 with the requirements of section 144A.3.

7 5. 7. "Department" means the department of health and human
8 services.

9 8. "Durable power of attorney for health care" means the same
10 as defined in section 135J.1.

11 6. 9. "Emergency medical care provider" means emergency
12 medical care provider as defined in section 147A.1.

13 7. 10. "Health care provider" means a person, including an
14 emergency medical care provider, who is licensed, certified, or
15 otherwise authorized or permitted by the law of this state to
16 administer health care in the ordinary course of business or in
17 the practice of a profession.

18 8. 11. "Hospital" means hospital as defined in section
19 135B.1.

20 9. 12. a. "Life-sustaining procedure" means any medical
21 procedure, treatment, or intervention, including resuscitation,
22 which meets both of the following requirements:

23 (1) Utilizes mechanical or artificial means to sustain,
24 restore, or supplant a spontaneous vital function.

25 (2) When applied to a patient in a terminal condition, would
26 serve only to prolong the dying process.

27 b. "Life-sustaining procedure" does not include the provision
28 of nutrition or hydration except when required to be provided
29 parenterally or through intubation, or the administration of
30 medication or performance of any medical procedure deemed
31 necessary to provide comfort care or to alleviate pain.

32 10. 13. "Out-of-hospital do-not-resuscitate order" means
33 a written order signed by a ~~physician~~ an attending provider,
34 executed in accordance with the requirements of section 144A.7A
35 and issued consistent with this chapter, that directs the

1 withholding or withdrawal of resuscitation when an adult patient
2 in a terminal condition is outside the hospital.

3 ~~11.~~ 14. "Physician" means a person licensed to practice
4 medicine and surgery or osteopathic medicine and surgery in this
5 state.

6 ~~12.~~ 15. "Physician assistant" means a person licensed to
7 practice as a physician assistant in this state.

8 ~~13.~~ 16. "Qualified patient" means a patient who has executed
9 a declaration or an out-of-hospital do-not-resuscitate order in
10 accordance with this chapter and who has been determined by the
11 attending physician to be in a terminal condition.

12 ~~14.~~ 17. "Resuscitation" means any medical intervention that
13 utilizes mechanical or artificial means to sustain, restore, or
14 supplant a spontaneous vital function, including but not limited
15 to chest compression, defibrillation, intubation, and emergency
16 drugs intended to alter cardiac function or otherwise to sustain
17 life.

18 ~~15.~~ 18. "Terminal condition" means an incurable or
19 irreversible condition that, without the administration of
20 life-sustaining procedures, will, in the opinion of the attending
21 physician provider, result in death within a relatively short
22 period of time or a state of permanent unconsciousness from
23 which, to a reasonable degree of medical certainty, there can be
24 no recovery.

25 Sec. 5. Section 144A.3, subsections 3 and 5, Code 2026, are
26 amended to read as follows:

27 3. It is the responsibility of the declarant to provide the
28 declarant's attending ~~physician or health care~~ provider with the
29 declaration. An attending ~~physician or health care~~ provider may
30 presume, in the absence of actual notice to the contrary, that
31 the declaration complies with this chapter and is valid.

32 5. A declaration executed pursuant to this chapter may, but
33 need not, be in the following form:

34
35

DECLARATION

If I should have an incurable or irreversible condition that

1 will result either in death within a relatively short period
2 of time or a state of permanent unconsciousness from which,
3 to a reasonable degree of medical certainty, there can be no
4 recovery, it is my desire that my life not be prolonged by the
5 administration of life-sustaining procedures. If I am unable to
6 participate in my health care decisions, I direct my attending
7 physician provider to withhold or withdraw life-sustaining
8 procedures that merely prolong the dying process and are not
9 necessary to my comfort or freedom from pain.

10 Sec. 6. Section 144A.4, Code 2026, is amended to read as
11 follows:

12 **144A.4 Revocation of declaration.**

13 1. A declaration may be revoked at any time and in any manner
14 by which the declarant is able to communicate the declarant's
15 intent to revoke, without regard to mental or physical condition.

16 A revocation is only effective as to the attending physician
17 ~~or attending physician assistant~~ provider upon communication to
18 such ~~physician or physician assistant~~ attending provider by the
19 declarant or by another to whom the revocation was communicated.

20 2. The attending ~~physician or attending physician assistant~~
21 provider shall make the revocation a part of the declarant's
22 medical record.

23 Sec. 7. Section 144A.5, Code 2026, is amended to read as
24 follows:

25 **144A.5 Determination of terminal condition.**

26 When an attending physician provider who has been provided
27 with a declaration determines that the declarant is in a terminal
28 condition, this decision must be confirmed by another physician,
29 advanced registered nurse practitioner, or physician assistant.

30 The attending physician provider must record that determination
31 in the declarant's medical record.

32 Sec. 8. Section 144A.6, subsection 2, Code 2026, is amended
33 to read as follows:

34 2. The declaration of a qualified patient known to the
35 attending physician provider to be pregnant shall not be in

1 effect as long as the fetus could develop to the point of live
2 birth with continued application of life-sustaining procedures.
3 However, the provisions of this subsection do not impair any
4 existing rights or responsibilities that any person may have
5 in regard to the withholding or withdrawal of life-sustaining
6 procedures.

7 Sec. 9. Section 144A.7, subsections 1 and 2, Code 2026, are
8 amended to read as follows:

9 1. Life-sustaining procedures may be withheld or withdrawn
10 from a patient who is in a terminal condition and who is
11 comatose, incompetent, or otherwise physically or mentally
12 incapable of communication, and who has not made a declaration
13 in accordance with ~~this chapter~~ section 144A.3 if there is
14 consultation and written agreement for the withholding or the
15 withdrawal of life-sustaining procedures between the attending
16 physician provider, another physician, physician assistant, or
17 advanced registered nurse practitioner, and any of the following
18 individuals, who shall be guided by the express or implied
19 intentions of the patient, in the following order of priority
20 if no individual in a ~~prior class~~ the previous priority is
21 reasonably available, willing, and competent to ~~act~~ make a
22 decision:

23 a. The attorney in fact designated to make ~~treatment~~
24 decisions for the patient should such person be diagnosed as
25 suffering from a terminal condition, if the designation is in
26 writing and complies with chapter 144B.

27 b. The guardian ~~of the person~~ of the patient ~~if one has~~
28 ~~been appointed, provided pursuant to chapter 633, or the guardian~~
29 of the patient who has obtained court approval ~~is obtained in~~
30 accordance with section 232D.401, subsection 4, paragraph "a", ~~or~~
31 ~~section 633.635, subsection 3, paragraph "b", subparagraph (1).~~
32 This paragraph does not require the appointment of a guardian in
33 order for a ~~treatment~~ decision to be made under this section.

34 c. The patient's spouse.

35 d. An adult child of the patient or, if the patient has more

1 than one adult child, the decision agreed to by a majority of the
2 adult children who are reasonably available for consultation with
3 the patient's attending provider.

4 e. A parent of the patient, or ~~parents~~ if both the patient
5 has more than one parent, the decision agreed to by both parents
6 if both are reasonably available for consultation with the
7 patient's attending provider.

8 f. An adult sibling of the patient or, if the patient
9 has more than one adult sibling, the decision agreed to by a
10 majority of the adult siblings who are reasonably available for
11 consultation with the patient's attending provider.

12 g. The decision agreed to by a majority of the patient's
13 adult relatives, including but not limited to grandchildren,
14 grandparents, aunts, uncles, nieces, nephews, stepchildren,
15 stepparents, and stepsiblings who are reasonably available for
16 consultation with the patient's attending provider.

17 h. A close adult friend.

18 2. When a decision is made pursuant to this section to
19 withhold or withdraw life-sustaining procedures, there shall be
20 a witness present at the time of the consultation with the
21 patient's attending provider when ~~that~~ the decision is made.

22 Sec. 10. Section 144A.7A, subsections 1 and 3, Code 2026, are
23 amended to read as follows:

24 1. If an attending ~~physician or attending physician assistant~~
25 provider issues an out-of-hospital do-not-resuscitate order for
26 an adult patient under this section, the ~~physician~~ attending
27 provider shall use the form prescribed pursuant to subsection 2,
28 include a copy of the order in the patient's medical record, and
29 provide a copy to the patient or an individual authorized to act
30 on the patient's behalf.

31 3. The out-of-hospital do-not-resuscitate order form shall
32 include all of the following:

33 a. The patient's name.

34 b. The patient's date of birth.

35 c. The name of the individual authorized to act on the

1 patient's behalf, if applicable.

2 d. A statement that the patient is in a terminal condition.

3 e. The ~~physician's or physician assistant's~~ attending
4 provider's signature.

5 f. The date the form is signed.

6 g. A concise statement of the nature and scope of the order.

7 h. Any other information necessary to provide clear and
8 reliable instructions to a health care provider.

9 Sec. 11. NEW SECTION. **144A.7B Procedure in absence of**
10 **out-of-hospital do-not-resuscitate order.**

11 1. Resuscitation may be withheld or withdrawn from a patient
12 who has a terminal illness, and who is comatose, incompetent,
13 or otherwise physically or mentally incapable of communication,
14 and who has not executed an out-of-hospital do-not-resuscitate
15 order, if there is consultation and written agreement for the
16 withholding or the withdrawal of resuscitation between the
17 attending provider and another physician, physician assistant, or
18 advanced registered nurse practitioner and any of the following
19 individuals, who shall be guided by the express or implied
20 intentions of the patient, in the following order of priority if
21 no individual in the previous priority is reasonably available,
22 willing, and competent to make a decision.

23 a. The patient's attorney in fact.

24 b. The guardian of the patient appointed pursuant to chapter
25 633. If the patient is appointed more than one guardian with
26 equal responsibilities, the decision agreed to by a majority of
27 the guardians. If no consensus is achieved by the guardians, a
28 court order shall be required.

29 c. The patient's spouse.

30 d. An adult child of the patient or, if the patient has more
31 than one adult child, the decision agreed to by a majority of the
32 adult children who are reasonably available for consultation with
33 the patient's attending provider.

34 e. A parent of the patient or, if the patient has more than
35 one parent, the decision agreed to by both of the parents if

1 both are reasonably available for consultation with the patient's
2 attending provider.

3 f. An adult sibling of the patient or, if the patient
4 has more than one adult sibling, the decision agreed to by a
5 majority of the adult siblings who are reasonably available for
6 consultation with the patient's attending provider.

7 g. The decision agreed to by a majority of the patient's
8 adult relatives, including but not limited to grandchildren,
9 grandparents, aunts, uncles, nieces, nephews, stepchildren,
10 stepparents, and stepsiblings who are reasonably available for
11 consultation with the patient's attending provider.

12 h. A close adult friend.

13 2. When a decision is made pursuant to this section to
14 withhold or withdraw resuscitation, a witness shall be present
15 at the time of the consultation with the patient's attending
16 provider when the decision is made.

17 Sec. 12. Section 144A.8, subsection 1, Code 2026, is amended
18 to read as follows:

19 1. An attending physician provider who is unwilling to comply
20 with the requirements of section 144A.5, or who is unwilling to
21 comply with the declaration of a qualified patient in accordance
22 with section 144A.6 or an out-of-hospital do-not-resuscitate
23 order pursuant to section 144A.7A, or who is unwilling to comply
24 with the provisions of section 144A.7 or 144A.7A shall take all
25 reasonable steps to effect the transfer of the patient to another
26 physician provider.

27 Sec. 13. Section 144B.1, Code 2026, is amended to read as
28 follows:

29 **144B.1 Definitions.**

30 For purposes of this chapter, unless the context otherwise
31 requires:

32 1. "Attending provider" means the same as defined in section
33 135J.1.

34 ~~1.~~ 2. "Attorney in fact" means an individual who is
35 designated by a durable power of attorney for health care as an

1 agent to make health care decisions on behalf of a principal and
2 has consented to act in that capacity.

3 ~~2.~~ 3. "Designee" means a person named in a declaration under
4 chapter 144C.

5 ~~3.~~ 4. "Durable power of attorney for health care" means a
6 document authorizing an attorney in fact to make health care
7 decisions for the principal if the principal is unable, in
8 the judgment of the attending ~~physician or attending physician~~
9 ~~assistant~~ provider, to make health care decisions.

10 ~~4.~~ 5. "Health care" means any care, treatment, service,
11 or procedure to maintain, diagnose, or treat an individual's
12 physical or mental condition. "Health care" does not include the
13 provision of nutrition or hydration except when they are required
14 to be provided parenterally or through intubation.

15 ~~5.~~ 6. "Health care decision" means the consent, refusal of
16 consent, or withdrawal of consent to health care.

17 ~~6.~~ 7. "Health care provider" means a person who is licensed,
18 certified, or otherwise authorized or permitted by the ~~law~~ laws
19 of this state to administer health care in the ordinary course of
20 business or in the practice of a profession.

21 ~~7.~~ 8. "Principal" means a person age eighteen or older who
22 has executed a durable power of attorney for health care.

23 Sec. 14. Section 144B.5, subsection 1, Code 2026, is amended
24 to read as follows:

25 1. A durable power of attorney for health care executed
26 pursuant to this chapter may, but need not, be in the following
27 form:

28 I hereby designate as my attorney in fact (my agent)
29 and give to my agent the power to make health care decisions for
30 me. This power exists only when I am unable, in the judgment of
31 my attending ~~physician or attending physician~~ assistant provider,
32 to make those health care decisions. The attorney in fact must
33 act consistently with my desires as stated in this document or
34 otherwise made known.

35 Except as otherwise specified in this document, this document

1 gives my agent the power, where otherwise consistent with the
2 ~~law~~ laws of this state, to consent to my ~~physician or physician~~
3 ~~assistant~~ attending provider not giving health care or stopping
4 health care which is necessary to keep me alive.

5 This document gives my agent power to make health care
6 decisions on my behalf, including to consent, to refuse to
7 consent, or to withdraw consent to the provision of any care,
8 treatment, service, or procedure to maintain, diagnose, or treat
9 a physical or mental condition. This power is subject to any
10 statement of my desires and any limitations included in this
11 document.

12 My agent has the right to examine my medical records and to
13 consent to disclosure of such records.

14 Sec. 15. Section 144B.6, subsection 1, Code 2026, is amended
15 to read as follows:

16 1. Unless the district court sitting in equity specifically
17 finds that the attorney in fact is acting in a manner contrary
18 to the wishes of the principal or the durable power of attorney
19 for health care provides otherwise, an attorney in fact who is
20 known to the health care provider to be available and willing to
21 make health care decisions has priority over any other person,
22 including a guardian appointed pursuant to chapter 633, to act
23 for the principal in all matters of health care decisions. The
24 attorney in fact has authority to make a particular health care
25 decision only if the principal is unable, in the judgment of the
26 attending ~~physician or attending physician assistant~~ provider, to
27 make the health care decision. If the principal objects to a
28 decision to withhold or withdraw health care, the principal shall
29 be presumed to be able to make a decision.

30 Sec. 16. Section 144C.2, subsection 16, Code 2026, is amended
31 to read as follows:

32 16. "*Licensed hospice program*" means a licensed hospice
33 program as defined described in section 135J.1.

34 Sec. 17. Section 633.635, Code 2026, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 6. Notwithstanding subsection 2 or 3, a
2 guardian may make a decision for a protected person pursuant to
3 sections 135J.3A, 144A.7, and 144A.7B without court approval.

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