

HSB623

HUMAN RESOURCES

Supp

*Hooverston
Roberts
Reynolds*

HOUSE FILE _____ 02450
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY
CHAIRPERSON BODDICKER)

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

A BILL FOR

1 An Act providing for the issuance of out-of-hospital do-not-
2 resuscitate orders and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 144A.2, Code 2001, is amended to read
2 as follows:

3 144A.2 DEFINITIONS.

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

5 1. "Adult" means an individual eighteen years of age or
6 older.

7 2. "Attending physician" means the physician selected by,
8 or assigned to, the patient who has primary responsibility for
9 the treatment and care of the patient.

10 3. "Declaration" means a document executed in accordance
11 with the requirements of section 144A.3.

12 4. "Department" means the Iowa department of public
13 health.

14 5. "Emergency medical care provider" means emergency
15 medical care provider as defined in section 147A.1.

16 ~~4~~ 6. "Health care provider" means a person, including an
17 emergency medical care provider, who is licensed, certified,
18 or otherwise authorized or permitted by the law of this state
19 to administer health care in the ordinary course of business
20 or in the practice of a profession.

21 7. "Hospital" means hospital as defined in section 135B.1.

22 ~~5~~ 8. "Life-sustaining procedure" means any medical
23 procedure, treatment, or intervention, including
24 resuscitation, which meets both of the following requirements:

25 a. Utilizes mechanical or artificial means to sustain,
26 restore, or supplant a spontaneous vital function.

27 b. When applied to a patient in a terminal condition,
28 would serve only to prolong the dying process.

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

34 9. "Out-of-hospital do-not-resuscitate order" means a
35 written order signed by a physician, executed in accordance

1 with the requirements of section 144A.7A and issued consistent
2 with this chapter, that directs the withholding or withdrawal
3 of resuscitation when an adult patient in a terminal condition
4 is outside the hospital.

5 ~~6~~ 10. "Physician" means a person licensed to practice
6 medicine and surgery, osteopathy or osteopathic medicine and
7 surgery in this state.

8 ~~7~~ 11. "Qualified patient" means a patient who has
9 executed a declaration or an out-of-hospital do-not-
10 resuscitate order in accordance with this chapter and who has
11 been determined by the attending physician to be in a terminal
12 condition.

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

19 ~~8~~ 13. "Terminal condition" means an incurable or
20 irreversible condition that, without the administration of
21 life-sustaining procedures, will, in the opinion of the
22 attending physician, result in death within a relatively short
23 period of time or a state of permanent unconsciousness from
24 which, to a reasonable degree of medical certainty, there can
25 be no recovery.

26 Sec. 2. Section 144A.3, subsection 2, unnumbered paragraph
27 1, Code 2001, is amended to read as follows:

28 The declaration must be signed by the declarant or another
29 person acting on behalf of the declarant at the direction of
30 the declarant, must contain the date of its the declaration's
31 execution, and must be witnessed or acknowledged by one of the
32 following methods:

33 Sec. 3. Section 144A.3, subsection 2, paragraph a,
34 subparagraphs (1) and (2), Code 2001, are amended to read as
35 follows:

1 (1) A health care provider attending the declarant on the
2 date of execution of the declaration.

3 (2) An employee of a health care provider attending the
4 declarant on the date of execution of the declaration.

5 Sec. 4. Section 144A.7, subsection 1, paragraph a, Code
6 2001, is amended to read as follows:

7 a. The attorney in fact designated to make treatment
8 decisions for the patient should such person be diagnosed as
9 suffering from a terminal condition, if the designation is in
10 writing and complies with chapter 144B or section 633.705.

11 Sec. 5. NEW SECTION. 144A.7A OUT-OF-HOSPITAL DO-NOT-
12 RESUSCITATE ORDERS.

13 1. If an attending physician issues an out-of-hospital do-
14 not-resuscitate order for an adult patient under this section,
15 the physician shall use the form prescribed pursuant to
16 subsection 2, include a copy of the order in the patient's
17 medical record, and provide a copy to the patient or an
18 individual authorized to act on the patient's behalf.

19 2. The department, in collaboration with interested
20 parties, shall prescribe uniform out-of-hospital do-not-
21 resuscitate order forms and uniform personal identifiers, and
22 shall adopt administrative rules necessary to implement this
23 section. The uniform forms and personal identifiers shall be
24 used statewide.

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

27 a. The patient's name.

28 b. The patient's date of birth.

29 c. The name of the individual authorized to act on the
30 patient's behalf, if applicable.

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

33 e. The physician's signature.

34 f. The date the form is signed.

35 g. A concise statement of the nature and scope of the

1 order.

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

4 4. A health care provider may withhold or withdraw
5 resuscitation outside a hospital consistent with an out-of-
6 hospital do-not-resuscitate order issued under this section
7 and the rules or protocols adopted by the department.

8 5. In fulfilling the instructions of an out-of-hospital
9 do-not-resuscitate order under this chapter, a health care
10 provider shall continue to provide appropriate comfort care
11 and pain relief to the patient.

12 6. An out-of-hospital do-not-resuscitate order shall not
13 apply when a patient is in need of emergency medical services
14 due to a sudden accident or injury resulting from a motor
15 vehicle collision, fire, mass casualty, or other cause of a
16 sudden accident or injury which is outside the scope of the
17 patient's terminal condition.

18 7. An out-of-hospital do-not-resuscitate order is deemed
19 revoked at any time that a patient, or an individual
20 authorized to act on the patient's behalf as designated on the
21 out-of-hospital do-not-resuscitate order, is able to
22 communicate in any manner the intent that the order be
23 revoked, without regard to the mental or physical condition of
24 the patient. A revocation is only effective as to the health
25 care provider upon communication to that provider by the
26 patient, an individual authorized to act on the patient's
27 behalf as designated in the order, or by another person to
28 whom the revocation is communicated.

29 8. The personal wishes of family members or other
30 individuals who are not authorized in the order to act on the
31 patient's behalf shall not supersede a valid out-of-hospital
32 do-not-resuscitate order.

33 9. If uncertainty regarding the validity or applicability
34 of an out-of-hospital do-not-resuscitate order exists, a
35 health care provider shall provide necessary and appropriate

1 resuscitation.

2 10. A health care provider shall document compliance or
3 noncompliance with an out-of-hospital do-not-resuscitate order
4 and the reasons for not complying with the order, including
5 evidence that the order was revoked or uncertainty regarding
6 the validity or applicability of the order.

7 11. This section shall not preclude a hospital licensed
8 under chapter 135B from honoring an out-of-hospital do-not-
9 resuscitate order entered in accordance with this section and
10 in compliance with established hospital policies and
11 protocols.

12 Sec. 6. Section 144A.8, Code 2001, is amended to read as
13 follows:

14 144A.8 TRANSFER OF PATIENTS.

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

23 2. If the policies of a health care provider preclude
24 compliance with the declaration or out-of-hospital do-not-
25 resuscitate order of a qualified patient under this chapter or
26 preclude compliance with the provisions of section 144A.7 or
27 144A.7A, the provider shall take all reasonable steps to
28 effect the transfer of the patient to a facility in which the
29 provisions of this chapter can be carried out.

30 Sec. 7. Section 144A.9, subsection 1, unnumbered paragraph
31 1, Code 2001, is amended to read as follows:

32 In the absence of actual notice of the revocation of a
33 declaration or of an out-of-hospital do-not-resuscitate order,
34 the following, while acting in accordance with the
35 requirements of this chapter, are not subject to civil or

1 criminal liability or guilty of unprofessional conduct:

2 Sec. 8. Section 144A.9, Code 2001, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 4. In the absence of actual notice of the
5 revocation of an out-of-hospital do-not-resuscitate order, a
6 health care provider who complies with this chapter is not
7 subject to civil or criminal liability or guilty of
8 unprofessional conduct in entering, executing, or otherwise
9 participating in an out-of-hospital do-not-resuscitate order.

10 Sec. 9. Section 144A.10, Code 2001, is amended to read as
11 follows:

12 144A.10 PENALTIES.

13 1. Any person who willfully conceals, withholds, cancels,
14 destroys, alters, defaces, or obliterates the declaration,
15 out-of-hospital do-not-resuscitate order, or out-of-hospital
16 do-not-resuscitate identifier of another without the
17 declarant's or patient's consent or who falsifies or forges a
18 revocation of the declaration or out-of-hospital do-not-
19 resuscitate order of another is guilty of a serious
20 misdemeanor.

21 2. Any person who falsifies or forges the declaration or
22 out-of-hospital do-not-resuscitate order of another, or
23 willfully conceals or withholds personal knowledge of or
24 delivery of a revocation as provided in section 144A.4 or
25 144A.7A, with the intent to cause a withholding or withdrawal
26 of life-sustaining procedures, is guilty of a serious
27 misdemeanor.

28 Sec. 10. Section 144A.11, subsections 1, 2, 3, and 4, Code
29 2001, are amended to read as follows:

30 1. Death resulting from the withholding or withdrawal of
31 life-sustaining procedures pursuant to a declaration or out-
32 of-hospital do-not-resuscitate order and in accordance with
33 this chapter does not, for any purpose, constitute a suicide,
34 or homicide, or dependent adult abuse.

35 2. The making executing of a declaration pursuant to

1 section 144A.3 or an out-of-hospital do-not-resuscitate order
2 pursuant to section 144A.7A does not affect in any manner the
3 sale, procurement, or issuance of any policy of life
4 insurance, nor shall it be deemed to modify the terms of an
5 existing policy of life insurance. No policy of life
6 insurance is legally impaired or invalidated in any manner by
7 the withholding or withdrawal of life-sustaining procedures
8 pursuant to this chapter, notwithstanding any term of the
9 policy to the contrary.

10 3. A physician, health care provider, health care service
11 plan, insurer issuing disability insurance, self-insured
12 employee welfare benefit plan, or nonprofit hospital plan
13 shall not require any person to execute a declaration or an
14 out-of-hospital do-not-resuscitate order as a condition for
15 being insured for, or receiving, health care services.

16 4. This chapter creates no presumption concerning the
17 intention of an individual who has not executed a declaration
18 or an out-of-hospital do-not-resuscitate order with respect to
19 the use, withholding, or withdrawal of life-sustaining
20 procedures in the event of a terminal condition.

21 Sec. 11. APPLICATION TO EXISTING ORDERS. An out-of-
22 hospital do-not-resuscitate order or similar order executed
23 prior to July 1, 2002, is valid and shall be honored in
24 accordance with the then-applicable provisions of law.

25 EXPLANATION

26 This bill provides for the development and use of out-of-
27 hospital do-not-resuscitate orders. The bill provides
28 definitions, including definitions of "emergency medical care
29 provider", "out-of-hospital do-not-resuscitate order", and
30 "resuscitation". The bill also provides the process for
31 issuing an out-of-hospital do-not-resuscitate order, directs
32 the Iowa department of public health to develop a uniform form
33 and personal identifier for the orders, specifies the contents
34 of the form, and establishes the scope and limitations of the
35 order. The bill specifies provisions for the revocation of an

1 order, provides immunity for persons acting in compliance in
 2 entering, executing, or otherwise participating in an order,
 3 and provides for the application of penalties and general
 4 provisions relating to the orders. With regard to penalties,
 5 the bill provides that any person who willfully conceals,
 6 withholds, cancels, destroys, alters, defaces, or obliterates
 7 an out-of-hospital do-not-resuscitate order, or out-of-
 8 hospital do-not-resuscitate identifier of a patient without
 9 the patient's consent, or who falsifies or forges a revocation
 10 of an out-of-hospital do-not-resuscitate order of another, is
 11 guilty of a serious misdemeanor. Additionally, any person who
 12 falsifies or forges an out-of-hospital do-not-resuscitate
 13 order of another, or willfully conceals or withholds personal
 14 knowledge of or delivery of a revocation with the intent to
 15 cause a withholding or withdrawal of life-sustaining
 16 procedures, is guilty of a serious misdemeanor. A serious
 17 misdemeanor is punishable by confinement for no more than one
 18 year and a fine of at least \$250 but not more than \$1,500.

19 The bill also provides that existing orders or similar
 20 orders existing prior to July 1, 2002, are valid and are to be
 21 honored in accordance with the laws that were applicable at
 22 the time of execution of the order.

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Substituted for by SF 2155

3/14/02 UNFINISHED BUSINESS CALENDAR

3-18-02

(P. 824)

FEB 20 2002

Place On Calendar

HOUSE FILE *2450*

BY COMMITTEE ON HUMAN RESOURCES

WITHDRAWN

3-18-02

(SUCCESSOR TO HSB 623)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the issuance of out-of-hospital do-not-
2 resuscitate orders and making penalties applicable.

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

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HF 2450

S.F. _____

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2450

1 Section 1. Section 144A.2, Code 2001, is amended to read
2 as follows:

3 144A.2 DEFINITIONS.

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

5 1. "Adult" means an individual eighteen years of age or
6 older.

7 2. "Attending physician" means the physician selected by,
8 or assigned to, the patient who has primary responsibility for
9 the treatment and care of the patient.

10 3. "Declaration" means a document executed in accordance
11 with the requirements of section 144A.3.

12 4. "Department" means the Iowa department of public
13 health.

14 5. "Emergency medical care provider" means emergency
15 medical care provider as defined in section 147A.1.

16 ~~4-~~ 6. "Health care provider" means a person, including an
17 emergency medical care provider, who is licensed, certified,
18 or otherwise authorized or permitted by the law of this state
19 to administer health care in the ordinary course of business
20 or in the practice of a profession.

21 7. "Hospital" means hospital as defined in section 135B.1.

22 ~~5-~~ 8. "Life-sustaining procedure" means any medical
23 procedure, treatment, or intervention, including
24 resuscitation, which meets both of the following requirements:

25 a. Utilizes mechanical or artificial means to sustain,
26 restore, or supplant a spontaneous vital function.

27 b. When applied to a patient in a terminal condition,
28 would serve only to prolong the dying process.

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

34 9. "Out-of-hospital do-not-resuscitate order" means a
35 written order signed by a physician, executed in accordance

1 with the requirements of section 144A.7A and issued consistent
2 with this chapter, that directs the withholding or withdrawal
3 of resuscitation when an adult patient in a terminal condition
4 is outside the hospital.

5 6- 10. "Physician" means a person licensed to practice
6 medicine and surgery, osteopathy or osteopathic medicine and
7 surgery in this state.

8 7- 11. "Qualified patient" means a patient who has
9 executed a declaration or an out-of-hospital do-not-
10 resuscitate order in accordance with this chapter and who has
11 been determined by the attending physician to be in a terminal
12 condition.

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

19 8- 13. "Terminal condition" means an incurable or
20 irreversible condition that, without the administration of
21 life-sustaining procedures, will, in the opinion of the
22 attending physician, result in death within a relatively short
23 period of time or a state of permanent unconsciousness from
24 which, to a reasonable degree of medical certainty, there can
25 be no recovery.

26 Sec. 2. Section 144A.3, subsection 2, unnumbered paragraph
27 1, Code 2001, is amended to read as follows:

28 The declaration must be signed by the declarant or another
29 person acting on behalf of the declarant at the direction of
30 the declarant, must contain the date of ~~its~~ the declaration's
31 execution, and must be witnessed or acknowledged by one of the
32 following methods:

33 Sec. 3. Section 144A.3, subsection 2, paragraph a,
34 subparagraphs (1) and (2), Code 2001, are amended to read as
35 follows:

1 (1) A health care provider attending the declarant on the
2 date of execution of the declaration.

3 (2) An employee of a health care provider attending the
4 declarant on the date of execution of the declaration.

5 Sec. 4. Section 144A.7, subsection 1, paragraph a, Code
6 2001, is amended to read as follows:

7 a. The attorney in fact designated to make treatment
8 decisions for the patient should such person be diagnosed as
9 suffering from a terminal condition, if the designation is in
10 writing and complies with chapter 144B or section 633.705.

11 Sec. 5. NEW SECTION. 144A.7A OUT-OF-HOSPITAL DO-NOT-
12 RESUSCITATE ORDERS.

13 1. If an attending physician issues an out-of-hospital do-
14 not-resuscitate order for an adult patient under this section,
15 the physician shall use the form prescribed pursuant to
16 subsection 2, include a copy of the order in the patient's
17 medical record, and provide a copy to the patient or an
18 individual authorized to act on the patient's behalf.

19 2. The department, in collaboration with interested
20 parties, shall prescribe uniform out-of-hospital do-not-
21 resuscitate order forms and uniform personal identifiers, and
22 shall adopt administrative rules necessary to implement this
23 section. The uniform forms and personal identifiers shall be
24 used statewide.

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

27 a. The patient's name.

28 b. The patient's date of birth.

29 c. The name of the individual authorized to act on the
30 patient's behalf, if applicable.

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

33 e. The physician's signature.

34 f. The date the form is signed.

35 g. A concise statement of the nature and scope of the

1 order.

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

4 4. A health care provider may withhold or withdraw
5 resuscitation outside a hospital consistent with an out-of-
6 hospital do-not-resuscitate order issued under this section
7 and the rules or protocols adopted by the department.

8 5. In fulfilling the instructions of an out-of-hospital
9 do-not-resuscitate order under this chapter, a health care
10 provider shall continue to provide appropriate comfort care
11 and pain relief to the patient.

12 6. An out-of-hospital do-not-resuscitate order shall not
13 apply when a patient is in need of emergency medical services
14 due to a sudden accident or injury resulting from a motor
15 vehicle collision, fire, mass casualty, or other cause of a
16 sudden accident or injury which is outside the scope of the
17 patient's terminal condition.

18 7. An out-of-hospital do-not-resuscitate order is deemed
19 revoked at any time that a patient, or an individual
20 authorized to act on the patient's behalf as designated on the
21 out-of-hospital do-not-resuscitate order, is able to
22 communicate in any manner the intent that the order be
23 revoked, without regard to the mental or physical condition of
24 the patient. A revocation is only effective as to the health
25 care provider upon communication to that provider by the
26 patient, an individual authorized to act on the patient's
27 behalf as designated in the order, or by another person to
28 whom the revocation is communicated.

29 8. The personal wishes of family members or other
30 individuals who are not authorized in the order to act on the
31 patient's behalf shall not supersede a valid out-of-hospital
32 do-not-resuscitate order.

33 9. If uncertainty regarding the validity or applicability
34 of an out-of-hospital do-not-resuscitate order exists, a
35 health care provider shall provide necessary and appropriate

1 resuscitation.

2 10. A health care provider shall document compliance or
3 noncompliance with an out-of-hospital do-not-resuscitate order
4 and the reasons for not complying with the order, including
5 evidence that the order was revoked or uncertainty regarding
6 the validity or applicability of the order.

7 11. This section shall not preclude a hospital licensed
8 under chapter 135B from honoring an out-of-hospital do-not-
9 resuscitate order entered in accordance with this section and
10 in compliance with established hospital policies and
11 protocols.

12 Sec. 6. Section 144A.8, Code 2001, is amended to read as
13 follows:

14 144A.8 TRANSFER OF PATIENTS.

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

23 2. If the policies of a health care provider preclude
24 compliance with the declaration or out-of-hospital do-not-
25 resuscitate order of a qualified patient under this chapter or
26 preclude compliance with the provisions of section 144A.7 or
27 144A.7A, the provider shall take all reasonable steps to
28 effect the transfer of the patient to a facility in which the
29 provisions of this chapter can be carried out.

30 Sec. 7. Section 144A.9, subsection 1, unnumbered paragraph
31 1, Code 2001, is amended to read as follows:

32 In the absence of actual notice of the revocation of a
33 declaration or of an out-of-hospital do-not-resuscitate order,
34 the following, while acting in accordance with the
35 requirements of this chapter, are not subject to civil or

1 criminal liability or guilty of unprofessional conduct:

2 Sec. 8. Section 144A.9, Code 2001, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 4. In the absence of actual notice of the
5 revocation of an out-of-hospital do-not-resuscitate order, a
6 health care provider who complies with this chapter is not
7 subject to civil or criminal liability or guilty of
8 unprofessional conduct in entering, executing, or otherwise
9 participating in an out-of-hospital do-not-resuscitate order.

10 Sec. 9. Section 144A.10, Code 2001, is amended to read as
11 follows:

12 144A.10 PENALTIES.

13 1. Any person who willfully conceals, withholds, cancels,
14 destroys, alters, defaces, or obliterates the declaration,
15 out-of-hospital do-not-resuscitate order, or out-of-hospital
16 do-not-resuscitate identifier of another without the
17 declarant's or patient's consent or who falsifies or forges a
18 revocation of the declaration or out-of-hospital do-not-
19 resuscitate order of another is guilty of a serious
20 misdemeanor.

21 2. Any person who falsifies or forges the declaration or
22 out-of-hospital do-not-resuscitate order of another, or
23 willfully conceals or withholds personal knowledge of or
24 delivery of a revocation as provided in section 144A.4 or
25 144A.7A, with the intent to cause a withholding or withdrawal
26 of life-sustaining procedures, is guilty of a serious
27 misdemeanor.

28 Sec. 10. Section 144A.11, subsections 1, 2, 3, and 4, Code
29 2001, are amended to read as follows:

30 1. Death resulting from the withholding or withdrawal of
31 life-sustaining procedures pursuant to a declaration or out-
32 of-hospital do-not-resuscitate order and in accordance with
33 this chapter does not, for any purpose, constitute a suicide,
34 or homicide, or dependent adult abuse.

35 2. The making executing of a declaration pursuant to

1 section 144A.3 or an out-of-hospital do-not-resuscitate order
2 pursuant to section 144A.7A does not affect in any manner the
3 sale, procurement, or issuance of any policy of life
4 insurance, nor shall it be deemed to modify the terms of an
5 existing policy of life insurance. No policy of life
6 insurance is legally impaired or invalidated in any manner by
7 the withholding or withdrawal of life-sustaining procedures
8 pursuant to this chapter, notwithstanding any term of the
9 policy to the contrary.

10 3. A physician, health care provider, health care service
11 plan, insurer issuing disability insurance, self-insured
12 employee welfare benefit plan, or nonprofit hospital plan
13 shall not require any person to execute a declaration or an
14 out-of-hospital do-not-resuscitate order as a condition for
15 being insured for, or receiving, health care services.

16 4. This chapter creates no presumption concerning the
17 intention of an individual who has not executed a declaration
18 or an out-of-hospital do-not-resuscitate order with respect to
19 the use, withholding, or withdrawal of life-sustaining
20 procedures in the event of a terminal condition.

21 Sec. 11. APPLICATION TO EXISTING ORDERS. An out-of-
22 hospital do-not-resuscitate order or similar order executed
23 prior to July 1, 2002, is valid and shall be honored in
24 accordance with the then-applicable provisions of law.

25 EXPLANATION

26 This bill provides for the development and use of out-of-
27 hospital do-not-resuscitate orders. The bill provides
28 definitions, including definitions of "emergency medical care
29 provider", "out-of-hospital do-not-resuscitate order", and
30 "resuscitation". The bill also provides the process for
31 issuing an out-of-hospital do-not-resuscitate order, directs
32 the Iowa department of public health to develop a uniform form
33 and personal identifier for the orders, specifies the contents
34 of the form, and establishes the scope and limitations of the
35 order. The bill specifies provisions for the revocation of an

1 order, provides immunity for persons acting in compliance in
2 entering, executing, or otherwise participating in an order,
3 and provides for the application of penalties and general
4 provisions relating to the orders. With regard to penalties,
5 the bill provides that any person who willfully conceals,
6 withholds, cancels, destroys, alters, defaces, or obliterates
7 an out-of-hospital do-not-resuscitate order, or out-of-
8 hospital do-not-resuscitate identifier of a patient without
9 the patient's consent, or who falsifies or forges a revocation
10 of an out-of-hospital do-not-resuscitate order of another, is
11 guilty of a serious misdemeanor. Additionally, any person who
12 falsifies or forges an out-of-hospital do-not-resuscitate
13 order of another, or willfully conceals or withholds personal
14 knowledge of or delivery of a revocation with the intent to
15 cause a withholding or withdrawal of life-sustaining
16 procedures, is guilty of a serious misdemeanor. A serious
17 misdemeanor is punishable by confinement for no more than one
18 year and a fine of at least \$250 but not more than \$1,500.

19 The bill also provides that existing orders or similar
20 orders existing prior to July 1, 2002, are valid and are to be
21 honored in accordance with the laws that were applicable at
22 the time of execution of the order.

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