STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Iowa

REQUIREMENTS FOR ADVANCE DIRECTIVES UNDER STATE PLANS FOR MEDICAL ASSISTANCE

The following is a written description of the law of the State (whether statutory or as recognized by the courts of the State) concerning advance directives. If applicable States should include definitions of living will, durable power of attorney for health care, durable power of attorney, witness requirements, special State limitations on living will declarations, proxy designation, process information and State forms, and identify whether State law allows for a health care provider or agent of the provider to object to the implementation of advance directives on the basis of conscience.

Iowa law recognizes two kinds of advance directives:

1. A "declaration relating to life-sustaining procedures," or living will.

2. A "durable power of attorney for health care," or medical power of attorney.

A living will is defined as a document directing that certain life-sustaining procedures should be withheld or withdrawn if a person is in a terminal condition and unable to make this decision. "Life-sustaining procedures" are defined as mechanical or artificial means which sustain, restore, or supplant a vital body function and which would only prolong the dying process for a terminal patient.

The determination of terminal condition must be made by the attending physician after consultation with another physician. Under Iowa law a living will does not permit withholding or withdrawing nutrition or hydration.

Two people over age 18 must witness the person's signature to a living will and sign a witness form. At least one of the witnesses must not be related to the person by blood, marriage, or adoption. The person's agent, anyone treating the person as a patient, and anyone employed by someone treating the person as a patient are ineligible to act as witnesses.

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A medical power of attorney is defined as a document naming another person an agent or "attorney-in-fact" to make health care decisions if a person is unable to make them. The person may specify health care decisions or leave the agent free to decide in the person's best interests. The application is not restricted to terminally ill patients or decisions about life-sustaining procedures.

The agent cannot be anyone providing health care to the person on the date the medical power of attorney is signed. It also cannot be the employee of such a person or facility, unless the employee is also a close relative.

The date of execution must be on the power of attorney before the person's signature is witnessed. The signature may be witnessed by a notary or by two witnesses, as described for the living will.

The Iowa State Bar Association has prepared a form that can be used for either kind of advance directive, but state law does not require any specific form.

If a physician or an administrator of a health care facility is unwilling to comply with a decision made under an advance directive, the physician or administrator must take all reasonable steps to transfer the person to a provider willing to carry out the person's wishes.