

## House File 422

HOUSE FILE \_\_\_\_\_  
BY MERTZ

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act authorizing the use of investigational, experimental, new,  
2 or unconventional medical treatment.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2759HH 80  
5 jp/cl/14

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1 1 Section 1. NEW SECTION. 148.14 ACCESS TO MEDICAL  
1 2 TREATMENT == INVESTIGATIONAL, EXPERIMENTAL, OR UNCONVENTIONAL  
1 3 MEDICAL TREATMENT.  
1 4 1. This section shall be known as and may be cited as the  
1 5 "Access to Medical Treatment Act".  
1 6 2. For the purpose of this section, unless the context  
1 7 otherwise requires, "physician" means a person licensed by the  
1 8 board of medical examiners to practice medicine and surgery or  
1 9 osteopathic medicine and surgery.  
1 10 3. Notwithstanding any other provision of law, an  
1 11 individual shall have the right to be treated by a physician  
1 12 for an illness or disease with any investigational,  
1 13 experimental, new, or unconventional medical treatment that is  
1 14 desired by the individual or is authorized by the individual's  
1 15 legal guardian or attorney in fact under chapter 144B,  
1 16 providing that all of the following circumstances are  
1 17 applicable:  
1 18 a. The individual has been personally examined by the  
1 19 physician.  
1 20 b. A reasonable basis is not present to conclude that the  
1 21 medical treatment, when administered as directed, poses an  
1 22 unreasonable and significant risk of danger to the individual.  
1 23 c. The physician has provided the individual with both an  
1 24 oral explanation and a written statement that discloses the  
1 25 facts regarding the nature of the medical treatment and  
1 26 specifically indicates that the treatment offered is  
1 27 investigational, experimental, new, or unconventional. If the  
1 28 medical treatment offered involves a drug or medical device,  
1 29 the explanation and statement shall disclose whether or not  
1 30 the drug or medical device has been approved by the United  
1 31 States food and drug administration and any material risks of  
1 32 the drug or medical device that are generally recognized by a  
1 33 reasonably prudent physician. The individual or the  
1 34 individual's legal guardian or attorney in fact shall  
1 35 acknowledge with a signature receipt of the explanation and  
2 1 statement.  
2 2 4. A physician's provision of medical treatment to an  
2 3 individual in accordance with this section shall not by itself  
2 4 constitute or be considered to be unprofessional practice or  
2 5 conduct.

## EXPLANATION

2 7 This bill allows a physician to authorize the use of  
2 8 investigational, experimental, new, or unconventional medical  
2 9 treatment provided the physician has personally examined the  
2 10 individual, there is no reason to conclude that the treatment  
2 11 poses an unreasonable or significant risk to the individual,  
2 12 and the individual being treated or the individual's legal  
2 13 guardian or attorney in fact under Code chapter 144B, relating

2 14 to a durable power of attorney for health care, has provided  
2 15 informed written consent.  
2 16 The bill may be cited as the "Access to Medical Treatment  
2 17 Act". A physician's treatment of an individual in compliance  
2 18 with the bill shall not by itself constitute unprofessional  
2 19 practice or conduct.  
2 20 LSB 2759HH 80  
2 21 jp/cl/14