



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2562	House Committee: PASSED 2/12/26 (13-7)
Committee:	Health and Human Services	House Floor:
Floor Manager:	Rep. Chad Ingels	Senate Floor:
Date:	February 26, 2026	Governor:
Staff:	Natalie Ginty (281-7479)	

Facility Placement Decisions

- This bill establishes a new legal process for care facility placement decisions for adults unable to consent without an available representative, relying on a licensed physician’s certification. This bill creates a priority list of persons authorized to consent to make placement decisions and assist with health insurance or public assistance applications. This bill provides court intervention options, immunity from liability for good-faith actions, and provides patient protections.
- **Fiscal Note:** UIHC provides services to 10 to 12 patients per month who cannot consent to discharge. UIHC estimates that this bill will result in \$519,000 to \$623,000 annually.

Section by Section Analysis

Section 1 (Iowa Code 144H.1) – New Section

Defines “able to consent”, “authorized representative”, “care facility”, “department”, “patient”, “person authorized to consent”, “placement”, and “public assistance program”.

“Person authorized to consent” are members of the following groups, in priority order, who are willing and able to consent on the patient’s behalf:

1. The patient’s spouse
2. An adult child (of half or more of the adult children)
3. Parent(s)
4. Adult sibling (of half or more of the adult siblings)

Section 2 (Iowa Code 144H.2) – New Section

Allows a physician to certify that the patient is unable to consent, an authorized representative for the patient has not been located, and that it is in the patient’s best interest that they are discharged from their current care facility and to be transferred or admitted to a care facility recommended by the physician.

Section 3 (Iowa Code 144H.3) – New Section

Allows persons authorized to consent to do the following:

- Make decisions regarding the patient’s care facility placement
- Assist the patient in applying for health insurance coverage by accessing their financial records as allowed by law and disclosing patient health information without violating HIPAA
- Take any other action expressly authorized by the patient

Requires the person authorized to consent to consider the patient's wishes, rights and best interests.

The authority of the person authorized to consent expires when the patient's care facility placement has been completed, their insurance coverage approved/denied, or an authorized representative with higher priority is located.

Section 4 (Iowa Code 144H.4) – New Section

Requires qualified employees designated by a patient's care facility to inform person's authorized to consent of their powers and duties and assist the person in identifying a care facility for the patient that can provide the least restrictive and appropriate level of care, as recommend by their physician.

Section 5 (Iowa Code 144H.5) – New Section

Allows a care facility or attending physician to petition the court regarding the patient's care facility placement or application for insurance coverage when the authorized representative/person authorized to consent cannot be located. The petitions includes information on identity of patient and petitioner, physician certification, affidavits regarding the patient's ability to consent, inability to find an authorized representative/person authorized to consent, receiving facility recommended and that the transfer is accepted.

Allows the court to accept the petition if the petition information is confirmed. Allows the court to order the receiving facility to apply for insurance coverage. The court order remains in effect for no more than 30 days.

Section 6 (Iowa Code 144H.6) – New Section

Provides persons and care facilities acting in good faith from being subject to civil/criminal liability or licensee discipline.

Section 7 (Iowa Code 144H.7) – New Section

States clearly that a care facility is not required to accept the transfer of a patient

Section 8 (Iowa Code 144H.8) – New Section

Allows DHHS to write rules

Amendment Analysis

H-8044 by Ingels – This amendment was approved by IHA, IHCA, and the Bar. It clarifies that the patient is to be transferred if the receiving care facility approves of the transfer and then changes the order of some wording regarding appropriate level of care and least restrictive setting.