

8 admission shall not be for a period of more than thirty days and only
 9 after the written consent of said person. The application shall be
 10 made to the superintendent of the state hospital in the district in
 11 which the county of his residence is located. Said application shall
 12 not be accepted by the superintendent if by doing so it will result in
 13 an overcrowded condition or if adequate facilities are not available.
 14 *If the application is accepted the superintendent shall at once send*
 15 *written notice of the fact to the board of supervisors of the patient's*
 16 *county of legal settlement, unless the application is accompanied by*
 17 *a statement signed by the applicant, his spouse, guardian or some*
 18 *other responsible person, agreeing to pay the cost of the applicant's*
 19 *hospitalization in the manner provided by section two hundred twenty-*
 20 *nine point forty-one (229.41) of the Code. At the expiration of the*
 21 admission period, the superintendent shall make a certified report of
 22 the findings as to the mental illness of said applicant, one copy of
 23 which shall be sent to the attending physician filing the application
 24 and, if said report finds that said person is mentally ill and in need
 25 of treatment, a copy shall be sent to the commission of hospitalization
 26 of the county in which the applicant is a resident.

1 SEC. 3. Section two hundred twenty-nine point forty-two (229.42),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 If a person wishing to make application for voluntary admission to
 5 a mental hospital is unable to pay the costs of hospitalization or those
 6 responsible for such person are unable to pay such costs, application
 7 for voluntary admission, must be made to any clerk of the district
 8 court. After determining the county of legal settlement the said
 9 clerk shall, on forms provided by the state director, authorize such
 10 person's admission to a mental health hospital as a voluntary case.
 11 *The clerk shall at once provide a duplicate copy of the form to the*
 12 *county board of supervisors. The costs of the hospitalization shall be*
 13 *paid by the county of legal settlement to the state comptroller and*
 14 *credited to the general fund of the state, providing the mental health*
 15 *hospital rendering the services has certified to the county auditor of*
 16 *the responsible county the amount chargeable thereto and has sent a*
 17 *duplicate statement of such charges to the state comptroller.*

Approved May 27, 1974

CHAPTER 1160

COMMUNITY MENTAL HEALTH CENTERS

H. F. 1060

AN ACT relating to establishment and operation of community mental health centers
 and to formulation of standards for evaluation of community mental health centers.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. **Establishment and support of com-**
 2 **munity mental health centers.** A county or affiliated counties having

3 a total or combined population of thirty-five thousand or more may by
 4 action of the board or boards of supervisors, with approval of the Iowa
 5 mental health authority, establish a community mental health center
 6 to serve the county or counties. In establishing the community mental
 7 health center, the board of supervisors of each county involved may
 8 make a single nonrecurring expenditure from the county mental health
 9 and institutions fund in an amount not exceeding two hundred fifty
 10 dollars per thousand population or major fraction thereof in the
 11 county, but no such expenditure shall be made under this section by
 12 any county which has prior to the effective date of this Act expended
 13 funds to assist in establishment of a community mental health center
 14 under section two hundred thirty point twenty-four (230.24), unnum-
 15 bered paragraph three (3), Code 1966 or Code 1971, or section two
 16 hundred thirty point twenty-four (230.24), unnumbered paragraph
 17 two (2), Code 1973. Nothing in this section shall limit the authority
 18 of the board or boards of supervisors of any county or group of coun-
 19 ties, which prior to July 1, 1974 established or joined in establishing
 20 a community mental health center in a manner consistent with the
 21 requirements of section three (3) of this Act, to continue to expend
 22 money from the county mental health and institutions fund to support
 23 operation of the center, and to form agreements with the board of
 24 supervisors of any additional county for that county to join in sup-
 25 porting and receiving services from or through the center.

1 SEC. 2. NEW SECTION. **Services offered.** A community mental
 2 health center established or operating as authorized by section one (1)
 3 of this Act may offer to residents of the county or counties it serves
 4 any or all of the following services:

5 1. Diagnostic and treatment services for persons suffering from
 6 mental illness, mental retardation, emotional disorders, other debilitat-
 7 ing psychiatric conditions, and alcoholism or drug addiction or depen-
 8 dency, provided, however, that an individual whose primary illness is
 9 diagnosed as being an alcoholic shall be referred to a facility defined
 10 in chapter one hundred twenty-three B (123B) of the Code if such a
 11 facility exists in the county where the community mental health center
 12 is located. The services may be provided, as indicated by the needs of
 13 the person served, on:

- 14 a. An outpatient basis, or
- 15 b. A partial hospitalization basis, or
- 16 c. An inpatient basis.

17 2. Aftercare and, where indicated, rehabilitative services for per-
 18 sons who have received services under subsection one (1) of this sec-
 19 tion, or have been treated by a state mental health institute or other
 20 psychiatric facility, and upon request of a state mental health institute
 21 or other psychiatric facility, pre-hospitalization services to persons
 22 seeking, awaiting, or being considered for admission or commitment
 23 to such facility.

24 3. Emergency mental health services, which shall be continuously
 25 available on a twenty-four hour a day basis.

26 4. Collaborative and cooperative programs and services with public
 27 health and other groups for prevention of mental illness, emotional
 28 disorders, and other debilitating psychiatric conditions.

29 5. Informational and educational services to the general public and
30 professional groups.

31 6. Consultative services to schools, courts, and health and welfare
32 agencies.

33 7. In-service training, research, and evaluation.

1 SEC. 3. NEW SECTION. **Forms of organization.** Each community
2 mental health center established or continued in operation as author-
3 ized by section one (1) of this Act shall be organized and administered
4 in accordance with one of the two alternative forms prescribed by this
5 Act. The two alternative forms are:

6 1. Direct establishment of the center by the county or counties sup-
7 porting it and administration of the center by an elected board of
8 trustees, pursuant to sections four (4) through eleven (11) of this
9 Act.

10 2. Establishment of the center by a nonprofit corporation providing
11 services to the county or counties on the basis of an agreement with
12 the board or boards of supervisors, pursuant to sections twelve (12)
13 and thirteen (13) of this Act.

1 SEC. 4. NEW SECTION. **Trustees—qualifications—manner of se-**
2 **lection.** When the board or boards of supervisors of a county or affli-
3 ated counties decides to directly establish a community mental health
4 center the supervisors, acting jointly in the case of affiliated counties,
5 shall appoint a board of community mental health center trustees to
6 serve until the next succeeding general election. The board of trustees
7 shall consist of at least seven members each of whom shall be a resi-
8 dent of the county or one of the counties served by the center. No
9 employee of the center shall be eligible for the office of community
10 mental health center trustee. At the first general election following
11 establishment of the center, all members of the board of trustees shall
12 be elected. They shall assume office on the second secular day of the
13 following January, and shall at once divide themselves by lot into three
14 classes of as nearly equal size as possible. The first class shall serve
15 for terms of two years, the second class for terms of four years, and
16 the third class for terms of six years. Thereafter, a member shall be
17 elected to the board of trustees for a term of six years at each general
18 election to succeed each member whose term will expire in the follow-
19 ing year.

1 SEC. 5. NEW SECTION. **Election of trustees.** The election of com-
2 munity mental health center trustees shall take place at the general
3 election on ballots which shall not reflect a nominee's political affilia-
4 tion. Nomination shall be made by petition in accordance with chapter
5 forty-five (45) of the Code. The petition form shall be furnished by the
6 county commissioner of elections, signed by eligible electors of the
7 county or affiliated counties equal in number to one percent of the vote
8 cast therein for president of the United States or governor, as the case
9 may be, in the last previous general election, and shall be filed with the
10 county commissioner of elections at least fifty-five days prior to the
11 date of the general election. A plurality shall be sufficient to elect com-
12 munity mental health center trustees, and no primary election for that
13 office shall be held.

1 **SEC. 6. NEW SECTION. Vacancies.** Vacancies on the community
2 mental health center board of trustees shall be filled by appointment
3 in accordance with sections sixty-nine point eleven (69.11) and sixty-
4 nine point twelve (69.12) of the Code, by the remaining trustees,
5 except that if the offices of more than half of the members of the board
6 are vacant at any one time the vacancies shall be filled by the board of
7 supervisors or boards of supervisors acting jointly in the case of affili-
8 ated counties. The office of any trustee who is absent from four con-
9 secutive regular board meetings, without prior excuse, may be declared
10 vacant by the board of trustees and filled in accordance with this sec-
11 tion.

1 **SEC. 7. NEW SECTION. Organization—meetings—quorum.** The
2 members of the board of community mental health center trustees
3 shall qualify by taking the usual oath of office within ten days after
4 their appointment or prior to the beginning of the term to which they
5 were elected, as the case may be. At the initial meeting following
6 appointment of a board of trustees or of a majority of the members
7 of a board, and at the first meeting in January after each biennial
8 general election, the board shall organize by election of one of the
9 trustees as chairman, one as secretary and one as treasurer. The sec-
10 retary and treasurer shall each file with the chairman a surety bond
11 in a penal sum set by the board of trustees and with sureties approved
12 by the board for the use and benefit of the center, the reasonable cost
13 of which shall be paid from the operating funds of the center. No
14 other members of the board shall be required to post bond. The board
15 shall meet at least once each month. One half plus one of the members
16 of the board shall constitute a quorum.

1 **SEC. 8. NEW SECTION. Duties of secretary.**

2 1. The secretary shall report to the county auditor and treasurer
3 the names of the chairman, secretary and treasurer of the community
4 mental health center board of trustees as soon as practicable after each
5 has qualified.

6 2. The secretary shall keep a complete record of all proceedings of
7 the board of trustees.

8 3. The secretary shall draw warrants on the funds of the center,
9 which shall be countersigned by the chairman of the board of trustees,
10 after claims are certified by the board.

11 4. The secretary shall file with the board of trustees, on or before
12 the tenth day of each month, a complete statement of all receipts and
13 disbursements from the center's funds during the preceding month and
14 the balance remaining on hand at the close of the month.

1 **SEC. 9. NEW SECTION. Duties of treasurer.**

2 1. The treasurer of the community mental health center shall receive
3 the funds made available to the center by the county or counties it
4 serves, and any other funds which may be made available to the cen-
5 ter, and shall disburse the center's funds upon warrants drawn as
6 required by section eight (8), subsection three (3) of this Act.

7 2. The treasurer shall keep an accurate account of all receipts and
8 disbursements and shall register all orders drawn and reported to
9 him by the secretary, showing the number, date, to whom drawn, the
10 purpose and amount.

11 3. At intervals specified by the county board of supervisors, not less
12 often than once each ninety days, the county treasurer of each county
13 served by the center shall notify the chairman of the center's board of
14 trustees of all amounts due the center from the county which have not
15 previously been paid over to the treasurer of the center. The chairman
16 shall then file a claim for payment as specified in sections three hun-
17 dred thirty-one point twenty (331.20), three hundred thirty-three point
18 two (333.2) and three hundred thirty-four point one (334.1) through
19 three hundred thirty-four point seven (334.7), Code 1973.

1 SEC. 10. NEW SECTION. Powers and duties of trustees. The com-
2 munity mental health center board of trustees shall:

3 1. Have authority to adopt bylaws and rules for its own guidance
4 and for the government of the center.

5 2. Employ a director and staff for the center, fix their compensation,
6 and have control over the director and staff.

7 3. Designate at least one of the trustees to visit and review the oper-
8 ation of the center at least once each month.

9 4. Procure and pay premiums on insurance policies required for the
10 prudent management of the center, including but not limited to public
11 liability, professional malpractice liability, workmen's compensation
12 and vehicle liability, any of which may include as additional insureds
13 the board of trustees and employees of the center.

14 5. Establish, with approval of the board or joint boards of super-
15 visors of the county or counties served by the center, standards to be
16 followed in determining whether and to what extent persons seeking
17 services from the center shall be considered able to pay the cost of the
18 services received.

19 6. Establish, with approval of the board or joint boards of super-
20 visors of the county or counties served by the center, policies regarding
21 whether the services of the center will be made available to persons
22 who are not residents of the county or counties served by the center,
23 and if so upon what terms.

24 7. Purchase or lease a site for the center, and provide and equip
25 suitable quarters for the center.

26 8. Prepare and approve plans and specifications for all center build-
27 ings and equipment, and advertise for bids as required by law for
28 county buildings before making any contract for the construction of
29 any building or purchase of equipment.

30 9. File with the board of supervisors within thirty days after the
31 close of each budget year, a report covering their proceedings with
32 reference to the center and a statement of all receipts and expendi-
33 tures during the preceding budget year.

34 10. Accept property by gift, devise, bequest, or otherwise; and, if
35 the board deems it advisable, may, at public sale, sell or exchange any
36 property so accepted upon a concurring vote of a majority of all mem-
37 bers of the board of trustees, and apply the proceeds thereof, or prop-
38 erty received in exchange therefor, to the purposes enumerated in
39 subsection seven (7) of this section, or to purchase equipment.

40 11. There shall be published quarterly in each of the official news-
41 papers of the county as selected by the board of supervisors pursuant
42 to section three hundred forty-nine point one (349.1) of the Code the
43 schedule of bills allowed and there shall be published annually in such
44 newspapers the schedule of salaries paid by job classification and cate-

45 gory, but not by listing names of individual employees. The names,
46 addresses, salaries, and job classification of all employees paid in whole
47 or in part from public funds shall be a public record and open to inspection
48 at reasonable times as designated by the board of trustees.

49 12. Recruit, promote, accept and use local financial support for the
50 community mental health center from private sources such as com-
51 munity service funds, business, industrial and private foundations,
52 voluntary agencies, and other lawful sources.

53 13. Accept and expend state and federal funds available directly to
54 the community mental health center for all or any part of the cost of
55 any service the center is authorized to provide.

56 14. Enter into contracts with affiliates, which may be an individual
57 or a public or private group, agency, or corporation, organized and
58 operating on either a profit or a nonprofit basis, for any of the services
59 described in section two (2), subsections one (1) through three (3) of
60 this Act to be provided by the affiliate to residents of the county or
61 counties served by the community mental health center who are
62 patients or clients of the center and are referred by the center to the
63 affiliate for service.

1 **SEC. 11. NEW SECTION. Trustees—reimbursement—restrictions.**

2 1. No community mental health center trustee shall receive any com-
3 pensation for his services in that office, but he shall be reimbursed for
4 actual and necessary personal expenses incurred in the performance of
5 his duties. An itemized and verified statement of any such expenses
6 may be filed with the secretary of the board of trustees, and shall be
7 allowed upon approval by the board.

8 2. No trustee shall have, directly or indirectly, any pecuniary inter-
9 est in the purchase or sale of any commodities or supplies procured for
10 or disposed of by the center.

1 **SEC. 12. NEW SECTION. Center organized as nonprofit corpora-**
2 **tion—agreement with county.** Each community mental health center
3 established or continued in operation pursuant to section three (3),
4 subsection two (2) of this Act shall be organized under the Iowa non-
5 profit corporation act appearing as chapter five hundred four A (504A)
6 of the Code, except that a community mental health center organized
7 under chapter five hundred four (504) of the Code prior to July 1, 1974
8 shall not be required by this Act to adopt the Iowa nonprofit corpora-
9 tion act if it is not otherwise required to do so by law. The board of
10 directors of each such community mental health center shall enter into
11 an agreement with the county or affiliated counties which are to be
12 served by the center, which agreement shall include but need not be
13 limited to the period of time for which the agreement is to be in force,
14 what services the center is to provide for residents of the county or
15 counties to be served, standards the center is to follow in determining
16 whether and to what extent persons seeking services from the center
17 shall be considered able to pay the cost of the services received, and
18 policies regarding availability of the center's services to persons who
19 are not residents of the county or counties served by the center. The
20 board of directors, in addition to exercising the powers of the board of
21 directors of a nonprofit corporation, may:

22 1. Recruit, promote, accept and use local financial support for the
23 community mental health center from private sources such as com-
24 munity service funds, business, industrial and private foundations,
25 voluntary agencies, and other lawful sources.

26 2. Accept and expend state and federal funds available directly to
27 the community mental health center for all or any part of the cost of
28 any service the center is authorized to provide.

29 3. Enter into contracts with affiliates, which may be an individual
30 or a public or private group, agency, or corporation, organized and
31 operating on either a profit or a nonprofit basis, for any of the services
32 described in section two (2), subsections one (1) through three (3)
33 of this Act to be provided by the affiliate to residents of the county or
34 counties served by the community mental health center who are
35 patients or clients of the center and are referred by the center to the
36 affiliate for service.

1 SEC. 13. NEW SECTION. **Annual budget.** The board of directors
2 of each community mental health center which is organized as a non-
3 profit corporation shall prepare an annual budget for the center and,
4 when satisfied with the budget, submit it to the auditor or auditors
5 of the county or affiliated counties served by the center, at the time
6 and in the manner prescribed by chapter twenty-four (24) of the Code.
7 The budget shall be subject to review by and approval of the board of
8 supervisors of the county which is served by the center or, in the case
9 of a center serving affiliated counties, by the board of supervisors of
10 each county, acting separately, to the extent the budget is to be
11 financed by taxes levied by that county or by funds allocated to that
12 county by the state which the county may by law use to help support
13 the center.

1 SEC. 14. NEW SECTION. **Support of center.** The board of super-
2 visors of any county served by a community mental health center
3 established or continued in operation as authorized by section one (1)
4 of this Act may expend money from the county mental health and insti-
5 tutions fund to pay the cost of any services described in section two
6 (2) of this Act which are provided by the center or by an affiliate under
7 contract with the center. However, the county board shall not expend
8 money from that fund, for mental health treatment obtained outside a
9 state institution in an amount exceeding eight dollars per capita in any
10 county having less than forty thousand population.

1 SEC. 15. NEW SECTION. **Comprehensive community mental health**
2 **program.** A community mental health center established or operating
3 as authorized by section one (1) of this Act, or which a county or
4 group of counties has agreed to establish or support pursuant to that
5 section, may with approval of the board or boards of supervisors of
6 the county or counties supporting or establishing the center, undertake
7 to provide a comprehensive community mental health program for the
8 county or counties. A center providing a comprehensive community
9 mental health program shall, at a minimum, make available to resi-
10 dents of the county or counties it serves all of the services described
11 in subsection one (1), including paragraphs a, b and c, and subsections
12 three (3), five (5) and six (6) of section two (2) of this Act.

1 **SEC. 16. NEW SECTION. Establishment of standards.** The Iowa
2 mental health authority, with approval of the committee on mental
3 hygiene and subject to the provisions of chapter seventeen A (17A)
4 of the Code, shall formulate and adopt and may from time to time
5 revise standards for community mental health centers and compre-
6 hensive community mental health programs, with the overall objective
7 of ensuring that each center and each affiliate providing services under
8 contract with a center furnishes high quality mental health services
9 within a framework of accountability to the community it serves. The
10 standards shall be in substantial conformity with those of the psychi-
11 atric committee of the joint committee on accreditation of hospitals
12 and other recognized national standards for evaluation of psychiatric
13 facilities unless in the judgment of the Iowa mental health authority,
14 with approval of the committee on mental hygiene, there are sound
15 reasons for departing from such standards. When formulating or
16 revising standards under this section, the Iowa mental health author-
17 ity shall designate an advisory committee representing boards of direc-
18 tors and professional staff of community mental health centers to
19 assist in the formulation or revision of standards. The standards
20 established under this section shall include requirements that each
21 community mental health center established or operating as author-
22 ized by section one (1) of this Act shall:

23 1. Maintain and make available to the public a written statement of
24 the services it offers to residents of the county or counties it serves,
25 and employ or contract for services with affiliates employing specified
26 minimum numbers of professional personnel possessing specified
27 appropriate credentials to assure that the services offered are fur-
28 nished in a manner consistent with currently accepted professional
29 standards in the field of mental health.

30 2. Unless it is governed by a board of trustees elected or selected
31 under sections five (5) and six (6) of this Act, be governed by a board
32 of directors which adequately represents interested professions, con-
33 sumers of the center's services, socio-economic, cultural and age
34 groups, and various geographical areas in the county or counties
35 served by the center.

36 3. The financial condition and transactions of each community men-
37 tal health center shall be audited once each year by the auditor of
38 state; provided, however, that in lieu of an audit by state accountants,
39 the local governing body of a community mental health center organ-
40 ized under the terms of this chapter in case it elects to do so, may
41 contract with or employ certified public accountants to conduct such
42 audit, pursuant to the applicable terms and conditions prescribed by
43 sections eleven point eighteen (11.18) and eleven point nineteen
44 (11.19) of the Code and audit format prescribed by the auditor of
45 state. Copies of each audit shall be furnished by the accountant
46 employed to the Iowa mental health authority and the board of super-
47 visors supporting the audited community mental health center.

1 **SEC. 17. NEW SECTION. Review and evaluation.** The committee
2 on mental hygiene may review and evaluate any community mental
3 health center upon its own motion or upon the recommendation of the
4 Iowa mental health authority, and the committee shall do so upon the
5 written request of the center's board of directors, its chief medical or

6 administrative officer, or the board of supervisors of any county from
7 which the center receives public funds. The cost of the review shall be
8 paid by the Iowa mental health authority.

1 SEC. 18. NEW SECTION. **Report of review and evaluation.** Upon
2 completion of a review made pursuant to section seventeen (17) of this
3 Act, the reviewing team shall submit its findings to the board of direc-
4 tors and chief medical or administrative officer of the center in such
5 manner as the team members deem most appropriate. If the reviewing
6 team concludes that the center fails to meet any of the standards estab-
7 lished pursuant to section sixteen (16), subsection one (1), of this Act
8 and that the response of the center to this finding is unsatisfactory,
9 these conclusions shall be reported to the committee on mental hygiene
10 which may forward the conclusions to the board of directors of the
11 center and request an appropriate response within a reasonable period
12 of time. If no response is received within a reasonable period of time,
13 or if the response is unsatisfactory, the committee may as its ultimate
14 sanction call this fact to the attention of the board of supervisors of
15 the county or counties served by the center, and in doing so shall indi-
16 cate what corrective steps have been recommended to the center's
17 board of directors.

1 SEC. 19. Section two hundred thirty point twenty-four (230.24),
2 Code 1973, is amended by striking unnumbered paragraph two (2).

Approved April 10, 1974

CHAPTER 1161

FOSTER CARE FOR CHILDREN

H. F. 1430

AN ACT relating to authority of the department of social services to arrange foster care placements for children, permitting the department to pay foster care parents directly for foster care, relating to responsibility for cost of foster care services, and authorizing the department to maintain accounts in the names of such children in which the funds of the children may be placed.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred thirty-two point fifty-three
2 (232.53), Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred five (105), section six
4 (6), is amended to read as follows:

5 **232.53 Recovery of costs—from another county or from the state.**
6 The county charged with the cost and expenses under sections 232.51
7 and 232.52 may recover the costs and expenses from the county where
8 the child has legal settlement by filing verified claims which shall be
9 payable as are other claims against the county. A detailed statement
10 of the facts upon which the claim is based shall accompany the claim.
11 Any dispute involving the legal settlement of a child for which the
12 court has ordered payment under authority of this section shall be
13 settled in accordance with sections 252.22 and 252.23. ~~The county~~