

1 SEC. 21. Section one hundred twenty-five point twenty-two (125.22), Code  
2 1975, is repealed.\*

Approved June 26, 1976

\*See also §11 hereof

## CHAPTER 1104

### LIABILITY FOR INSTITUTIONAL CARE

H. F. 292

AN ACT to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.

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

1 SECTION 1. Section one hundred twenty-five point twenty-eight (125.28), Code  
2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The board of supervisors shall upon receipt  
4 of the list of persons treated at any facility make a determination whether each  
5 such person or the persons legally liable for his or her support are able to pay the  
6 charges for the care and treatment at the facility. If the board finds such a person  
7 or the persons legally liable for his or her support are presently unable to pay for  
8 the treatment, it shall direct the auditor not to index the name of that person, as  
9 would otherwise be required by section one hundred twenty-five point thirty-three  
10 (125.33) of the Code. However the board may review its finding with respect to  
11 any person at any subsequent time at which another similar list is certified upon  
12 which that person's name appears. If the board finds upon review that that person  
13 or those legally liable for his or her support are presently able to pay for the  
14 treatment, that finding shall apply only to charges stated upon the list then before  
15 the board and any subsequent charges similarly certified, unless and until the  
16 board again changes its findings.

1 SEC. 2. Section one hundred twenty-five point thirty-two (125.32), Code 1975,  
2 is amended to read as follows:

3 **125.32 Transfer from institutional fund.** The county auditor upon receipt of  
4 ~~such~~ certification by the facility *as required by section one hundred twenty-five point*  
5 *twenty-eight (125.28) of the Code* shall enter the same to the credit of the facility  
6 and issue a notice ~~to~~ *authorizing* the county treasurer, ~~authorizing him~~ to transfer  
7 the amount from the county mental health and institutions fund to the ~~state~~  
8 ~~general fund~~ *credit of the facility*, which notice shall be filed by the treasurer as ~~his~~  
9 authority for making such transfer, and ~~shall include~~ the amount transferred ~~in~~  
10 ~~his~~ *shall be included in the auditor's* next remittance to the facility.

1 SEC. 3. Section one hundred twenty-five point thirty-three (125.33), Code  
2 1975, is amended to read as follows:

3 **125.33 County auditor to keep accounts.** The auditor of each county shall  
4 keep an accurate account of the total cost *to the county* of the care, maintenance,  
5 and treatment of any alcoholic and keep an index of the names of the alcoholics  
6 admitted from such county.

1 SEC. 4. Section one hundred twenty-five point thirty-four (125.34), Code 1975,  
2 is amended to read as follows:

3 **125.34 Collection of claims by board of supervisors.** The board of supervisors  
 4 shall collect the total amount of all such ~~claims and liabilities~~ *as they become due,*  
 5 *from those persons whom the board has found, under section one (1) of this Act, are*  
 6 *able to pay. The board shall direct the county attorney to proceed with the*  
 7 *collection of such ~~claims liabilities~~ as a part of the duties of his that office. The*  
 8 *county shall be entitled to keep the total amount of all such ~~claims liabilities~~*  
 9 *collected. The county attorney, with the consent of the board of supervisors, may*  
 10 *execute an agreement providing for the acceptance of a lesser amount owed by an*  
 11 *alcoholic, his or her spouse, or estate to the county. The execution of such*  
 12 *agreement may provide that the same is in satisfaction of all moneys owed the*  
 13 *county.*

1 SEC. 5. Section one hundred twenty-five point thirty-six (125.36), Code 1975,  
 2 is amended to read as follows:

3 **125.36 Claim against estate.** On the death of the person who receives  
 4 assistance under the provisions of this chapter, ~~the total amount paid for his care,~~  
 5 ~~maintenance, and treatment~~ *and whom the board has previously found, under section*  
 6 *one (1) of this Act, is able to pay there shall be allowed as a claim of the second*  
 7 ~~class~~ *against the estate of such person a claim of the sixth class for that portion of*  
 8 *the total amount paid for that person's care, maintenance and treatment which*  
 9 *exceeds the total amount of all claims of the first through the fifth classes, inclusive,*  
 10 *as defined in section six hundred thirty-three point four hundred twenty-five (633.425)*  
 11 *of the Code, which are allowed against that estate.*

1 SEC. 6. Section two hundred twenty-two point thirteen (222.13), Code 1975, is  
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon applying for admission of a person to  
 4 a hospital-school, or a special unit, the board of supervisors shall make a full  
 5 investigation into the financial circumstances of that person and those liable for  
 6 his or her support under section two hundred twenty-two point seventy-eight  
 7 (222.78) of the Code, to determine whether or not any of them are able to pay the  
 8 expenses arising out of the admission of the person to a hospital-school or special  
 9 treatment unit. If the board finds that the person or those legally responsible for  
 10 him or her are presently unable to pay such expenses, they shall direct that the  
 11 expenses be paid by the county. The board may review its finding at any  
 12 subsequent time while the person remains at the hospital-school, or is otherwise  
 13 receiving care or treatment for which this chapter obligates the county to pay. If  
 14 the board finds upon review that that person or those legally responsible for him  
 15 or her are presently able to pay such expenses, that finding shall apply only to the  
 16 charges so incurred during the period beginning on the date of the review and  
 17 continuing thereafter, unless and until the board again changes its finding. If the  
 18 board finds that the person or those legally responsible for him are able to pay  
 19 the expenses, they shall direct that the charges be so paid to the extent required  
 20 by section two hundred twenty-two point seventy-eight (222.78) of the Code, and  
 21 the county auditor shall be responsible for the collection thereof.

1 SEC. 7. Section two hundred twenty-two point eighteen (222.18), Code 1975, is  
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon the filing of the petition, the court  
 4 shall enter an order directing the county attorney of the county in which the  
 5 allegedly mentally retarded person resides to make a full investigation regarding  
 6 the financial condition of that person and of those persons legally liable for his  
 7 support under section two hundred twenty-two point seventy-eight (222.78) of the  
 8 Code.

1 SEC. 8. Section two hundred twenty-two point thirty-one (222.31), Code 1975,  
 2 is amended by adding the following new subsection:

3 NEW SUBSECTION. The court shall examine the report of the county attorney  
 4 filed pursuant to section two hundred twenty-two point thirteen (222.13) of the  
 5 Code, and if the report shows that neither the person nor those liable for his or  
 6 her support under section two hundred twenty-two point seventy-eight (222.78) of  
 7 the Code are presently able to pay the charges rising out of the person's care in  
 8 the hospital-school, or special treatment unit, shall enter an order stating that  
 9 finding and directing that the charges be paid by the person's county of residence.  
 10 The court may, upon request of the board of supervisors, review its finding at any  
 11 subsequent time while the person remains at the hospital-school, or is otherwise  
 12 receiving care or treatment for which this chapter obligates the county to pay. If  
 13 the court finds upon review that the person or those legally responsible for him or  
 14 her are presently able to pay such expenses, that finding shall apply only to the  
 15 charges incurred during the period beginning on the date of the board's request  
 16 for the review and continuing thereafter, unless and until the court again changes  
 17 its finding. When the court finds that the person, or those liable for his or her  
 18 support, are able to pay the charges, the court shall enter an order directing that  
 19 the charges be so paid to the extent required by section two hundred twenty-two  
 20 point seventy-eight (222.78) of the Code.

1 SEC. 9. Section two hundred twenty-two point eighty-two (222.82), Code 1975,  
 2 is amended to read as follows:

3 **222.82 Collection of claims.** The board of supervisors of each county may  
 4 direct the county attorney to proceed with the collection of said *liabilities and*  
 5 *claims* as a part of the duties of his office when the board of supervisors deems  
 6 such action advisable. The board of supervisors may and is hereby empowered to  
 7 compromise any and all liabilities to the county arising under this chapter when  
 8 such compromise is deemed to be in the best interests of the county. Any  
 9 collections and liens shall be limited in conformance to section 614.1,  
 10 subsection 4.

1 SEC. 10. Section two hundred thirty point twenty-one (230.21), Code 1975, is  
 2 amended to read as follows:

3 **230.21 Duty of county auditor and treasurer.** The county auditor, upon  
 4 receipt of such certificate, shall thereupon enter the same to the credit of the state  
 5 in his *or her* ledger of state accounts, *shall furnish to the board of supervisors a list*  
 6 *of the names of the persons so certified*, and at once issue a notice to his *authorizing*  
 7 *the county treasurer, authorizing him* to transfer the amount from the county  
 8 mental health and institutions fund to the general state revenue, which notice  
 9 shall be filed by the treasurer as his authority for making such transfer, and ~~shall~~  
 10 ~~include~~ the amount so transferred in his ~~next remittance of state taxes shall be~~  
 11 *remitted* \*to the treasurer of state, designating the fund to which it belongs.

1 SEC. 11. Section two hundred thirty point twenty-five (230.25), Code 1975, is  
 2 amended by striking the section and inserting in lieu thereof the following:

3 **230.25 Financial investigation by supervisors.** Upon receipt from the county  
 4 auditor of the list of names furnished pursuant to section two hundred thirty  
 5 point twenty-one (230.21) of the Code, the board of supervisors shall make an  
 6 investigation to determine the ability of each person whose name appears on the  
 7 list, and also the ability of any person liable under section two hundred thirty  
 8 point fifteen (230.15) of the Code for the support of that person, to pay the  
 9 expenses of that person's hospitalization. If the board finds that neither the  
 10 hospitalized person nor any person legally liable for his or her support is able to  
 11 pay those expenses, they shall direct the county auditor not to index the names of  
 12 any of those persons as would otherwise be required by section two hundred  
 13 thirty point twenty-six (230.26) of the Code. However the board may review its  
 14 finding with respect to any person at any subsequent time at which another list is  
 15 furnished by the auditor upon which that person's name appears. If the board  
 16 finds upon review that that person or those legally liable for his or her support are

\*See also Chapter 1132, §10 for conflicting provision

17 presently able to pay the expenses of that person's hospitalization, that finding  
 18 shall apply only to charges stated upon the certificate from which the list was  
 19 drawn up and any subsequent charges similarly certified, unless and until the  
 20 board again changes its finding.

1 SEC. 12. Section two hundred thirty point twenty-six (230.26), Code 1975, is  
 2 amended to read as follows:

3 **230.26 Auditor to keep record.** The auditor of each county shall keep an  
 4 accurate account of the cost of the maintenance of any patient kept in any  
 5 institution as provided for in this chapter and keep an index of the names of the  
 6 persons admitted or committed from such county ~~and the indexing and the record~~  
 7 ~~of the account of such patient in the office of the county auditor shall constitute~~  
 8 ~~notice of such lien.~~ The name of the husband or the wife of such person  
 9 designating such party as the spouse of the person admitted or committed shall  
 10 also be indexed in the same manner as the names of the persons admitted or  
 11 committed are indexed. *The book shall be designated as an account book or index,*  
 12 *and shall have no reference in any place to a lien.*

1 SEC. 13. Section two hundred thirty point thirty (230.30), Code 1975, is  
 2 amended to read as follows:

3 **230.30 Claim against estate.** On the death of a person receiving or who has  
 4 received assistance under the provisions of this chapter, ~~the total amount paid for~~  
 5 ~~their care and whom the board has previously found, under section eleven (11) of this~~  
 6 ~~Act, is able to pay there shall be allowed as a claim of the second class~~ against the  
 7 estate of such decedent *a claim of the sixth class for that portion of the total amount*  
 8 *paid for that person's care which exceeds the total amount of all claims of the first*  
 9 *through the fifth classes, inclusive, as defined in section six hundred thirty-three point*  
 10 *four hundred twenty-five (633.425) of the Code, which are allowed against that estate.*

1 SEC. 14. Section two hundred fifty-two point thirteen (252.13), Code 1975, is  
 2 amended to read as follows:

3 **252.13 Recovery by county.** Any county having expended any money for the  
 4 relief or support of a poor person, under the provisions of this chapter, may  
 5 recover the same from any of ~~his~~ *that person's* kindred mentioned herein, from  
 6 such poor person should he *or she* become able, or from his *or her* estate; from  
 7 relatives by action brought within two years from the payment of such expenses,  
 8 from such poor person by action brought within two years after becoming able,  
 9 and from such person's estate by filing the claim as provided by law. *There shall*  
 10 *be allowed against the person's estate a claim of the sixth class for that portion of the*  
 11 *liability to the county which exceeds the total amount of all claims of the first through*  
 12 *the fifth classes, inclusive, as defined in section six hundred thirty-three point four*  
 13 *hundred twenty-five (633.425) of the Code, which are allowed against that estate.*

1 SEC. 15. All liens created under section two hundred thirty point twenty-five  
 2 (230.25), as that section appeared in the Code of 1975 and prior editions of the  
 3 Code, are abolished effective January 1, 1977, except as otherwise provided by  
 4 this Act. The board of supervisors of each county shall, as soon as practicable  
 5 after July 1, 1976, review all liens resulting from the operation of said section two  
 6 hundred thirty point twenty-five (230.25), Code 1975, and make a determination  
 7 as to the ability of the person against whom the lien exists to pay the charges  
 8 represented by the lien, and if they find that the person is able to pay those  
 9 charges they shall direct the county attorney of that county to take immediate  
 10 action to enforce the lien. If action is commenced under this section on any lien  
 11 prior to the effective date of the abolition thereof, that lien shall not be abolished  
 12 but shall continue until the action is completed.

1 SEC. 16. Any claim filed against the estate of a decedent under the provisions  
 2 of section one hundred twenty-five point thirty-six (125.36), Code 1975, section  
 3 one hundred twenty-three B point sixteen (123B.16) as that section appeared in

4 the Codes of 1973 and 1971, or sections two hundred twenty-two point eighty-one  
 5 (222.81) or two hundred thirty point thirty (230.30) as they appeared in the Code  
 6 of 1975 and prior Codes, which claim was filed but had not been satisfied prior to  
 7 the effective date of this Act, shall be allowed only to the extent the claim would  
 8 have been allowed if filed under sections one hundred twenty-five point thirty-six  
 9 (125.36), two hundred twenty-two point eighty-one (222.81), or two hundred thirty  
 10 point thirty (230.30) of the Code as amended by this Act.

1 SEC. 17. Sections two hundred thirty point twenty-eight (230.28), two hundred  
 2 thirty point twenty-nine (230.29), two hundred fifty-two point ten (252.10), two  
 3 hundred fifty-two point eleven (252.11), and two hundred fifty-two point twelve  
 4 (252.12), Code 1975, are repealed.

Approved May 7, 1976

## CHAPTER 1105

### SERVICE PROGRAMS

H. F. 1514

AN ACT making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority.

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

1 SECTION 1. There is appropriated from the general fund of the state for the  
 2 following agencies the following amounts, or so much thereof as is necessary, for  
 3 the fiscal year beginning July 1, 1976 and ending June 30, 1977, to be used in the  
 4 manner designated:

	1976-77 <u>Fiscal year</u>
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1. COMMISSION ON AGING

a. For salaries, support, maintenance and miscellaneous purposes ... \$ 70,000

It is the intent of the general assembly in making this appropriation that the commission on the aging may hire an additional clerk if it is determined that adequate funds are available within the limits of this appropriation.

b. For the area agencies on aging for maintenance of current program effort and administrative expenditures of the area agencies ... \$ 196,000

2. IOWA STATE CIVIL RIGHTS COMMISSION

For salaries, support, maintenance and miscellaneous purposes including an amount, which shall be paid to any city in the state for use by that city's human rights commission, equal to the amount of any federal funds which would have been available to that city if cases had been waived by the Iowa state civil rights commission under the provisions of a contract between that city's human rights commission and the United States equal employment opportunity commission ..... \$ 292,000

It is the intent of the general assembly in making this appropriation to the Iowa state civil rights commission that the increase in the appropriation over the 1975-76 fiscal year shall be used to the maximum extent possible to support volunteers in service to America lawyers engaged in performing a service for the civil rights commission. Such lawyers shall maintain lists of numbers and names of cases upon which they work, lists of cases completed, information relating to location