

CHAPTER 1003

CLAIMS

H. F. 2584

AN ACT relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa.

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

Section 1. There is appropriated from the general fund and road use tax fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

Claimant	Claim No.	Nature of Claim	Amount
1. Johnson and Phelan Law Firm Fort Madison, Iowa	4149-67-25	Legal services	\$ 195.00
2. Johnson and Phelan Law Firm Fort Madison, Iowa	4287-67-25	Legal services	150.00
3. Michael Aloysius Fedler Fort Madison, Iowa	5002-68-25	Stolen property	34.00
4. Northwest Iowa Work Activity Center Sheldon, Iowa	5033-68-25	Title XX claim	13,230.62
5. Gary Douglas Des Moines, Iowa	5110-68-25	Hospital bill	26.00
6. Charlotte E. Noor Rockwell City, Iowa	5225-68-25	Day of pay	21.92

7.	Patrick Dean Wilson Cedar Falls, Iowa	5298-68-25	Property damage	86.52
8.	Lyle C. Haner Hastings, Iowa	5426-68-25	Lost wages and benefits	3,712.16
9.	Darla Arends Zearing, Iowa	5488-68-25	Medical costs	673.04
10.	Polk County Des Moines, Iowa	5616-68-25	Personal prop- erty credit refund	110,000.00
11.	Wall Lake Transfer Wall Lake, Iowa	5676-68-25	Prorate refund	342.84
12.	James P. Farnsworth Lehigh, Iowa	5758-68-25	Broken eyeglasses	50.00
13.	Wilbur Dean Durfey Clarinda, Iowa	5830-68-25	Prorate refund	155.69
14.	Barbara B. Lyons Cummings, Iowa	5903-68-25	Moving expenses	478.80
15.	Margaret Ward Bryon Grinnell, Iowa	5126-68-25	Retroactive merit pay	97.52
16.	Marion Health Center, St. Vincent Unit Sioux City, Iowa	5705-68-25	Alcoholism treatment reimbursement	1,862.50

Sec. 2. The amount of the claim against the state in subsections eleven (11) and thirteen (13) of section one (1) of this Act shall be paid from the road use tax fund. The amount of the claim against the state in subsection fourteen (14) of section one (1) of this Act shall be paid from funds appropriated to the department of health. The remainder of the claims listed in section one (1) of this Act shall be paid from the general fund of the state.

Sec. 3. The general assembly disapproves of all other claims submitted to and considered by the state appeal board by and during the month of March, 1980.

Sec. 4. Section one hundred twenty-five point forty-four (125.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of a substance abuser, except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient. All payments for state patients shall be made in accordance with the limitations of this section. Such

contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

Sec. 5. Section one hundred twenty-five point forty-four (125.44), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. The substance abuser is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser while a voluntary or committed patient in a facility. The substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment in the facility to the department. This section does not prohibit any individual from paying any portion of the cost of treatment.

NEW SUBSECTION. The department is liable for the cost of care, treatment, and maintenance of a substance abuser admitted to the facility voluntarily or pursuant to section one hundred twenty-five point thirty-four (125.34), one hundred twenty-five point thirty-five (125.35), three hundred twenty-one point two hundred eighty-one (321.281), three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), two hundred four point four hundred nine (204.409), subsection two (2) or two hundred twenty-nine point fifty-two (229.52) of the Code only to those facilities that have a contract with the department under section one hundred twenty-five point forty-four (125.44) of the Code, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the substance abuser is unable to pay such costs and there is no other person, firm, corporation or insurance company bound to pay such costs.

NEW SUBSECTION. The department's maximum liability for the costs of care, treatment and maintenance of substance abusers in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section.

Sec. 6. Chapter one hundred twenty-five (125), Code 1979, is amended by adding the following new section:

NEW SECTION. LIST OF CONTRACTING FACILITIES. The department shall provide a current list of facilities that have a contract with the department to the clerk of each district court in the state. The clerk shall provide the list to all district court judges and judicial magistrates in the district.

Sec. 7. Section two hundred four point four hundred nine (204.409), subsection two (2), Code 1979, is amended to read as follows:

2. Whenever the court finds that a person who is charged with a violation of section 204.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of said that section, and-who is addicted to, dependent upon, or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, it may order that he the person be committed as an in-patient or out-patient to a facility approved licensed by the state department of health substance abuse for such medical treatment and rehabilitative services. A person committed under this subsection who is not

possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code. The determination of ability to pay shall be made by the court. The court shall require the patient, or ~~his~~ the patient's parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for ~~his~~ the patient's support to reimburse the state with the costs, or any part thereof. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit ~~such~~ the person to the custody of a public or private agency or any other responsible person and impose ~~such~~ other conditions upon ~~such~~ the commitment as ~~is~~ necessary to insure compliance with the court's order and to insure that ~~such~~ the person will not, during ~~such~~ the period of treatment and rehabilitation, again violate ~~any--provisions~~ a provision of this chapter. If it is established thereafter to the satisfaction of the court that the person has again violated ~~any~~ a provision of this chapter, ~~he~~ the person may be returned to custody or sentenced upon ~~his~~ conviction as provided by law. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from ~~his~~ addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of ~~his~~ the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence ~~him~~ the person as provided by law but may remit all or any part of ~~such~~ the sentence and place the person on probation upon ~~such~~ terms and conditions as the court may prescribe.

Sec. 8. Section two hundred twenty-nine point fifty-two (229.52), subsection three (3), Code 1979, is amended to read as follows:

3. A respondent committed under this section shall remain in the custody of a facility for treatment for a period of thirty days unless sooner discharged. The costs of treatment of a person committed under this division shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code subject to the qualifications of this subsection. This division shall not be construed to require the department to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of substance abuse. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility before expiration of the period petitions the court for an order for the respondent's recommitment upon the grounds set forth in subsection 1 of section 229.51 for a further period not to exceed ninety days.

Sec. 9. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

In lieu of, or prior to imposition of, the punishment above described for second offense, third offense and each offense thereafter, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his or her addiction, dependency or tendency to chronically abuse alcohol or drugs. A person committed under this section who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code.

Sec. 10. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1979, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.43 and designated by the ~~division on alcoholism~~ Iowa department of substance abuse. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state as provided in section one hundred twenty-five point forty-four (125.44) of the Code.

Sec. 11. Section one hundred twenty-five point forty-eight (125.48), Code 1979, is repealed.

Approved May 23, 1980