

CHAPTER 16

INTERSTATE CONTRACTS FOR SUBSTANCE ABUSE AND MENTAL HEALTH CARE AND TREATMENT

S.F. 440

AN ACT relating to interstate contracts for substance abuse and mental health care and treatment.

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

Section 1. NEW SECTION. 331.910 Interstate contracts for mental health and substance-related disorder treatment.

1. *Purpose.* The purpose of this section is to enable appropriate care and treatment to be provided to a person with a substance-related disorder or a mental illness, across state lines from the person's state of residence, in qualified hospitals, centers, and facilities.

2. *Definitions.* For the purposes of this section:

a. "Bordering state" means Illinois, Minnesota, Missouri, Nebraska, South Dakota, or Wisconsin.

b. "Receiving agency" means a public or private hospital, mental health center, substance abuse treatment and rehabilitation facility, or detoxification center, which provides substance abuse or mental health care and treatment to a person from a state other than the state in which a hospital, center, or facility is located.

c. "Receiving state" means the state in which a receiving agency is located.

d. "Region" means a mental health and disability services region formed in accordance with section 331.389 or a county that has been exempted by the director of human services from being required to be a part of a mental health and disability services region in accordance with section 331.389.

e. "Sending agency" means a state or regional agency located in a state which sends a person to a receiving state for substance abuse or mental health care and treatment under this section.

f. "Sending state" means the state in which a sending agency is located.

3. *Voluntary civil commitments.*

a. A region may contract with a receiving agency in a bordering state to secure substance abuse or mental health care and treatment under this subsection for persons who receive substance abuse or mental health care and treatment pursuant to section 125.33 or 229.2 through a region.

b. This subsection shall not apply to a person who is any of the following:

- (1) Serving a criminal sentence.
- (2) On probation or parole.
- (3) The subject of a presentence investigation.

c. A region may contract with a sending agency in a bordering state to provide care and treatment under this subsection for residents of the bordering state in approved substance abuse and mental health care and treatment hospitals, centers, and facilities in this state, except that care and treatment shall not be provided for residents of the bordering state who are involved in criminal proceedings substantially similar to the involvement described in paragraph "b".

4. *Involuntary civil commitments.*

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75 or 229.6 may be civilly committed and treated in another state pursuant to a contract under this section.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75 or 229.6 may be civilly committed and treated in this state pursuant to a contract under this section.

c. A law enforcement officer acting under the authority of a sending state may transport a person to a receiving agency that provides substance abuse or mental health care and treatment pursuant to a contract under this subsection and may transport the person back to the sending state under the laws of the sending state.

d. Court orders valid under the law of the sending state are granted recognition and reciprocity in the receiving state for a person covered by a contract under this subsection to the extent that the court orders relate to civil commitment for substance abuse or mental health care and treatment. Such care and treatment may include care and treatment for co-occurring substance-related and mental health disorders. Such court orders are not subject to legal challenge in the courts of the receiving state.

e. A person who is detained, committed, or placed under the laws of a sending state and who is transferred to a receiving state under this section shall be considered to be in the legal custody of the authority responsible for the person under the laws of the sending state with respect to the involuntary civil commitment of the person due to a mental illness or a substance-related disorder.

f. While in the receiving state pursuant to a contract under this subsection, a person detained, committed, or placed under the laws of a sending state shall be subject to all laws and regulations of the receiving state, except those laws and regulations with respect to the involuntary civil commitment of the person due to a mental illness or substance-related disorder. A person shall not be sent to a receiving state pursuant to a contract under this section until the receiving state has enacted a law recognizing the validity and applicability of this subsection.

g. If a person receiving care and treatment pursuant to a contract under this subsection escapes from the receiving agency and the person at the time of the escape is subject to involuntary civil commitment under the laws of the sending state, the receiving agency shall use all reasonable means to recapture the escapee. The receiving agency shall immediately report the escape of the person to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the pursuit, retaking, and prosecution of escaped persons within its borders and is liable for the cost of such action to the extent that it would be liable for costs if its own resident escaped.

h. Responsibility for payment for the cost of care and treatment under this subsection shall remain with the sending agency.

5. A contract entered into under this section shall, at a minimum, meet all of the following requirements:

a. Describe the care and treatment to be provided.

b. Establish responsibility for the costs of the care and treatment, except as otherwise provided in subsection 4.

c. Establish responsibility for the costs of transporting individuals receiving care and treatment under this section.

d. Specify the duration of the contract.

e. Specify the means of terminating the contract.

f. Identify the goals to be accomplished by the placement of a person under this section.

6. This section shall apply to all of the following:

a. Detoxification services that are unrelated to substance abuse or mental health care and treatment regardless of whether the care and treatment are provided on a voluntary or involuntary basis.

b. Substance abuse and mental health care and treatment contracts that include emergency care and treatment provided to a resident of this state in a bordering state.

Approved March 31, 2015