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County Govt. 2/15

SENATE FILE 212

By MILLER
(Mayberry)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county homes.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred fifty-three point three
2 (253.3), Code 1971, is amended as follows:

3 253.3 ANNUAL PUBLISHED REPORT. The costs of care of
4 residents of the county home shall be paid from, and receipts
5 attributable to the care of residents thereof shall be credited
6 to, the fund established by section 444.12. The costs incurred
7 in any farming operations conducted at or in connection with
8 the county home shall be paid from, and the receipts attribut-
9 able to such farming operations shall be credited to, the
10 county poor fund. In case of joint use of employees or
11 facilities of the county home, the costs incurred shall be
12 prorated between care of patients and farming operations in
13 the proportions the board of supervisors shall estimate is
14 correct. The board of supervisors shall, during the month
15 of January of each year, publish in the official papers of
16 the county as part of its proceedings, a financial-statement-
17 of-the-receipts report of the operations of the county home,
18 ex-county and farm, itemizing the same and stating the source-
19 thereof for the preceding calendar year, which report shall
20 also set forth the total expenditures thereof and include:

21 1. A financial statement showing specifically the receipts
22 and the costs attributable to care of residents, with the
23 reasonable cost of any food produced on the county farm and
24 consumed by the residents of the county home shown as a part
25 of the costs.

26 2. A separate financial statement showing specifically
27 the receipts and expenditures attributable to any farming
28 operations conducted at or in connection with the county home.

29 3. A statement of the value of the property on hand on
30 January 1 of the year for which the report is made and a com-
31 parison with the inventory of the previous year.

32 Sec. 2. Section two hundred fifty-three point four (253.4),
33 Code 1971, is amended as follows:

34 253.4 STEWARD. The board may of supervisors of any county
35 in which a county home is established and operated under this

1 chapter shall appoint a steward of the county home, who shall
2 be governed in all respects by the rules and regulations
3 of the board and its committees, and may be removed by the
4 board at its pleasure, and who shall receive such compensation,
5 perform such duties, and give such security for his faithful
6 performance as the board may direct. Unless the person
7 appointed is licensed under sections 147.118 through 147.130,
8 inclusive, no appointment of a steward shall become final
9 until the county home advisory board has reviewed the
10 appointee's qualifications and made a recommendation thereon
11 to the board of supervisors, which shall consider but shall
12 not be bound by the recommendation. The board of supervisors
13 or its designee shall inspect the books and accounts of the
14 steward at least once each month.

15 Sec. 3. Section two hundred fifty-three point five (253.5),
16 Code 1971, is amended as follows:

17 253.5 ADMISSION--LABOR REQUIRED. The steward shall receive
18 into the county home any person producing an order as hereafter
19 provided, and enter in a book to be kept for that purpose,
20 the name, age, and date of his reception, and may require
21 of persons so admitted such reasonable and moderate labor
22 as may be suited to their ages and bodily strength, ~~the~~
23 ~~proceeds of which, together with the receipts of the poor~~
24 ~~farm, shall be appropriated to the use of the county home~~
25 ~~in such manner as the board may determine.~~

26 Sec. 4. Section two hundred fifty-three point six (253.6),
27 Code 1971, is amended by striking the section and inserting
28 in lieu thereof the following:

29 253.6 MANNER OF ADMISSION. Residents may be admitted
30 to the county home upon voluntary application, by written
31 order of the board of supervisors, or committed thereto by
32 the commission of hospitalization upon authorization of the
33 board of supervisors. Patients of other institutions may
34 be transferred to the county home with approval of the board
35 of supervisors. Residents of the county home shall conform

1 to the rules and regulations of the home.

2 Sec. 5. Section two hundred fifty-three point seven
3 (253.7), Code 1971, is amended by striking the section and
4 inserting in lieu thereof the following:

5 253.7 DEPARTURE OR DISCHARGE. Residents admitted to the
6 county home upon voluntary application may cease to reside
7 there at any time, but shall not thereafter be entitled to
8 resume residence without the approval of the board of
9 supervisors, and they may be discharged from the home at any
10 time the board of supervisors determines such discharge is
11 in the best interest of the patient or the home. Residents
12 committed to the county home by the commission of
13 hospitalization or transferred there from another institution
14 shall be discharged or transferred to another institution
15 at any time upon order of the commission or of the institution
16 from which the patient was transferred to the county home,
17 as the case may be.

18 Sec. 6. Section two hundred fifty-three point eight
19 (253.8), Code 1971, is amended as follows:

20 253.8 VISITATION AND INSPECTION. ~~The board shall cause-~~
21 ~~the county home to~~ shall be visited at least once a month
22 ~~by one-of-its-body~~ the county home advisory board, who which
23 shall carefully examine the condition of the ~~inmates~~ residents
24 and the manner in which they are fed and clothed and otherwise
25 provided for and treated, ascertain what labor they are
26 required to perform and whether recreational and
27 rehabilitative programs suited to their needs are available,
28 ~~inspect-the-books-and-accounts-of-the-steward~~ determine
29 whether the applicable requirements of chapter 135C of the
30 Code are being met, and look into all matters pertaining to
31 the county home and its ~~inmates~~ residents, and report to the
32 board of supervisors.

33 Sec. 7. Section two hundred fifty-three point nine (253.9),
34 Code 1971, is amended by striking the section and inserting
35 in lieu thereof the following:

1 253.9 COUNTY HOME ADVISORY BOARD. In each county in which
2 a county home is established and operated under this chapter,
3 there shall be a county home advisory board. The board shall
4 be composed of four members, as follows:

5 1. A member appointed by the board of supervisors to
6 represent the medical profession in the county.

7 2. A member appointed by the board of supervisors to
8 represent agencies, groups, or associations in the county
9 interested either professionally or otherwise in mental health
10 and the delivery of mental health services to persons in the
11 county. For the purposes of this subsection the term "mental
12 health" shall include efforts to combat mental retardation.

13 3. The county director of social services, or his designee.

14 4. A member representing the district office of the
15 rehabilitation education services branch of the department
16 of public instruction designated to serve the county.

17 The members appointed by the board of supervisors shall
18 receive twenty-five dollars per diem for each day actually
19 devoted to the duties of their office, and shall serve for
20 terms of two years beginning July 1 of the year in which they
21 are appointed, except that in making the first appointments
22 under this section the board of supervisors shall designate
23 one appointee to serve a term of one year.

24 Sec. 8. Section two hundred fifty-three point ten (253.10),
25 Code 1971, is amended as follows:

26 253.10 LETTING OUT. The board of supervisors is invested-
27 with authority to let out may lease the support of the poor-
28 with the use and occupancy of the county home and or its farm
29 land to any person, firm, or corporation, on a bid basis,
30 for an initial period of one year, and may renew the lease
31 with the same party for a period successive periods not
32 exceeding three years. The board of supervisors shall reserve
33 the right to cancel the lease at any time it finds the care
34 provided residents of the home inadequate or unsatisfactory,
35 or at any time the lessee in any other manner fails to abide

1 by terms of the lease.

2 Sec. 9. Section two hundred fifty-three point eleven
3 (253.11), Code 1971, is amended as follows:

4 253.11 JOINT CARE BY TWO COUNTIES. The board of super-
5 visors may, at its discretion and in the interests of effi-
6 ciency and economy ~~in-the-care-of-its-peer~~, enter into an
7 agreement with the board of any adjoining county for the
8 transfer of the ~~inmates~~ residents of the county home of one
9 of said counties to that of the other and for the mutual
10 support and maintenance of said ~~inmates~~ residents by said
11 counties. The cost of maintaining and supporting said ~~inmates~~
12 residents shall be divided between the two counties upon
13 an equitable basis to be mutually agreed upon by the joint
14 boards of the contracting counties.

15 Sec. 10. Chapter two hundred fifty-three (253) of the
16 Code is amended by adding the following new section:

17 "SUPPORT OF RESIDENTS. Any resident admitted or committed
18 to the county home, any other person legally bound for the
19 support of the resident, and the estate of the resident or
20 of any person legally bound for his support, shall be liable
21 to the county for the cost of the resident's care at the
22 county home, as determined on the basis of the most recent
23 annual report of the operations of the county home. The
24 liability may be enforced in the manner prescribed by sections
25 two hundred thirty point twenty-five (230.25) through two
26 hundred thirty point thirty (230.30) of the Code, however
27 the board of supervisors may make a compromise settlement
28 of any such liability when deemed in the best interest of
29 the county."

30 Sec. 11. Section two hundred thirty point twenty-five
31 (230.25), Code 1971, is amended as follows:

32 230.25 LIEN OF ASSISTANCE. Any assistance furnished under
33 this chapter, or under the provisions of chapter 253 of the
34 Code, shall be and constitute a lien on any real estate owned
35 by the person admitted or committed to such institution or

1 owned by either the husband or the wife of such person. Such
2 lien shall be effective against the real estate owned by the
3 husband or wife of such person only in the event that the
4 name of the husband or the wife of such person is indexed
5 by the auditor. No lien imposed by this statute against any
6 real estate of a husband or wife of such person prior to July
7 4, 1959 shall be effective against the property of such husband
8 or wife unless prior to July 4, 1960, the name of such husband
9 or wife of such person shall be indexed.

10 Sec. 12. Section two hundred thirty point twenty-six
11 (230.26), Code 1971, is amended as follows:

12 230.26 AUDITOR TO KEEP RECORD. The auditor of each county
13 shall keep an accurate account of the cost of the maintenance
14 of any patient kept in any institution as provided for in
15 this chapter, or cared for in the county home, and keep an
16 index of the names of the persons admitted or committed from
17 such county and the indexing and the record of the account
18 of such patient in the office of the county auditor shall
19 constitute notice of such lien. The name of the husband or
20 the wife of such person designating such party as the spouse
21 of the person admitted or committed shall also be indexed
22 in the same manner as the names of the persons admitted or
23 committed are indexed.

24 Sec. 13. Section two hundred thirty point twenty-nine
25 (230.29), Code 1971, is amended as follows:

26 230.29 RELEASING LIEN. The board of supervisors of the
27 county shall release liens accruing under the provisions of
28 this chapter, or under the provisions of chapter 253 of the
29 Code, when fully paid or when compromised and settled by the
30 board of supervisors or when the estate of which the real
31 estate affected by this chapter is a part has been probated
32 and the proceeds allowable have been applied on such liens.

33 Sec. 14. Section two hundred thirty point thirty (230.30),
34 Code 1971, is amended as follows:

35 230.30 CLAIM AGAINST ESTATE. On the death of a person

1 receiving or who has received assistance under the provisions
2 of this chapter, or under the provisions of chapter 253 of
3 the Code, the total amount paid for their care shall be allowed
4 as a claim of the ~~second~~ sixth class against the estate of
5 such decedent.

6 EXPLANATION

7 This bill updates the present county home law to reflect
8 more accurately the present use and mode of operation of
9 county homes, and to take note of the requirements imposed
10 on county homes by actions of the 63rd General Assembly,
11 Second Session, in requiring licensing of nursing home
12 administrators and revising the state's nursing homes law
13 (chapter 135C of the Code). The bill creates a new four-
14 member county home advisory board, composed of a doctor, a
15 mental health representative, the county director of social
16 services or his representative, and a representative of the
17 Rehabilitation Education Services Branch (formerly Division
18 of Vocational Rehabilitation). This board takes over the
19 responsibility of visiting and inspecting the county home
20 once a month, which is now imposed by law upon the board of
21 supervisors, and is given the added responsibility of
22 determining whether the county home residents have available
23 to them adequate recreational and rehabilitative programs,
24 and whether the county home is complying with the applicable
25 requirements of the nursing home law.

26 The bill makes certain provisions of chapter 230, relating
27 to support of the mentally ill, applicable to support of
28 county home residents. The effect of the insertion of the
29 word "sixth" in place of the word "second" in section 230.30
30 is to make claims of the county against the estate of a
31 decedent, who is indebted to the county for care in a mental
32 health institute or a county home, a sixth class claim rather
33 than a second class claim, in conformity with the 1963 Iowa
34 probate code.

35 Many of the changes in present law made by this bill were

1 recommended by the legislative State Mental Health Institutions
2 Study Committee which functioned in 1967 and 1968.

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