

FILED APR 11 1978

SENATE FILE 2234

By COMMITTEE ON HUMAN RESOURCES

Approved 4-11 (P 851)

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

A BILL FOR

1 An Act providing for the future establishment of a unified
2 state mental health agency, creating a state mental
3 health advisory council, and authorizing county boards
4 of supervisors to implement a policy that admission to
5 a state mental health institute shall be based on a
6 preliminary diagnostic evaluation by a community
7 mental health center or an alternative diagnostic
8 facility.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
10

SENATE FILE 2234

S-5612

1 Amend Senate File 2234 as follows:

- 2 1. Page 1, by striking lines 28 through 32 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 3.
- 5 1. There is established a state mental health
- 6 advisory council consisting of eleven members appointed
- 7 by the governor, who".
- 8 2. Page 1, line 33, by striking the word "three"
- 9 and inserting in lieu thereof the word "four".
- 10 3. Page 1, line 34, by striking the word "two"
- 11 and inserting in lieu thereof the word "four".
- 12 4. Page 1, line 35, by striking the word "two"
- 13 and inserting in lieu thereof the word "three".
- 14 5. Page 2, by striking lines 1 through 10 and
- 15 inserting in lieu thereof the words "June 30, 1979.
- 16 Successors to the initial appointees under this
- 17 section".
- 18 6. Page 2, by striking lines 20 and 21 and
- 19 inserting in lieu thereof the words "The governor
- 20 shall make".

S-5612 FILED
APRIL 20, 1978

BY ROLF V. CRAFT
EUGENE M. HILL

1 Section 1. The objective of this Act is to continue and
2 to strengthen the mental health services now available in
3 the state of Iowa, to make these services uniformly and
4 conveniently available to all residents of this state, and
5 to assure the continued high quality of these services. The
6 purpose of sections two (2) through eight (8) of this Act
7 is to begin efforts to achieve that objective. It is the
8 intent of this Act that more detailed proposals for the
9 achievement of that objective shall be formulated and delivered
10 to the first session of the Sixty-eighth General Assembly.

11 Sec. 2.

12 1. A unified state mental health agency having broad
13 responsibility both to plan, coordinate and review the delivery
14 of mental health services in this state, and to directly
15 deliver certain mental health services, shall be established
16 effective July 1, 1979. The title, administrative structure,
17 and specific powers and duties of the unified state mental
18 health agency shall be as prescribed by the 1979 Session of
19 the Sixty-eighth General Assembly.

20 2. If the governor determines that it would not be in
21 the best interest of the state for subsection one (1) of this
22 section to be implemented on July 1, 1979, or if legislation
23 prescribing the title, administrative structure, and specific
24 powers and duties of the unified state mental health agency
25 has not been approved prior to that date, the governor may
26 by executive order delay the implementation of that subsection
27 to a date not later than July 1, 1980.

28 Sec. 3. There is established a state mental health advisory
29 council.

30 1. The council shall consist of thirteen voting members
31 appointed as follows:

32 a. Seven members shall be appointed by the governor, who
33 shall designate three of the initial appointees under this
34 subsection to serve terms expiring June 30, 1981, two to serve
35 terms expiring June 30, 1980 and two to serve terms expiring

1 June 30, 1979.

2 b. Three members shall be appointed by the speaker of
3 the house and three by the majority leader of the senate,
4 who shall each designate one of the initial appointees under
5 this subsection to serve a term expiring June 30, 1981, one
6 to serve a term expiring June 30, 1980 and one to serve a
7 term expiring June 30, 1979. Persons appointed to the council
8 under this paragraph shall not be members of the general
9 assembly.

10 c. Successors to the initial appointees under this section
11 shall each serve a term of three years beginning July first
12 of the year of appointment. Vacancies shall be filled by
13 the appropriate appointing authority for the balance of the
14 unexpired term. Members of the advisory council who are not
15 state employees shall be entitled to forty dollars per diem
16 for each day devoted to the duties of their office, and all
17 members shall be entitled to reimbursement for actual and
18 necessary expenses incurred in attending meetings of the
19 advisory council or in otherwise discharging their duties.

20 d. The governor, the speaker of the house, and the majority
21 leader of the senate shall coordinate their respective
22 appointments to the advisory council so that, if possible,
23 the composition of the council will comply with the pertinent
24 requirements of United States Public Law ninety-four dash
25 sixty-three (P.L. 94-63).

26 2. The council shall:

27 a. As soon as possible after July first of each year,
28 organize by selection of a chairperson and a vice chairperson
29 from among its members.

30 b. Meet at least four times a year, and may meet more
31 often, upon the call of the chairperson or the written request
32 of any five members.

33 c. Advise the responsible officials and agencies of this
34 state on establishment and implementation of policies and
35 programs in furtherance of the objectives stated in section

1 one (1) of this Act.

2 d. Exercise all functions and have all responsibilities
3 of the state mental health advisory council under United
4 States Public Law ninety-four dash sixty-three (P.L. 94-63),
5 unless any such function or responsibility is assigned
6 elsewhere by, or would be contrary to, the laws of this state.

7 e. Beginning upon the date on which the transfer of duties,
8 functions and programs required by section two (2), subsection
9 one (1) of this Act takes effect, and continuing until
10 otherwise provided by law, exercise any functions assigned
11 by law to the committee on mental hygiene established by
12 section two hundred twenty-five B point two (225B.2), Code
13 1977.

14 3. The council, with the advice and assistance of the
15 director of the department of mental health resources and
16 the director of the Iowa mental health authority, shall
17 expeditiously prepare and promulgate administrative rules
18 governing the kind and quality of services which must be
19 offered by an alternative diagnostic facility in performing
20 preliminary diagnostic evaluations under arrangements concluded
21 pursuant to section seven (7) of this Act. The objective
22 of these rules shall be to make such evaluations at least
23 equivalent to those performed by community mental health
24 centers in terms of both professional quality and orientation
25 to the best interests of the person being evaluated and of
26 the county.

27 4. The council shall consider, and may make recommendations
28 regarding, the most desirable form of permanent organization
29 for the unified state mental health agency, referred to in
30 section two (2), subsection one (1) of this Act.

31 Sec. 4. It is the policy of this state that, to the
32 greatest extent feasible, a person shall be admitted to a
33 state mental health institute as an inpatient only after a
34 preliminary diagnostic evaluation by a community mental health
35 center has confirmed that the admission is appropriate to

1 that person's needs, and that no suitable alternative method
2 of providing the services needed by that person in a less
3 restrictive setting, or in or nearer to the person's home
4 community, is currently available. The policy established
5 by this section shall be implemented in the manner and to
6 the extent prescribed by sections five (5), six (6) and seven
7 (7) of this Act.

8 Sec. 5. The board of supervisors of any county may by
9 resolution require that the policy stated by section four
10 (4) of this Act be followed with respect to admission of
11 persons from that county to any state mental health institute.
12 Upon adoption of such a resolution by the board of supervisors
13 of a county which is supporting a community mental health
14 center, directly or in affiliation with other counties, it
15 shall be presumed to be a part of that center's
16 responsibilities to perform the preliminary diagnostic
17 evaluations required by that county in order to implement
18 the policy stated by section four (4) of this Act. However,
19 if performance of such evaluations is not covered by the
20 agreement entered into by the county and the center under
21 section two hundred thirty A point twelve (230A.12) of the
22 Code, and the center's director certifies to the county board
23 of supervisors that the center does not have the capacity
24 to perform the needed evaluations, the board of supervisors
25 may proceed as provided by section seven (7) of this Act.

26 Sec. 6. When the board of supervisors of any county has
27 adopted a resolution as authorized by section five (5) of
28 this Act:

29 1. The chief medical officer of a state mental health
30 institute, or that officer's physician designee, shall advise
31 any person residing in that county who applies for voluntary
32 admission, or any person applying for the voluntary admission
33 of another person who resides in that county, in accordance
34 with section two hundred twenty-nine point forty-one (229.41)
35 of the Code that the board of supervisors has acted to

1 implement the policy stated by section four (4) of this Act,
2 and shall advise that a preliminary diagnostic evaluation
3 of the proposed patient be sought from the appropriate
4 community mental health center or alternative diagnostic
5 facility, if that has not already been done. This subsection
6 shall not apply when voluntary admission is sought in
7 accordance with section two hundred twenty-nine point forty-
8 one (229.41) of the Code under circumstances which, in the
9 opinion of the chief medical officer or that officer's
10 physician designee, constitute a medical emergency within
11 the meaning of section two hundred twenty-nine point two
12 (229.2), subsection two (2), paragraph a of the Code.

13 2. The clerk of the district court in that county shall
14 refer any person applying for authorization for voluntary
15 admission, or for authorization for voluntary admission of
16 another person, in accordance with section two hundred twenty-
17 nine point forty-two (229.42) of the Code to the appropriate
18 community mental health center or alternative diagnostic
19 facility for preliminary diagnostic evaluation unless the
20 applicant furnishes a written statement from that center or
21 facility that such an evaluation has been performed and
22 indicates that the person's admission to a state mental health
23 institute is appropriate. This subsection shall not apply
24 when authorization for voluntary admission is sought under
25 circumstances which, in the opinion of the mental health
26 institute's chief medical officer or that officer's physician
27 designee, constitute a medical emergency within the meaning
28 of section two hundred twenty-nine point two (229.2),
29 subsection two (2), paragraph a of the Code.

30 3. Judges of the district court in that county, or the
31 judicial hospitalization referee appointed for that county,
32 as the case may be, shall so far as possible arrange for a
33 physician on the staff of or designated by the appropriate
34 community mental health center or alternative diagnostic
35 facility to perform each prehearing examination of a respondent

1 required under section two hundred twenty-nine point eight
2 (229.8), subsection three (3), paragraph b of the Code.

3 4. The chief medical officer of a state mental health
4 institute shall promptly submit to the appropriate community
5 mental health center or alternative diagnostic facility a
6 report of each voluntary admission of a patient under the
7 medical emergency clauses of subsections one (1) and two (2)
8 of this section. The report shall explain the nature of the
9 emergency which necessitated the admission of the patient
10 without a preliminary diagnostic evaluation by the center
11 or alternative facility. .

12 5. When the proposed admission of a person to a state
13 mental health institute, on either a voluntary or an
14 involuntary basis, is primarily for treatment of alcoholism
15 or drug abuse, each reference to a community mental health
16 center or alternative diagnostic facility in subsections one
17 (1) through four (4) of this section may be deemed a reference
18 to a facility as defined in section one hundred twenty-five
19 point two (125.2), subsection two (2) of the Code as amended
20 by Acts of the Sixty-seventh General Assembly, 1977 Session,
21 chapter seventy-four (74), section three (3). However, this
22 subsection shall not be construed so as to contravene the
23 last sentence of section one hundred twenty-five point nineteen
24 (125.19), subsection one (1), as amended by Acts of the Sixty-
25 seventh General Assembly, 1977 Session, chapter seventy-four
26 (74), section thirty (30).

27 Sec. 7. If the board of supervisors of a county desires
28 to implement the policy stated by section four (4) of this
29 Act, but the county is not served by a community mental health
30 center having the capacity to perform the required preliminary
31 diagnostic evaluations, the board may arrange for such
32 evaluations to be performed by an alternative diagnostic
33 facility. An alternative diagnostic facility may be the
34 outpatient service of a state mental health institute or any
35 other mental health facility or service able to furnish the

1 requisite professional skills to properly perform preliminary
2 diagnostic evaluation of a person whose admission to a state
3 mental health institute is being sought or considered on
4 either a voluntary or an involuntary basis.

5 Sec. 8. Chapter two hundred twenty-five B (225B) and
6 sections two hundred seventeen point ten (217.10), two hundred
7 seventeen point eleven (217.11) and two hundred seventeen
8 point twelve (217.12), Code 1977, are repealed effective July
9 1, 1979. However, if the implementation of subsection one
10 (1) of section two (2) of this Act is delayed pursuant to
11 subsection two (2) of that section, the division of mental
12 health resources of the department of social services and
13 the Iowa mental health authority shall continue to be governed
14 by the provisions of the statutes repealed by this section
15 as if they were in full force and effect, until subsection
16 one (1) of section two (2) of this Act is implemented. On
17 that date, in the absence of any prior legislative action
18 to the contrary, the powers and duties assigned the Iowa
19 mental health authority by chapter two hundred twenty-five
20 B (225B), Code 1977, and by any other statutes referring to
21 the Iowa mental health authority, and the powers and duties
22 assigned the division of mental health of the department of
23 social services by sections two hundred seventeen point ten
24 (217.10), two hundred seventeen point eleven (217.11) and
25 two hundred seventeen point twelve (217.12), Code 1977, and
26 by any other statutes referring to that division of the
27 department of social services, shall all be transferred to
28 and imposed upon the unified state mental health agency
29 established by subsection one (1) of section two (2) of this
30 Act.

31 EXPLANATION

32 This bill is intended to begin adoption of some of the
33 recommendations from the mental health study conducted for
34 the General Assembly during the 1977 legislative interim.
35 With the bill, the state takes three steps:

1 1. A state mental health advisory council is established
2 to assist in the continuation, strengthening and more uniform
3 availability of Iowa's high quality mental health services.
4 The composition of the council conforms to U.S. Public Law
5 94-63.

6 2. County boards of supervisors are authorized to begin
7 requiring screening by community mental health centers of
8 potential patients before they are admitted to state mental
9 health institutes. Special arrangements are authorized for
10 counties which wish to implement such a requirement, but are
11 not currently served by a community mental health center
12 having the capacity to undertake the necessary screening
13 program.

14 3. A new, unified state mental health agency, combining
15 the functions of the existing Iowa Mental Health Authority
16 and the mental health functions (i.e., not including the
17 mental retardation programs) of what is now the Division of
18 Mental Health Resources of the Department of Social Services,
19 is established. The new unified mental health agency will
20 tentatively come into existence July 1, 1979, but the governor
21 is empowered to delay it for up to one year.

22 The bill is based on an assumption that an interim
23 legislative study, involving hearings at which the general
24 public and interested parties may offer comments, suggestions
25 and objections, will be established with a mandate to prepare
26 detailed proposals regarding the permanent structure of the
27 new state agency which will administer mental health programs.
28 (This is essentially the same procedure which was used in
29 developing the detailed legislation defining the structure
30 of the Department of Substance Abuse, formed by a merger of
31 two previously existing agencies.)

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SENATE FILE 2234

S-5541

- 1 Amend Senate File 2234 as follows:
2 1. Page 4, line 3, by striking the word ", or"
3 and inserting in lieu thereof the words "is available".
4 2. Page 4, line 4, by striking the words ", is
5 currently available".

S-5541 FILED
APRIL 12, 1978

BY RAY TAYLOR

SENATE FILE 2234

S-5551

- 1 Amend Senate File 2234 as follows:
2 1. Page 3, by striking lines 14 through 26.
3 2. Page 3, by striking lines 31 through 35.
4 3. By striking pages 4, 5, and 6.
5 4. Page 7, by striking lines 1 through 4.
6 5. By renumbering the remaining sections and
7 correcting internal references as necessary.

S-5551 FILED
APRIL 13, 1978

BY JOHN S. MURRAY

SENATE FILE 2234

S-5536

- 1 Amend Senate File 2234 as follows:
2 1. Page 1, by striking lines 28 through 32 and
3 inserting in lieu thereof the following:
4 "Sec. 3.
5 1. There is established a state mental health
6 advisory council consisting of seven members appointed
7 by the governor, who".
8 2. Page 2, by striking lines 1 through 10 and
9 inserting in lieu thereof the words "June 30, 1979.
10 Successors to the initial appointees under this
11 section".
12 3. Page 2, line 13, by striking the words
13 "appropriate appointing authority" and inserting in
14 lieu thereof the word "governor".
15 4. Page 2, by striking lines 20 and 21 and in-
16 serting in lieu thereof the words "The governor shall
17 make".
18 5. Page 2, line 32, by striking the word "five"
19 and inserting in lieu thereof the word "three".

S-5536 FILED
APRIL 12, 1978

BY ROLF V. CRAFT
EUGENE M. HILL

SENATE FILE 2234
REVISED FISCAL NOTE

Date: May 2, 1978
Requested by: Senator Richard Drake

In compliance with a written request received April 24, 19 78, there is hereby submitted a Fiscal Note for Senate File 2234 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 2234, An Act providing for the future establishment of a unified state mental health agency, creating a state mental health advisory council, and authorizing county boards of supervisors to implement a policy that admission to a state mental health institute shall be based on a preliminary diagnostic evaluation by a community mental health center or an alternative diagnostic facility.

<u>Revenue</u>	<u>Current Law</u>	<u>S.F. 2234</u>	<u>Incr. (Decr.)</u>
State	\$ 22,243	\$22,426,000	\$183,000
Federal	250,000	250,000	--
Total Revenue	<u>\$22,493,000</u>	<u>\$22,676,000</u>	<u>\$183,000</u>

Expenditures

Operating Expense	\$22,493,000	\$22,676,000	183,000
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The \$183,000 represents supportive services provided by the central administration of the Department of Social Services which would need to be absorbed by a new department. If the unified agency is formed by merging the Iowa Mental Health Authority into the Department of Social Services; through an expansion of the responsibilities of the Division of Mental Health resources, there would be no cost beyond that of the combined budgets of the now separate programs.

The above assumes no savings through a merger, although it is possible that by combining the departments, overhead and administrative duplication can be reduced resulting in future savings. Further, it is likely that some part of the \$183,000 can be offset by reduction in the central administration of the Department of Social Services.

The bill does not mandate a merger until the beginning of Fiscal Year 1981. Therefore, there is no fiscal effect predicted for the upcoming budget year. More accurate estimates can be made only after the legislature determines the nature of the merged agency.

We do not address any fiscal effect for prescreening. It is assumed that the counties will exercise their option under this bill in such a way as to make most efficient use of their dollars. For the first year, we do not believe the effect on the administrations to the Mental Health Institutions will have any significant effect on per diem services.

SOURCE: DEPARTMENT OF SOCIAL SERVICES
MAY 3, 1978 FILED

GERRY RANKIN
LEGISLATIVE FISCAL DIRECTOR

SENATE FILE 2234
FISCAL NOTE

DATE: MAY 2, 1978
REQUESTED BY: SENATOR RICHARD DRAKE

In compliance with a written request received April 24, 19 78, there is hereby submitted a Fiscal Note for Senate File 2234 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 2234, An Act providing for the future establishment of a unified state mental health agency, creating a state mental health advisory council, and authorizing county boards of supervisors to implement a policy that admission to a state mental health institute shall be based on a preliminary diagnostic evaluation by a community mental health center or an alternative diagnostic facility.

<u>Revenue</u>	<u>Current Law</u>	<u>S.F. 2234</u>	<u>Incr. (Decr.)</u>
State	\$42,143,000	\$42,326,000	\$183,000
Federal	12,750,000	12,750,000	--
Total Revenue	\$54,893,000	\$55,076,000	\$183,000

Expenditures

Operating Expense	\$54,893,000	55,076,000	183,000
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The \$183,000 represents supportive services provided by the central administration of the Department of Social Services which would need to be absorbed by a new department. If the unified agency is formed by merging the Iowa Mental Health Authority into the Department of Social Services; through an expansion of the responsibilities of the Division of Mental Health resources, there would be no cost beyond that of the combined budgets of the now separate programs.

The above assumes no savings through a merger, although it is possible that by combining the departments, overhead and administrative duplication can be reduced resulting in future savings. Further, it is likely that some part of the \$183,000 can be offset by reduction in the central administration of the Department of Social Services.

The bill does not mandate a merger until the beginning of Fiscal Year 1981. Therefore, there is no fiscal effect predicted for the upcoming budget year. More accurate estimates can be made only after the legislature determines the nature of the merged agency.

We do not address any fiscal effect for prescreening. It is assumed that the counties will exercise their option under this bill in such a way as to make most efficient use of their dollars. For the first year, we do not believe the effect on the administrations to the Mental Health Institutions will have any significant effect on per diem services.

SOURCE: DEPARTMENT OF SOCIAL SERVICES

FILED
MAY 2, 1978

GERRY RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU