

FILED MAR 17 1989

SENATE FILE 483
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 353)

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

A BILL FOR

1 An Act requesting a study of the liability for the costs to
2 support a mentally ill person.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

SF 483

1 Section 1. MENTAL ILLNESS COST LIABILITY STUDY REQUESTED.
2 The legislative council is requested to appoint a study
3 committee during the 1989 interim to study issues related to
4 the costs to support a mentally ill person in a state or
5 county operated institution. The study committee should
6 consider personal, state, and county liability for costs and
7 policy implications of the current trend toward privatization
8 of county care facilities and report to the legislative
9 council and the general assembly with recommendations on or
10 before January 15, 1990.

11 EXPLANATION
12 This bill requests the legislative council to appoint an
13 interim study committee to review issues related to the costs
14 to support a mentally ill person in a state or county operated
15 institution. Additional issues are suggested for
16 consideration as well as a reporting deadline is suggested.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HANNON, CH.
MURPHY
TINSMAN

SSB 353
Human Resources

SENATE FILE 483
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL)

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

A BILL FOR

1 An Act relating to liability for the costs to support a mentally
2 ill person.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 230.15, unnumbered paragraph 1, Code
2 1989, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 1. A mentally ill person and a person legally liable for
5 the mentally ill person's support remain liable for the
6 support of the mentally ill person as provided in this
7 section. Persons legally liable for the support of a mentally
8 ill person include the spouse of the mentally ill person, a
9 person bound by contract to support the mentally ill person,
10 and, with respect to a mentally ill person under eighteen
11 years of age only, the parent of the mentally ill person. The
12 county auditor, subject to the direction of the board of
13 supervisors, shall enforce the obligation created in this
14 section as to all sums advanced by the county. The maximum
15 liability to the county incurred by a mentally ill person or a
16 person legally liable for the person's support under this
17 section is equal to the amount paid by the county for the cost
18 of care and treatment of the mentally ill person at a state
19 mental health institute or a county care facility to which the
20 mentally ill person was transferred pursuant to section
21 227.11.

22 2. The assessed liability of a mentally ill person or a
23 person legally liable for the mentally ill person's support is
24 limited to the amount of income and resources which exceeds
25 the amount excluded for the liable person to maintain a
26 residence and to provide support for a spouse and other
27 dependents. The determination of a liable person's minimum
28 exclusion amount shall be based upon the current schedule of
29 living costs and resource limitations for a comparable number
30 of persons established under the aid-to-dependent children
31 program pursuant to chapter 239.

32 3. The assessed liability of a mentally ill person who
33 does not have a residence to maintain or a spouse and other
34 dependents to support is limited to the amount of income and
35 resources which exceeds the personal needs standard for a

1 person in a residential care facility established under the
2 state supplementary assistance program pursuant to chapter
3 249. A lien imposed under section 230.25 shall not exceed the
4 amount of the liability which may be incurred for a mentally
5 ill person under this section.

6 4. A mentally ill person or a person legally liable for
7 the mentally ill person's support is only liable for costs of
8 support incurred during a period in which the mentally ill
9 person is a recipient of medical assistance under chapter 249A
10 to the extent that payments for those costs are required to be
11 made under the medical assistance program.

12 Sec. 2. Section 230.15, unnumbered paragraph 2, Code 1989,
13 is amended to read as follows:

14 5. A substance abuser is legally liable for the total
15 amount of the cost of providing care, maintenance, and
16 treatment for the substance abuser while a voluntary or
17 committed patient. When a portion of the cost is paid by a
18 county, the substance abuser is legally liable to the county
19 for the amount paid. The substance abuser shall assign any
20 claim for reimbursement under any contract of indemnity, by
21 insurance or otherwise, providing for the abuser's care,
22 maintenance, and treatment in a state hospital to the state.
23 Any payments received by the state from or on behalf of a
24 substance abuser shall be in part credited to the county in
25 proportion to the share of the costs paid by the county.

26 6. ~~Nothing-in-this~~ This section shall not be construed to
27 prevent a relative or other person from voluntarily paying the
28 full actual cost or any portion of the care and treatment of
29 any mentally ill person or substance abuser as established by
30 the department of human services.

31 EXPLANATION

32 This bill amends provisions relating to liability for the
33 costs to support a mentally ill person. Under current law, a
34 mentally ill person or person legally liable for the mentally
35 ill person's support is liable to a county for the cost of one

1 hundred twenty days' care at a state mental health institute
2 or county care facility, after which the liability is limited
3 to the costs a person would expend in a normal living
4 situation. Under this bill, the extent of a person's
5 liability is only limited by certain exclusions related to
6 residence and dependents, based upon standards of the aid to
7 dependent children program. The liability of a mentally ill
8 person with no obligations to maintain a residence or
9 dependents is specifically limited to the amount of the
10 person's income and resources which exceed standards under the
11 state supplementary assistance program. A person is not
12 liable for support of a mentally ill person during a period
13 when the mentally ill person received medical assistance,
14 except for those payments of costs required to be made under
15 the medical assistance program. The section is reorganized
16 into individual subsections.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35