

FILED MAR 17 1989

SENATE FILE 499  
BY COMMITTEE ON  
STATE GOVERNMENT

(SUCCESSOR TO SSB 359)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of a mental health, mental  
2 illness, mental retardation, and developmental disabilities  
3 commission.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5  
6

SENATE FILE 499

S-3459

1 Amend Senate File 499 as follows:  
2 1. Page 3, line 6, by inserting after the word  
3 "retardation." the following: "Beginning July 1,  
4 1989, the governor shall make appointments pursuant to  
5 this section as vacancies occur. The governor may  
6 determine from which of the categories of membership  
7 the initial appointments shall be made."

By MICHAEL E. GRONSTAL

S-3459 FILED MARCH 29, 1989

SENATE FILE 499

S-3515

1 Amend Senate File 499 as follows:  
2 1. Page 2, lines 31 and 32, by striking the words  
3 "Iowa protection and advocacy, incorporated;"

By EUGENE FRAISE

S-3515 FILED APRIL 3, 1989

1 Section 1. Section 135C.23, subsection 2, unnumbered  
2 paragraph 2, Code 1989, is amended to read as follows:

3 This section does not prohibit the admission of a patient  
4 with a history of dangerous or disturbing behavior to an  
5 intermediate care facility, skilled nursing facility, or  
6 county care facility when the intermediate care facility,  
7 skilled nursing facility, or county care facility has a  
8 program which has received prior approval from the department  
9 to properly care for and manage the patient. An intermediate  
10 care facility, skilled nursing facility, or county care  
11 facility is required to transfer or discharge a resident with  
12 dangerous or disturbing behavior when the intermediate care  
13 facility, skilled nursing facility, or county care facility  
14 cannot control the resident's dangerous or disturbing  
15 behavior. The department, in coordination with the state  
16 mental health and, mental illness, mental retardation, and  
17 developmental disabilities commission, shall adopt rules  
18 pursuant to chapter 17A for programs to be required in  
19 intermediate care facilities, skilled nursing facilities, and  
20 county care facilities that admit patients or have residents  
21 with histories of dangerous or disturbing behavior.

22 Sec. 2. Section 225C.2, subsection 1, Code 1989, is  
23 amended to read as follows:

24 1. "Commission" means the mental health and, mental  
25 illness, mental retardation, and developmental disabilities  
26 commission.

27 Sec. 3. Section 225C.5, Code 1989, is amended to read as  
28 follows:

29 225C.5 MENTAL HEALTH AND, MENTAL ILLNESS, MENTAL  
30 RETARDATION, AND DEVELOPMENTAL DISABILITIES COMMISSION.

31 1. A mental health and, mental illness, mental  
32 retardation, and developmental disabilities commission is  
33 established as the state policy-making body for the provision  
34 of mental health and, mental illness, mental retardation, and  
35 developmental disabilities services, consisting of fifteen

1 members appointed to three-year staggered terms by the  
2 governor and subject to confirmation by the senate.  
3 Commission members shall be appointed on the basis of interest  
4 and experience in the fields of mental health ~~or~~, mental  
5 illness, mental retardation, or developmental disabilities in  
6 a manner so that, if possible, the composition of the  
7 commission will comply with the requirements of the Community  
8 Mental Health Centers Amendments of 1975, 42 U.S.C. sec.  
9 2689t(a) (1976) relative to a state mental health advisory  
10 council, and so as to ensure adequate representation from both  
11 the mental health ~~and~~, mental illness, mental retardation, and  
12 developmental disabilities fields.

3519

13 PARAGRAPH DIVIDED. Four members of the commission shall be  
14 members of county boards of supervisors, selected from a list  
15 submitted by the Iowa state association of counties, at the  
16 time of their appointment to the commission. Two members of  
17 the commission shall be members of county mental health, and  
18 mental retardation, and developmental disabilities advisory  
19 co-ordinating boards at the time of their appointment to the  
20 commission. ~~One member of the commission shall either be an~~  
21 ~~active-board-member-of-a-community-mental-health-center-or-an~~  
22 ~~active-member-of-the-Iowa-mental-health-association-at-the~~  
23 ~~time-of-appointment-to-the-commission.--One member of the~~  
24 ~~commission shall be an active member of either a community~~  
25 ~~mental-retardation-agency-or-the-Iowa-association-for-retarded~~  
26 ~~citizens-at-the-time-of-appointment-to-the-commission: be~~  
27 appointed from each of the following organizations: the  
28 association for the retarded citizens of Iowa; the alliance  
29 for the mentally ill of Iowa, incorporated; the community  
30 mental health centers association; the Iowa association of  
31 rehabilitation and residential facilities; Iowa protection and  
32 advocacy, incorporated; and the governor's planning council  
33 for developmental disabilities. Three members shall be ac-  
34 large appointments.

35 The governor shall make the appointments from each

1 organization from a list of nominees submitted by the  
2 respective organization. The nominees submitted by the  
3 governor's planning council for developmental disabilities  
4 shall not be members of the council but shall be persons with  
5 demonstrated experience with services to persons with  
6 developmental disabilities other than mental retardation.

7 2. The three-year terms shall begin and end as provided in  
8 section 69.19. Vacancies on the commission shall be filled as  
9 provided in section 2.32. A member shall not be appointed for  
10 more than two consecutive three-year terms.

11 3. Members of the commission shall qualify by taking the  
12 oath of office prescribed by law for state officers. At its  
13 first meeting of each year, the commission shall organize by  
14 electing a chairperson and a vice chairperson for terms of one  
15 year. Commission members are entitled to forty dollars per  
16 diem and reimbursement for actual and necessary expenses  
17 incurred while engaged in their official duties, to be paid  
18 from funds appropriated to the department.

19 Sec. 4. Section 227.4, Code 1989, is amended to read as  
20 follows:

21 227.4 STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY  
22 RETARDED PERSONS IN COUNTY CARE FACILITIES.

23 The administrator, in co-operation with the state  
24 department of health, shall recommend, and the mental health  
25 and, mental illness, mental retardation, and developmental  
26 disabilities commission shall adopt standards for the care of  
27 and services to mentally ill and mentally retarded persons  
28 residing in county care facilities. The standards shall be  
29 enforced by the department of inspections and appeals as a  
30 part of the licensure inspection conducted pursuant to chapter  
31 135C. The objective of the standards is to ensure that  
32 mentally ill and mentally retarded residents of county care  
33 facilities are not only adequately fed, clothed, and housed,  
34 but are also offered reasonable opportunities for productive  
35 work and recreational activities suited to their physical and

1 mental abilities and offering both a constructive outlet for  
2 their energies and, if possible, therapeutic benefit. When  
3 recommending standards under this section, the administrator  
4 shall designate an advisory committee representing  
5 administrators of county care facilities, county co-ordinating  
6 boards, and county care facility care review committees to  
7 assist in the establishment of standards.

8 Sec. 5. Section 230A.2, Code 1989, is amended to read as  
9 follows:

10 230A.2 SERVICES OFFERED.

11 A community mental health center established or operating  
12 as authorized by section 230A.1 may offer to residents of the  
13 county or counties it serves any or all of the mental health  
14 services defined by the mental health and, mental illness,  
15 mental retardation, and developmental disabilities commission  
16 in the state mental health plan.

17 Sec. 6. Section 230A.16, unnumbered paragraph 1, Code  
18 1989, is amended to read as follows:

19 The administrator of the division of mental health, mental  
20 retardation, and developmental disabilities shall recommend  
21 and the mental health and, mental illness, mental retardation,  
22 and developmental disabilities commission shall adopt  
23 standards for community mental health centers and  
24 comprehensive community mental health programs, with the  
25 overall objective of ensuring that each center and each  
26 affiliate providing services under contract with a center  
27 furnishes high quality mental health services within a  
28 framework of accountability to the community it serves. The  
29 standards shall be in substantial conformity with those of the  
30 psychiatric committee of the joint committee on accreditation  
31 of hospitals and other recognized national standards for  
32 evaluation of psychiatric facilities unless in the judgment of  
33 the administrator of the division of mental health, mental  
34 retardation, and developmental disabilities, with approval of  
35 the mental health and, mental illness, mental retardation, and

1 developmental disabilities commission, there are sound reasons  
2 for departing from such standards. When recommending  
3 standards under this section, the administrator of the  
4 division of mental health, mental retardation, and  
5 developmental disabilities shall designate an advisory  
6 committee representing boards of directors and professional  
7 staff of community mental health centers to assist in the  
8 formulation or revision of standards. At least a simple  
9 majority of the members of the advisory committee shall be lay  
10 representatives of community mental health center boards of  
11 directors. At least one member of the advisory committee  
12 shall be a member of a county board of supervisors. The  
13 standards recommended under this section shall include  
14 requirements that each community mental health center  
15 established or operating as authorized by section 230A.1  
16 shall:

17 Sec. 7. Section 230A.17, Code 1989, is amended to read as  
18 follows:

19 230A.17 REVIEW AND EVALUATION.

20 The administrator of the division of mental health, mental  
21 retardation, and developmental disabilities may review and  
22 evaluate any community mental health center upon the  
23 recommendation of the mental health and, mental illness,  
24 mental retardation, and developmental disabilities commission,  
25 and shall do so upon the written request of the center's board  
26 of directors, its chief medical or administrative officer, or  
27 the board of supervisors of any county from which the center  
28 receives public funds. The cost of the review shall be paid  
29 by the division of mental health, mental retardation, and  
30 developmental disabilities.

31 Sec. 8. Section 230A.18, Code 1989, is amended to read as  
32 follows:

33 230A.18 REPORT OF REVIEW AND EVALUATION.

34 Upon completion of a review made pursuant to section  
35 230A.17, the review shall be submitted to the board of

1 directors and chief medical or administrative officer of the  
2 center. If the review concludes that the center fails to meet  
3 any of the standards established pursuant to section 230A.16,  
4 subsection 1, and that the response of the center to this  
5 finding is unsatisfactory, these conclusions shall be reported  
6 to the mental health and, mental illness, mental retardation,  
7 and developmental disabilities commission which may forward  
8 the conclusions to the board of directors of the center and  
9 request an appropriate response within thirty days. If no  
10 response is received within thirty days, or if the response is  
11 unsatisfactory, the commission may call this fact to the  
12 attention of the board of supervisors of the county or  
13 counties served by the center, and in doing so shall indicate  
14 what corrective steps have been recommended to the center's  
15 board of directors.

16 Sec. 9. Section 249D.44, subsection 2, Code 1989, is  
17 amended to read as follows:

18 2. The responsibilities of the care review committee are  
19 in accordance with the rules adopted by the commission  
20 pursuant to chapter 17A. When adopting the rules, the  
21 commission shall consider the needs of residents of each  
22 category of licensed health care facility as defined in  
23 chapter 135C.1, subsection 4, and the services each facility  
24 may render. The commission shall coordinate the development  
25 of rules with the mental health and, mental illness, mental  
26 retardation, and developmental disabilities commission to the  
27 extent the rules would apply to a facility primarily serving  
28 persons who are mentally ill, mentally retarded, or  
29 developmentally disabled. The commission of elder affairs  
30 shall coordinate the development of appropriate rules with  
31 other state agencies.

32 Sec. 10. Section 331.424, subsection 1, paragraph "g",  
33 Code 1989, is amended to read as follows:

34 g. Amounts budgeted by the board for mental health  
35 services or mental retardation services furnished to persons

1 on either an outpatient or inpatient basis, to a school or  
2 other public agency, or to the community at large, by a  
3 community mental health center or other suitable facility  
4 located in or reasonably near the county, provided that  
5 services meet the standards of the mental health and, mental  
6 illness, mental retardation, and developmental disabilities  
7 commission and are consistent with the annual plan for  
8 services approved by the board.

9 EXPLANATION

10 This bill establishes a mental health, mental illness,  
11 mental retardation, and developmental disabilities commission  
12 in place of the mental health and mental retardation  
13 commission; provides for membership; and provides for  
14 appointment procedures.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

CROWSTAL, CA.  
CARR  
SOORHOLTZ

SSB 359  
STATE GOVERNMENT

SENATE FILE 499  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of a mental health, mental  
2 illness, mental retardation, and developmental disabilities  
3 commission.

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

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

1 Section 1. Section 135C.23, subsection 2, unnumbered  
2 paragraph 2, Code 1989, is amended to read as follows:

3 This section does not prohibit the admission of a patient  
4 with a history of dangerous or disturbing behavior to an  
5 intermediate care facility, skilled nursing facility, or  
6 county care facility when the intermediate care facility,  
7 skilled nursing facility, or county care facility has a  
8 program which has received prior approval from the department  
9 to properly care for and manage the patient. An intermediate  
10 care facility, skilled nursing facility, or county care  
11 facility is required to transfer or discharge a resident with  
12 dangerous or disturbing behavior when the intermediate care  
13 facility, skilled nursing facility, or county care facility  
14 cannot control the resident's dangerous or disturbing  
15 behavior. The department, in coordination with the state  
16 mental health and, mental illness, mental retardation, and  
17 developmental disabilities commission, shall adopt rules  
18 pursuant to chapter 17A for programs to be required in  
19 intermediate care facilities, skilled nursing facilities, and  
20 county care facilities that admit patients or have residents  
21 with histories of dangerous or disturbing behavior.

22 Sec. 2. Section 225C.2, subsection 1, Code 1989, is  
23 amended to read as follows:

24 1. "Commission" means the mental health and, mental  
25 illness, mental retardation, and developmental disabilities  
26 commission.

27 Sec. 3. Section 225C.5, Code 1989, is amended to read as  
28 follows:

29 225C.5 MENTAL HEALTH AND, MENTAL ILLNESS, MENTAL  
30 RETARDATION, AND DEVELOPMENTAL DISABILITIES COMMISSION.

31 1. A mental health and, mental illness, mental  
32 retardation, and developmental disabilities commission is  
33 established as the state policy-making body for the provision  
34 of mental health and, mental illness, mental retardation, and  
35 developmental disabilities services, consisting of fifteen

1 members appointed to three-year staggered terms by the  
2 governor and subject to confirmation by the senate.  
3 Commission members shall be appointed on the basis of interest  
4 and experience in the fields of mental health or, mental  
5 illness, mental retardation, or developmental disabilities in  
6 a manner so that, if possible, the composition of the  
7 commission will comply with the requirements of the Community  
8 Mental Health Centers Amendments of 1975, 42 U.S.C. sec.  
9 2689t(a) (1976) relative to a state mental health advisory  
10 council, and so as to ensure adequate representation from both  
11 the mental health and, mental illness, mental retardation, and  
12 developmental disabilities fields.

13 PARAGRAPH DIVIDED. Four members of the commission shall be  
14 members of county boards of supervisors, selected from a list  
15 submitted by the Iowa state association of counties, at the  
16 time of their appointment to the commission. Two members of  
17 the commission shall be members of county mental health, and  
18 mental retardation, and developmental disabilities advisory  
19 co-ordinating boards at the time of their appointment to the  
20 commission. ~~One member of the commission shall either be an~~  
21 ~~active-board-member-of-a-community-mental-health-center-or-an~~  
22 ~~active-member-of-the-Iowa-mental-health-association-at-the~~  
23 ~~time-of-appointment-to-the-commission;--One member of the~~  
24 ~~commission shall be an active member of either a community~~  
25 ~~mental-retardation-agency-or-the-Iowa-association-for-retarded~~  
26 ~~citizens-at-the-time-of-appointment-to-the-commission; be~~  
27 appointed by each of the following organizations: the  
28 association for the retarded citizens of Iowa; the alliance  
29 for the mentally ill of Iowa, incorporated; the community  
30 mental health centers association; the Iowa association of  
31 rehabilitation and residential facilities; Iowa protection and  
32 advocacy, incorporated; and the governor's planning council on  
33 disabilities. Three members shall be at-large appointments.

34 The governor shall make the appointments from each  
35 organization from a list of nominees submitted by the

1 respective organization. The nominees submitted by the  
2 governor's planning council on disabilities shall not be  
3 members of the council but shall be persons with demonstrated  
4 experience with services to persons with developmental  
5 disabilities other than mental retardation.

6 2. The three-year terms shall begin and end as provided in  
7 section 69.19. Vacancies on the commission shall be filled as  
8 provided in section 2.32. A member shall not be appointed for  
9 more than two consecutive three-year terms.

10 3. Members of the commission shall qualify by taking the  
11 oath of office prescribed by law for state officers. At its  
12 first meeting of each year, the commission shall organize by  
13 electing a chairperson and a vice chairperson for terms of one  
14 year. Commission members are entitled to forty dollars per  
15 diem and reimbursement for actual and necessary expenses  
16 incurred while engaged in their official duties, to be paid  
17 from funds appropriated to the department.

18 Sec. 4. Section 227.4, Code 1989, is amended to read as  
19 follows:

20 227.4 STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY  
21 RETARDED PERSONS IN COUNTY CARE FACILITIES.

22 The administrator, in co-operation with the state  
23 department of health, shall recommend, and the mental health  
24 and, mental illness, mental retardation, and developmental  
25 disabilities commission shall adopt standards for the care of  
26 and services to mentally ill and mentally retarded persons  
27 residing in county care facilities. The standards shall be  
28 enforced by the department of inspections and appeals as a  
29 part of the licensure inspection conducted pursuant to chapter  
30 135C. The objective of the standards is to ensure that  
31 mentally ill and mentally retarded residents of county care  
32 facilities are not only adequately fed, clothed, and housed,  
33 but are also offered reasonable opportunities for productive  
34 work and recreational activities suited to their physical and  
35 mental abilities and offering both a constructive outlet for

1 their energies and, if possible, therapeutic benefit. When  
2 recommending standards under this section, the administrator  
3 shall designate an advisory committee representing  
4 administrators of county care facilities, county co-ordinating  
5 boards, and county care facility care review committees to  
6 assist in the establishment of standards.

7 Sec. 5. Section 230A.2, Code 1989, is amended to read as  
8 follows:

9 230A.2 SERVICES OFFERED.

10 A community mental health center established or operating  
11 as authorized by section 230A.1 may offer to residents of the  
12 county or counties it serves any or all of the mental health  
13 services defined by the mental health and, mental illness,  
14 mental retardation, and developmental disabilities commission  
15 in the state mental health plan.

16 Sec. 6. Section 230A.16, unnumbered paragraph 1, Code  
17 1989, is amended to read as follows:

18 The administrator of the division of mental health, mental  
19 retardation, and developmental disabilities shall recommend  
20 and the mental health and, mental illness, mental retardation,  
21 and developmental disabilities commission shall adopt  
22 standards for community mental health centers and  
23 comprehensive community mental health programs, with the  
24 overall objective of ensuring that each center and each  
25 affiliate providing services under contract with a center  
26 furnishes high quality mental health services within a  
27 framework of accountability to the community it serves. The  
28 standards shall be in substantial conformity with those of the  
29 psychiatric committee of the joint committee on accreditation  
30 of hospitals and other recognized national standards for  
31 evaluation of psychiatric facilities unless in the judgment of  
32 the administrator of the division of mental health, mental  
33 retardation, and developmental disabilities, with approval of  
34 the mental health and, mental illness, mental retardation, and  
35 developmental disabilities commission, there are sound reasons

1 for departing from such standards. When recommending  
2 standards under this section, the administrator of the  
3 division of mental health, mental retardation, and  
4 developmental disabilities shall designate an advisory  
5 committee representing boards of directors and professional  
6 staff of community mental health centers to assist in the  
7 formulation or revision of standards. At least a simple  
8 majority of the members of the advisory committee shall be lay  
9 representatives of community mental health center boards of  
10 directors. At least one member of the advisory committee  
11 shall be a member of a county board of supervisors. The  
12 standards recommended under this section shall include  
13 requirements that each community mental health center  
14 established or operating as authorized by section 230A.1  
15 shall:

16 Sec. 7. Section 230A.17, Code 1989, is amended to read as  
17 follows:

18 230A.17 REVIEW AND EVALUATION.

19 The administrator of the division of mental health, mental  
20 retardation, and developmental disabilities may review and  
21 evaluate any community mental health center upon the  
22 recommendation of the mental health and, mental illness,  
23 mental retardation, and developmental disabilities commission,  
24 and shall do so upon the written request of the center's board  
25 of directors, its chief medical or administrative officer, or  
26 the board of supervisors of any county from which the center  
27 receives public funds. The cost of the review shall be paid  
28 by the division of mental health, mental retardation, and  
29 developmental disabilities.

30 Sec. 8. Section 230A.18, Code 1989, is amended to read as  
31 follows:

32 230A.18 REPORT OF REVIEW AND EVALUATION.

33 Upon completion of a review made pursuant to section  
34 230A.17, the review shall be submitted to the board of  
35 directors and chief medical or administrative officer of the

1 center. If the review concludes that the center fails to meet  
2 any of the standards established pursuant to section 230A.16,  
3 subsection 1, and that the response of the center to this  
4 finding is unsatisfactory, these conclusions shall be reported  
5 to the mental health and, mental illness, mental retardation,  
6 and developmental disabilities commission which may forward  
7 the conclusions to the board of directors of the center and  
8 request an appropriate response within thirty days. If no  
9 response is received within thirty days, or if the response is  
10 unsatisfactory, the commission may call this fact to the  
11 attention of the board of supervisors of the county or  
12 counties served by the center, and in doing so shall indicate  
13 what corrective steps have been recommended to the center's  
14 board of directors.

15 Sec. 9. Section 249D.44, subsection 2, Code 1989, is  
16 amended to read as follows:

17 2. The responsibilities of the care review committee are  
18 in accordance with the rules adopted by the commission  
19 pursuant to chapter 17A. When adopting the rules, the  
20 commission shall consider the needs of residents of each  
21 category of licensed health care facility as defined in  
22 chapter 135C.1, subsection 4, and the services each facility  
23 may render. The commission shall coordinate the development  
24 of rules with the mental health and, mental illness, mental  
25 retardation, and developmental disabilities commission to the  
26 extent the rules would apply to a facility primarily serving  
27 persons who are mentally ill, mentally retarded, or  
28 developmentally disabled. The commission of elder affairs  
29 shall coordinate the development of appropriate rules with  
30 other state agencies.

31 Sec. 10. Section 331.424, subsection 1, paragraph "g",  
32 Code 1989, is amended to read as follows:

33 g. Amounts budgeted by the board for mental health  
34 services or mental retardation services furnished to persons  
35 on either an outpatient or inpatient basis, to a school or

1 other public agency, or to the community at large, by a  
2 community mental health center or other suitable facility  
3 located in or reasonably near the county, provided that  
4 services meet the standards of the mental health and, mental  
5 illness, mental retardation, and developmental disabilities  
6 commission and are consistent with the annual plan for  
7 services approved by the board.

8 EXPLANATION

9 This bill establishes a mental health, mental illness,  
10 mental retardation, and developmental disabilities commission  
11 in place of the mental health and mental retardation  
12 commission; provides for membership; and provides for  
13 appointment procedures.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35