

Tinsman

SSB-3105

Schuerer

Human Resources

Harper

SENATE/HOUSE FILE ^{Succeeded by} ~~FILE~~ 2360
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the authority of the department of human
2 services involving state institutions and employee and
3 volunteer background checks.

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

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DIVISION I

ADMINISTRATION OF DEPARTMENT OF HUMAN SERVICES INSTITUTIONS

Section 1. Section 218.1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The director ~~of the state department~~ of human services shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion ~~execute~~ assign the powers and authorities given the director by statute to any one of the deputy directors, division administrators, or ~~to any of the~~ officers or employees of the divisions of the department of human services:

Sec. 2. Section 218.2, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The ~~division~~ administrator to whom primary responsibility of a particular institution has been assigned shall make such reports to the director of ~~the department of~~ human services as are requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the ~~said~~ institutions.

Sec. 3. Section 218.3, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

218.3 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. "Administrator" means the person to whom the director of human services has assigned power and authority over an institution in accordance with section 218.1.

2. "Institution" means an institution listed in section 218.1.

Sec. 4. Section 218.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Rules adopted by the council shall be uniform and shall apply to all institutions under the particular administrator

1 and to all other institutions under the administrator's
 2 jurisdiction and the primary rules ~~of the administrator of the~~
 3 ~~division of mental health and developmental disabilities~~ for
 4 use in institutions where persons with mental illness are
 5 served shall, unless otherwise indicated, uniformly apply to
 6 county or private hospitals in which persons with mental
 7 illness are served, but the rules shall not interfere with
 8 proper medical treatment administered to patients by competent
 9 physicians. Annually, signed copies of the rules shall be
 10 sent to the ~~chief executive officer~~ superintendent of each
 11 institution or hospital under the control or supervision of a
 12 particular administrator and copies shall also be sent to the
 13 clerk of each district court, the chairperson of the board of
 14 supervisors of each county and, as appropriate, to the officer
 15 in charge of institutions or hospitals caring for persons with
 16 mental illness in each county who shall be responsible for
 17 seeing that the rules are posted in each institution or
 18 hospital in a prominent place. The rules shall be kept
 19 current to meet the public need and shall be revised and
 20 published annually.

21 Sec. 5. Section 218.5, Code 1999, is amended to read as
 22 follows:

23 218.5 FIRE PROTECTION CONTRACTS.

24 The administrators ~~of the divisions of the state department~~
 25 ~~of human services~~ shall have power to enter into contracts
 26 with the governing body of any city or other municipal
 27 corporation for the protection from fire of any property under
 28 ~~such~~ the administrators' primary control, located in any ~~such~~
 29 municipal corporation or in territory contiguous thereto to
 30 the municipal corporation, upon ~~such~~ terms as may be agreed
 31 upon.

32 Sec. 6. Section 218.9, unnumbered paragraph 1, Code 1999,
 33 is amended to read as follows:

34 The administrator ~~of the division of mental health and~~
 35 ~~developmental disabilities of the department of human services~~

1 in charge of an institution, subject to the approval of the
2 director of the ~~department~~ human services, shall appoint the
3 ~~superintendents-of-the-state-hospital-schools-and-the-state~~
4 ~~mental-health-institutes~~ superintendent of the institution.

5 Sec. 7. Section 218.10, Code 1999, is amended to read as
6 follows:

7 218.10 SUBORDINATE OFFICERS AND EMPLOYEES.

8 The ~~division~~ administrator in charge of a particular
9 institution, with the consent and approval of the director of
10 ~~the-department~~ of human services, shall determine the number
11 of subordinate officers and employees for ~~each~~ the
12 institution. Subject to this chapter, the officers and
13 employees shall be appointed and discharged by the ~~chief~~
14 ~~executive-officer~~ superintendent or business manager pursuant
15 to chapter 19A. The ~~officer~~ superintendent shall keep, in the
16 record of each subordinate officer and employee, the date of
17 employment, the compensation, and the date of each discharge,
18 and the reasons for discharge.

19 Sec. 8. Section 218.14, Code 1999, is amended to read as
20 follows:

21 218.14 DWELLING HOUSE OF SUPERINTENDENT OR OTHER EMPLOYEE.

22 1. The ~~division~~ administrator having control over any
23 ~~state~~ an institution may, with consent of the director of
24 human services, furnish the ~~executive-head~~ superintendent of
25 ~~each-of~~ the ~~institutions~~ institution, in addition to salary,
26 with a dwelling house or with appropriate quarters in lieu
27 ~~thereof~~ of the dwelling, or the ~~division~~ administrator may
28 compensate the ~~executive-head~~ superintendent of ~~each-of~~ the
29 ~~institutions~~ institution in lieu of furnishing a house
30 dwelling or quarters. If ~~an-executive-head~~ the superintendent
31 of the institution is furnished with a dwelling house or
32 quarters, either of which is owned by the state, the ~~executive~~
33 ~~head~~ superintendent may also be furnished with water, heat,
34 and electricity.

35 2. The ~~division~~ administrator having control over any

1 state an institution may furnish assistant **executive-heads**
 2 superintendents or other employees, or both, with a dwelling
 3 houses or with appropriate quarters, owned by the state. The
 4 assistant **executive-head** superintendent or employee, who is so
 5 furnished, shall pay rent for the dwelling house or quarters
 6 in an amount to be determined by the **executive-head**
 7 superintendent of the institution, which shall be the fair
 8 market rental value of the house dwelling or quarters. If an
 9 assistant **executive-head** superintendent or employee is
 10 furnished with a dwelling house or quarters, either of which
 11 is owned by the state, the assistant **executive-head**
 12 superintendent or employee may also be furnished with water,
 13 heat, and electricity. However, the furnishing of these
 14 utilities shall be considered in determining the fair market
 15 rental value of the house dwelling or quarters.

16 Sec. 9. Section 218.17, Code 1999, is amended to read as
 17 follows:

18 218.17 AUTHORITY FOR VACATION.

19 Vacations and sick leave with pay as authorized in section
 20 70A.1 shall only be taken at such times as the **executive**
 21 **officer** superintendent or the business manager in charge of
 22 **said an** officer or employee, as the case may be, may direct,
 23 and only after written authorization by the **executive-officer**
 24 superintendent or business manager, and for the number of days
 25 specified therein in the authorization. A copy of **such-permit**
 26 the authorization shall be attached to the institution's copy
 27 of the payroll of the institution, for audit purposes, for the
 28 period during which the vacation was taken, and the
 29 semimonthly payroll shall show the number of days the person
 30 was absent under the **permit** authorization.

31 Sec. 10. Section 218.19, Code 1999, is amended to read as
 32 follows:

33 218.19 DISTRICTS.

34 The administrator having control over **any-state** a type of
 35 institution shall, from time to time, divide the state into

1 districts from which the ~~several-institutions~~ type of
2 institution may receive residents. The particular ~~division~~
3 ~~administrators~~ administrator shall promptly notify the proper
4 county or judicial officers of all changes in ~~such the~~
5 districts.

6 Sec. 11. Section 218.20, Code 1999, is amended to read as
7 follows:

8 218.20 PLACE OF COMMITMENTS -- TRANSFERS.

9 Commitments, unless otherwise permitted by the ~~division~~
10 administrator having control over ~~any-state~~ an institution,
11 shall be to the institution located in the district embracing
12 the county from which the commitment is issued. ~~The~~
13 ~~particular-division-administrators~~ An administrator may, at
14 the expense of the state, transfer a resident of one
15 institution to another like institution.

16 Sec. 12. Section 218.23, Code 1999, is amended to read as
17 follows:

18 218.23 REPORTS TO ADMINISTRATOR.

19 The ~~managing-officer~~ superintendent of ~~each an~~ institution
20 shall, within ten days after the commitment or entrance of a
21 person to the institution, cause a true copy of the person's
22 entrance record to be made and forwarded to the administrator
23 in control of ~~such the~~ institution. When a patient or
24 resident leaves, or is discharged, or transferred, or dies in
25 ~~any an~~ institution, the superintendent or person in charge
26 shall within ten days ~~thereafter~~ after that date send ~~such the~~
27 information to the office of ~~such the~~ institution's
28 administrator on forms which the administrator prescribes.

29 Sec. 13. Section 218.25, Code 1999, is amended to read as
30 follows:

31 218.25 RELIGIOUS BELIEFS.

32 The ~~chief-executive-officer~~ superintendent of an
33 institution, receiving a person committed to ~~any-of-said~~
34 ~~institutions~~ the institution, shall inquire of ~~such the~~ person
35 as to the person's religious preference and enter the ~~same~~

1 preference in the book kept for the purpose, and cause said
2 the person to sign the same book.

3 Sec. 14. Section 218.30, Code 1999, is amended to read as
4 follows:

5 218.30 INVESTIGATION OF OTHER INSTITUTIONS.

6 The administrators ~~of-the-department-of-human-services~~ to
7 whom control of state institutions has been ~~delegated~~
8 assigned, or their authorized officers or employees, may
9 investigate charges of abuse, neglect, or mismanagement on the
10 part of any an officer or employee of any a private
11 institution which is subject to the administrator's particular
12 supervision or control. The administrator ~~of-the-division-of~~
13 ~~mental-health-and-developmental-disabilities~~ who has been
14 assigned to have authority over the state mental health
15 institutes, or the administrator's authorized officer or
16 employee, shall also investigate charges concerning county
17 care facilities in which persons with mental illness are
18 served.

19 Sec. 15. Section 218.45, Code 1999, is amended to read as
20 follows:

21 218.45 CONFERENCES.

22 Quarterly conferences of the ~~chief-executive-officers~~
23 superintendents of ~~said the~~ institutions shall be held with
24 the administrator in control of ~~such-institution the~~
25 institutions at Des Moines or at institutions under the
26 administrator's jurisdiction, for the consideration of all
27 matters relative to the management of ~~said the~~ institutions.
28 Full minutes of ~~such-meetings the conferences~~ shall be
29 preserved in the records of the administrator. The
30 administrator in control may cause papers on appropriate
31 subjects to be prepared and read, at ~~such the~~ conferences, ~~on~~
32 ~~appropriate-subjects~~.

33 Sec. 16. Section 218.46, subsection 1, Code 1999, is
34 amended to read as follows:

35 1. The ~~administrators-of-divisions-of-the-department-of~~

1 ~~human-services-who-are~~ administrator who is in charge of
2 ~~institutions~~ an institution shall encourage the scientific
3 investigation, on the part of the ~~executive-heads~~
4 superintendent and medical ~~staffs~~ staff of the ~~various~~
5 ~~institutions~~ institution, as to the most successful methods of
6 ~~managing-such-institutions~~ institutional management and
7 treating the persons committed ~~thereto,~~ to the institution.
8 In addition, the administrator shall procure and furnish to
9 ~~such-heads-and-staffs~~ the superintendent and medical staff
10 information relative to such management and treatment, and,
11 from time to time, publish bulletins and reports of scientific
12 and clinical work done in ~~said-institutions~~ that type of
13 institution.

14 Sec. 17. Section 218.47, Code 1999, is amended to read as
15 follows:

16 218.47 MONTHLY REPORT.

17 The ~~chief-executive-officer~~ superintendent or business
18 manager of each institution, ~~or-business-manager-of~~
19 ~~institutions-having-the-same,~~ shall, on the first day of each
20 month, account to the administrator in control of the
21 particular institution for all state funds received during the
22 preceding month, and, at ~~said~~ the same time, remit the ~~same~~
23 accounting to the treasurer of state.

24 Sec. 18. Section 218.48, Code 1999, is amended to read as
25 follows:

26 218.48 ANNUAL REPORTS.

27 The ~~executive-head~~ superintendent or business manager of
28 each institution shall make an annual report to the
29 administrator in control of the particular institution and
30 ~~embrace-therein-a-minute~~ include in the report a detailed and
31 accurate inventory of the stock and supplies on hand, and the
32 their amount and value ~~thereof,~~ under the following heads
33 headings: Bivestock livestock, farm produce on hand,
34 vehicles, agricultural implements, machinery, mechanical
35 fixtures, real estate, furniture, and bedding in residents'

1 department, state property in superintendent's department,
2 clothing, dry goods, provisions and groceries, drugs and
3 medicine, fuel, library, and all other state property under
4 appropriate heads headings to be determined by the particular
5 administrator involved.

6 Sec. 19. Section 218.49, Code 1999, is amended to read as
7 follows:

8 218.49 CONTINGENT FUND.

9 The administrator in control of ~~a-state~~ an institution may
10 permit the ~~executive-head, which shall include~~ superintendent
11 or the business manager as provided in this chapter, of each
12 institution to retain a stated amount of funds in under the
13 ~~executive-head's~~ superintendent's or business manager's
14 possession supervision as a contingent fund for the payment of
15 freight, postage, commodities purchased on authority of the
16 particular ~~administrator~~ superintendent or business manager
17 involved on a cash basis, salaries, and bills granting
18 discount for cash.

19 Sec. 20. Section 218.55, Code 1999, is amended to read as
20 follows:

21 218.55 PURCHASE FROM AN INSTITUTION.

22 ~~The An~~ administrator ~~of-a-division-of-the-department-of~~
23 ~~human-services~~ may purchase supplies of any institution under
24 the administrator's control, for use in any other ~~such~~
25 institution under the administrator's control, and reasonable
26 payment ~~therefor~~ for the supplies shall be made as in the case
27 of other purchases.

28 Sec. 21. Section 218.57, Code 1999, is amended to read as
29 follows:

30 218.57 COMBINING APPROPRIATIONS.

31 The director of revenue and finance ~~is-authorized-to~~ may
32 combine the balances carried in all specific appropriations
33 into a special account for each institution under the control
34 of a particular administrator ~~of-a-division-of-the-department~~
35 ~~of-human-services,~~ except that the support fund for each

1 institution shall be carried as a separate account.

2 Sec. 22. Section 218.65, Code 1999, is amended to read as
3 follows:

4 218.65 PROPERTY OF DECEASED RESIDENT.

5 The ~~chief-executive-officer~~ superintendent or business
6 manager of each institution shall, upon the death of any
7 resident or patient, immediately take possession of all
8 property of the deceased left at ~~said~~ the institution, and
9 deliver the ~~same~~ property to the duly appointed and qualified
10 representative of the deceased.

11 Sec. 23. Section 218.67, Code 1999, is amended to read as
12 follows:

13 218.67 ~~WHEN-NO-ADMINISTRATION-GRANTED~~ ESTATE ADMINISTRATOR
14 NOT IDENTIFIED.

15 If ~~administration-be-not-granted~~ an estate administrator is
16 not identified within one year from the death of a decedent in
17 an institution, and ~~no~~ a surviving spouse or heir is not
18 known, ~~said-executive-officer~~ the superintendent of the
19 institution may convert all ~~said~~ the decedent's property into
20 money cash and in so doing the ~~executive-officer~~
21 superintendent shall have the powers possessed by a general
22 administrator of an estate.

23 Sec. 24. Section 218.69, Code 1999, is amended to read as
24 follows:

25 218.69 PERMANENT RECORD.

26 A complete permanent record of the money ~~so-sent~~
27 transmitted to the treasurer of state under section 218.68,
28 showing by whom and with whom it was left, its amount, the
29 date of the death of the owner, the owner's reputed place of
30 residence before the owner became a resident of the
31 institution, the date on which it was ~~sent~~ transmitted to the
32 state treasurer and any other facts which may tend to identify
33 the intestate and explain the case, shall be kept by the chief
34 ~~executive-officer~~ superintendent of the institution or
35 business manager, as the case may be, and a transcript thereof

1 of the record shall be sent to, and kept by, the treasurer of
2 state.

3 Sec. 25. Section 218.72, Code 1999, is amended to read as
4 follows:

5 218.72 TEMPORARY QUARTERS IN EMERGENCY.

6 In case the buildings at any institution under the
7 management control of an administrator ~~of-the-division-of-the~~
8 ~~department-of-human-services~~ are destroyed or rendered unfit
9 for habitation by reason of fire, storms, or other like
10 causes, to such an extent that the residents cannot be there
11 confined housed and cared for, ~~said the~~ administrator shall
12 make temporary provision for the confinement housing and care
13 of the residents at some other place in the state. Like
14 provision may be made in case any pestilence breaks out among
15 the residents. The reasonable cost of the change, including
16 transfer of residents, shall be paid from any money in the
17 state treasury not otherwise appropriated.

18 Sec. 26. Section 218.83, Code 1999, is amended to read as
19 follows:

20 218.83 ~~CO-OPERATION~~ ADMINISTRATIVE IMPROVEMENT.

21 The director of ~~the-department-of~~ human services and the
22 ~~administrators of-the-divisions-therein-are-directed-to-co-~~
23 operate assigned to have authority over the institutions shall
24 cooperate with any department or agency of the state
25 government in any manner, including the exchange of employees,
26 calculated to improve administration of the affairs of the
27 ~~institutions under-the-control-of-the-department-of-human~~
28 services.

29 Sec. 27. Section 218.85, Code 1999, is amended to read as
30 follows:

31 218.85 UNIFORM SYSTEM OF ACCOUNTS.

32 The director of ~~the-department-of~~ human services through
33 the administrators ~~of-the-divisions~~ in control of state the
34 institutions shall install in all ~~such-state~~ the institutions
35 ~~under-the-director's-control-and-supervision~~ the most modern,

1 complete, and uniform system of accounts, records, and reports
2 possible, ~~which.~~ The system shall be prescribed by the
3 director of revenue and finance as authorized in section
4 421.31, subsection 10, and, among other matters, shall clearly
5 show the detailed facts relative to the handling and uses of
6 all purchases.

7 Sec. 28. Section 218.88, Code 1999, is amended to read as
8 follows:

9 218.88 INSTITUTIONAL PAYROLLS.

10 At the close of each pay period, the ~~chief-executive~~
11 ~~officer-of-each-institution~~ superintendent or business manager
12 of each institution ~~having-the-same,~~ shall prepare and forward
13 to the director of ~~the-department-of~~ human services a
14 semimonthly payroll which shall show the name of each officer
15 and employee, the semimonthly pay, time paid for, the amount
16 of pay, and any deductions. ~~in-no-event-shall-a~~ A substitute
17 shall not be permitted to receive compensation in the name of
18 the employee for whom the substitute is acting.

19 Sec. 29. Section 218.92, Code 1999, is amended to read as
20 follows:

21 218.92 ~~DANGEROUS-MENTALLY-DISTURBED PATIENTS WITH~~
22 DANGEROUS MENTAL DISTURBANCES.

23 When a patient in a state hospital-school for persons with
24 mental retardation, a state mental health institute, or an
25 another institution under the administration of the
26 ~~administrator-of-the-division-of-mental-health-and~~
27 ~~developmental-disabilities-of-the~~ department of human
28 services, has become so mentally disturbed as to constitute a
29 danger to self, to other patients in or staff of the
30 institution, or to the public, and the institution cannot
31 provide adequate security, the administrator in charge of the
32 institution, with the consent of the director of the Iowa
33 department of corrections, may order the patient to be
34 transferred to the Iowa medical and classification center, if
35 the ~~executive-head~~ superintendent of the institution from

1 which the patient is to be transferred, with the support of a
 2 majority of the medical staff, recommends the transfer in the
 3 interest of the patient, other patients, or the public. If
 4 the patient transferred was hospitalized pursuant to sections
 5 229.6 to 229.15, the transfer shall be promptly reported to
 6 the court ~~which-hospitalized that ordered the hospitalization~~
 7 of the patient, as required by section 229.15, subsection 4.
 8 The Iowa medical and classification center has the same
 9 rights, duties, and responsibilities with respect to the
 10 patient as the institution from which the patient was
 11 transferred had while the patient was hospitalized ~~there in~~
 12 the institution. The cost of the transfer shall be paid from
 13 the funds of the institution from which the transfer is made.

14 Sec. 30. Section 218.93, Code 1999, is amended to read as
 15 follows:

16 218.93 CONSULTANTS FOR DIRECTOR OR ADMINISTRATORS.

17 The director of ~~the-department-of~~ human services or the
 18 administrators ~~of-divisions~~ in control of ~~state the~~
 19 institutions are authorized to secure the services of
 20 consultants to furnish advice on administrative, professional,
 21 or technical problems to the director or ~~such the~~
 22 administrators, their employees, or employees of institutions
 23 under their jurisdiction or to provide in-service training and
 24 instruction for ~~such the~~ employees. The director and
 25 administrators are authorized to pay the consultants at a rate
 26 to be determined by them from funds ~~appropriated-to under~~
 27 their division control or to from any institution
 28 institutional funding under their jurisdiction as ~~such the~~
 29 director or administrator may determine.

30 Sec. 31. Section 218.98, Code 1999, is amended to read as
 31 follows:

32 218.98 CANTEEN MAINTAINED.

33 The administrators ~~of-divisions-in-the-department-of-human~~
 34 ~~services~~ in control of ~~state the~~ institutions may maintain a
 35 canteen at any institution under their jurisdiction and

1 control for the sale to persons ~~confined-therein~~ residing in
2 the institution of toilet articles, candy, tobacco products,
3 notions, and other sundries, and may provide the necessary
4 facilities, equipment, personnel, and merchandise ~~therefor~~ for
5 such sale. ~~Such~~ The administrators shall specify what
6 commodities will be sold ~~therein~~ in the canteen. The
7 department may establish and maintain a permanent operating
8 fund for each canteen. The fund shall consist of the receipts
9 from the sale of commodities at the canteen.

10 Sec. 32. Section 218.99, Code 1999, is amended to read as
11 follows:

12 218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL
13 ACCOUNTS.

14 The administrator ~~of-a-division-of-the-department-of-human~~
15 ~~services~~ in control of a state institution shall direct the
16 business manager of each institution under the administrator's
17 jurisdiction which is mentioned in section 331.424, subsection
18 1, paragraphs "a" and "b", and for which services are paid
19 under section 331.424A, to quarterly inform the county of
20 legal settlement's entity designated to perform the county's
21 single entry point process of any patient or resident who has
22 an amount in excess of two hundred dollars on account in the
23 patients' personal deposit fund and the amount on deposit.
24 The administrators shall direct the business manager to
25 further notify the entity designated to perform the county's
26 single entry point process at least fifteen days before the
27 release of funds in excess of two hundred dollars or upon the
28 death of the patient or resident. If the patient or resident
29 has no county of legal settlement, notice shall be made to the
30 director of human services and the administrator ~~of-the~~
31 ~~division-of-the-department~~ in control of the institution
32 involved.

33 Sec. 33. Section 225C.4, subsection 1, paragraph h, and
34 subsection 2, paragraph b, Code Supplement 1999, are amended
35 by striking the paragraphs.

1 Sec. 34. Section 225C.13, Code 1999, is amended to read as
2 follows:

3 225C.13 ~~AUTHORITY OF ADMINISTRATOR~~ TO ESTABLISH AND LEASE
4 FACILITIES.

5 1. The administrator assigned, in accordance with section
6 218.1, to control the state mental health institutes and the
7 state resource centers may enter into agreements under which a
8 facility or portion of a facility administered by the
9 administrator is leased to a department or division of state
10 government, a county or group of counties, or a private
11 nonprofit corporation organized under chapter 504A. A lease
12 executed under this section shall require that the lessee use
13 the leased premises to deliver either disability services or
14 other services normally delivered by the lessee.

15 2. The administrator of the division of mental health and
16 developmental disabilities may work with the appropriate
17 administrator of the department's institutions to establish
18 mental health and mental retardation services for all
19 institutions under the control of the director of human
20 services and to establish an autism unit, following mutual
21 planning and consultation with the medical director of the
22 state psychiatric hospital, at an institution or a facility
23 administered by the department to provide psychiatric and
24 related services and other specific programs to meet the needs
25 of autistic persons, and to furnish appropriate diagnostic
26 evaluation services.

27 Sec. 35. Section 226.47, Code 1999, is amended to read as
28 follows:

29 226.47 ADMINISTRATOR DEFINED.

30 For the purpose of this chapter, "administrator" means the
31 ~~administrator of the division of mental health and~~
32 ~~developmental disabilities of the department of human services~~
33 person assigned, in accordance with section 218.1, to control
34 the state mental health institutes.

35 Sec. 36. Section 227.19, Code 1999, is amended to read as

1 follows:

2 227.19 ADMINISTRATOR DEFINED.

3 For the purpose of this chapter, "administrator" or
4 "administrator of the division" means the ~~administrator-of-the~~
5 ~~division-of-mental-health-and-developmental-disabilities-of~~
6 ~~the-department-of-human-services~~ person assigned, in
7 accordance with section 218.1, to control the state mental
8 health institutes or that person's designee.

9 Sec. 37. Section 229.1, subsection 1, Code 1999, is
10 amended to read as follows:

11 1. "Administrator" means the administrator of that
12 ~~division-of~~ the department of human services ~~having~~
13 ~~jurisdiction-of~~ assigned, in accordance with section 218.1, to
14 control the state mental health institutes, or that
15 administrator's designee.

16 Sec. 38. Section 229.15, subsection 3, Code 1999, is
17 amended to read as follows:

18 3. When a patient has been placed in a facility other than
19 a hospital pursuant to section 229.14, subsection 4, a report
20 on the patient's condition and prognosis shall be made to the
21 court which ~~so~~ placed the patient, at least once every six
22 months, unless the court authorizes annual reports. ~~A-report~~
23 ~~shall-be-submitted-within-fifteen-days-after-the-facility-in~~
24 ~~which-the-patient-has-been-placed-is-evaluated-as-required-by~~
25 If an evaluation of the patient is performed pursuant to
26 section 227.2, subsection 4, a copy of the evaluation report
27 shall be submitted to the court within fifteen days of the
28 evaluation's completion. The court may in its discretion
29 waive the requirement of an additional report between the
30 annual evaluations. If the administrator ~~of-the-division~~
31 exercises the authority to remove residents from a county care
32 facility or other county or private institution under section
33 227.6, the administrator shall promptly notify each court
34 which placed in that facility any resident so removed.

35 Sec. 39. Section 229.41, Code 1999, is amended to read as

1 follows:

2 229.41 VOLUNTARY ADMISSION.

3 Persons making application pursuant to section 229.2 on
4 their own behalf or on behalf of another person who is under
5 eighteen years of age, if the person whose admission is sought
6 is received for observation and treatment on such the
7 application, shall be required to pay the costs of
8 hospitalization at rates established by the administrator of
9 ~~the division, which.~~ The costs may be collected weekly in
10 advance and shall be payable at the business office of the
11 hospital. ~~Such~~ The collections shall be remitted to the
12 director of revenue and finance monthly to be credited to the
13 general fund of the state.

14 Sec. 40. Section 229.43, Code 1999, is amended to read as
15 follows:

16 229.43 NONRESIDENTS OR NO-SETTLEMENT PATIENTS.

17 ~~The administrator of the division shall have the power to~~
18 may place patients of mental health institutes who have no
19 county of legal settlement; who are nonresidents; or whose
20 legal settlement is unknown, on convalescent leave to a
21 private sponsor or in any a health care facility licensed
22 under chapter 135C, when in the opinion of the administrator
23 ~~said the~~ placement is in the best interests of the patient and
24 the state of Iowa. If the patient was involuntarily
25 hospitalized, the district court which hospitalized ordered
26 hospitalization of the patient must be informed when the
27 patient is placed on convalescent leave, as required by
28 section 229.15, subsection 4.

29 Sec. 41. Section 230.5, Code 1999, is amended to read as
30 follows:

31 230.5 NONRESIDENTS.

32 If such legal settlement is found by the court to be in
33 some foreign state or country, or unknown, ~~it~~ the court shall
34 immediately notify the administrator ~~of the division~~ of such
35 the finding and furnish the administrator with a copy of the

1 evidence taken on the question of legal settlement, and shall
2 in its order issued pursuant to section 229.13 direct that the
3 patient be hospitalized at the appropriate state hospital for
4 persons with mental illness.

5 Sec. 42. Section 230.31, Code 1999, is amended to read as
6 follows:

7 230.31 DEPARTERS FROM OTHER STATES.

8 ~~When-any~~ If a person with mental illness departs without
9 proper authority from an institution in another state and is
10 found in this state, ~~any a~~ a peace officer in ~~any the~~ the county in
11 which ~~such the~~ the patient is found may take and detain the
12 patient without order and shall report ~~such the~~ the detention to
13 the administrator ~~of-the-division~~ who shall provide for the
14 return of ~~such the~~ the patient to the authorities of the state
15 where the unauthorized leave was made. Pending such return
16 ~~such the~~ the patient may be detained temporarily at one of the
17 institutions of this state ~~governed-by~~ under the control of
18 the administrator ~~of-the-division~~ or any other administrator
19 of the ~~state~~ department of human services. Expenses incurred
20 under this section shall be paid in the same manner as is
21 provided for transfers in section 230.8.

22 Sec. 43. Section 230.33, unnumbered paragraph 1, Code
23 1999, is amended to read as follows:

24 The administrator ~~of-the-division-is-hereby-authorized-to~~
25 may enter into agreements with other states, through their
26 duly constituted authorities, to effect the reciprocal return
27 of persons with mental illness and persons with mental
28 retardation to the contracting states, and to effect the
29 reciprocal supervision of persons on convalescent leave.

30 Sec. 44. Section 230.34, subsection 1, Code 1999, is
31 amended to read as follows:

32 1. As used in this chapter, "administrator" means the
33 administrator of ~~the-division-of-mental-health-and~~
34 ~~developmental-disabilities-of~~ the department of human services
35 assigned, in accordance with section 218.1, to control the

1 state mental health institutes, or that administrator's
2 designee.

3 DIVISION II

4 RESOURCE CENTERS

5 Sec. 45. Section 218.1, subsections 1 and 2, Code 1999,
6 are amended to read as follows:

7 1. Glenwood state ~~hospital-school~~ resource center.

8 2. Woodward state ~~hospital-school~~ resource center.

9 Sec. 46. Section 222.1, Code 1999, is amended to read as
10 follows:

11 222.1 PURPOSE OF STATE SCHOOLS RESOURCE CENTERS.

12 1. The Glenwood state ~~hospital-school~~ resource center and
13 the Woodward state ~~hospital-school~~ resource center are
14 established and shall be maintained as the state's regional
15 resource centers for the purpose of providing treatment,
16 training, instruction, care, habilitation, and support of
17 persons with mental retardation or other disabilities in this
18 state, and providing facilities, services, and other support
19 to the communities located in the region being served by a
20 state ~~hospital-school~~ resource center. In addition, the state
21 ~~hospital-schools~~ resource centers are encouraged to serve as a
22 training resource for community-based program staff, medical
23 students, and other participants in professional education
24 programs. A ~~hospital-school~~ resource center may request the
25 approval of the council on human services to change the name
26 of the ~~institution~~ resource center for use in communication
27 with the public, in signage, and in other forms of
28 communication.

29 2. A special mental retardation unit may be maintained at
30 one of the state mental health institutes for the purposes set
31 forth in sections 222.88 to 222.91.

32 Sec. 47. Section 222.2, subsection 1, Code 1999, is
33 amended to read as follows:

34 1. "Administrator" means the ~~administrator-of-the-division~~
35 ~~of-mental-health-and-developmental-disabilities-of~~ person

1 assigned by the department director of human services, in
2 accordance with section 218.1, to control the state resource
3 centers.

4 Sec. 48. Section 222.2, subsection 3, Code 1999, is
5 amended by striking the subsection.

6 Sec. 49. Section 222.2, Code 1999, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 6A. "State resource centers" or "resource
9 centers" means the Glenwood state resource center and the
10 Woodward state resource center.

11 Sec. 50. Section 222.2, subsection 7, Code 1999, is
12 amended to read as follows:

13 7. "Superintendents" means the superintendents of the
14 state ~~hospital-schools~~ resource centers.

15 Sec. 51. AMENDMENTS TO TERMS "HOSPITAL-SCHOOL" AND
16 "HOSPITAL-SCHOOLS" -- DIRECTIVE TO CODE EDITOR.

17 1. Sections 218.92, 222.5, 222.6, 222.7, 222.9, 222.12,
18 222.13, 222.15, 222.31, 222.36, 222.37, 222.38, 222.39,
19 222.41, 222.42, 222.43, 222.44, 222.45, 222.51, 222.59,
20 222.60, 222.61, 222.62, 222.65, 222.66, 222.67, 222.68,
21 222.69, 222.70, 222.72, 222.73, 222.77, 222.78, 222.83,
22 222.84, 222.85, 222.86, 222.87, 227.6, 249A.11, and 252.16,
23 Code 1999, are amended by striking from the sections the word
24 "hospital-school" and inserting in lieu thereof the words
25 "resource center".

26 2. Sections 23A.2, 222.13A, and 227.2, Code Supplement
27 1999, are amended by striking from the sections the word
28 "hospital-school" and inserting in lieu thereof the words
29 "resource center".

30 3. Sections 135B.9, 218.78, 222.3, 222.4, 222.6, 222.7,
31 222.8, 222.11, and 222.90, Code 1999, are amended by striking
32 from the sections the word "hospital-schools" and inserting in
33 lieu thereof the words "resource centers".

34 4. Sections 225C.4, 225C.6, 227.2, and 331.440A, Code
35 Supplement 1999, are amended by striking from the sections the

1 word "hospital-schools" and inserting in lieu thereof the
2 words "resource centers".

3 5. The Code editor shall substitute the words "resource
4 center" for the word "hospital-school" anywhere in the Code of
5 Iowa or in any enactment to be codified if there appears to be
6 no doubt as to the intent to refer to the Glenwood resource
7 center or Woodward resource center under the authority of the
8 department of human services.

9 6. The Code editor shall substitute the words "resource
10 centers" for the word "hospital-schools" anywhere in the Code
11 of Iowa or in any enactment to be codified if there appears to
12 be no doubt as to the intent to refer to the Glenwood resource
13 center and Woodward resource center under the authority of the
14 department of human services.

15 DIVISION III

16 COUNTY CLUSTER EMPLOYEE AND VOLUNTEER RECORD

17 CHECKS

18 Sec. 52. NEW SECTION. 217.44 COUNTY CLUSTERS -- EMPLOYEE
19 AND VOLUNTEER RECORD CHECKS.

20 1. The department shall conduct criminal and child and
21 dependent adult abuse record checks of persons who are
22 potential employees, employees, potential volunteers, and
23 volunteers in county cluster offices in a position having
24 direct contact with the department's clients. The record
25 checks shall be performed in this state and the department may
26 conduct these checks in other states. If the department
27 determines that a person has been convicted of a crime or has
28 a record of founded child or dependent adult abuse, the
29 department shall perform an evaluation to determine whether
30 the crime or founded abuse warrants prohibition of the
31 person's employment or participation as a volunteer. The
32 record checks and evaluation shall be performed in accordance
33 with procedures adopted for this purpose by the department.

34 2. In an evaluation, the department shall consider the
35 nature and seriousness of the crime or founded child or

1 dependent adult abuse in relation to the position sought or
2 held, the time elapsed since the commission of the crime or
3 founded abuse, the circumstances under which the crime or
4 founded abuse was committed, the degree of rehabilitation, the
5 likelihood that the person will commit the crime or founded
6 abuse again, and the number of crimes or founded abuses
7 committed by the person involved.

8 3. The department may permit a person who is evaluated to
9 be employed or to participate as a volunteer if the person
10 complies with the department's conditions relating to
11 employment or participation as a volunteer which may include
12 completion of additional training.

13 4. If the department determines that the person has
14 committed a crime or has a record of founded child or
15 dependent adult abuse which warrants prohibition of employment
16 or participation as a volunteer, the person shall not be
17 employed by or participate as a volunteer in a department
18 cluster office in a position having direct contact with the
19 department's clients.

20 EXPLANATION

21 This bill relates to the authority of the department of
22 human services involving state institutions and employee and
23 volunteer background checks.

24 Division I of the bill relates to administration of the
25 institutions of the department of human services.

26 The bill amends Code section 218.1, relating to authority
27 over the department's institutions, by authorizing the
28 director of human services to assign responsibilities for
29 control of these institutions to a deputy director in addition
30 to current law's provision for an assignment to a division
31 administrator, or other employee or officer of the department.

32 Code section 218.2 is amended to strike a reference to the
33 term "division" administrator.

34 Code section 218.3, relating to primary authority for
35 management of the institutions, is stricken and rewritten.

1 Under current law, the director of human services may assign
 2 administrative responsibilities for the juvenile institutions,
 3 but the law specifies that the administrator of the division
 4 of mental health and developmental disabilities has primary
 5 authority for the state hospital-schools and mental health
 6 institutes. The Code section is rewritten to define the term
 7 "administrator" as the person to whom the director of human
 8 services has assigned power and authority over an institution
 9 and the term "institution" is defined as an institution listed
 10 in Code section 218.1.

11 The remainder of the amendments to Code chapter 218 in this
 12 division of the bill replace specific references to division
 13 administrators with the defined term of "administrator" and
 14 replace various forms of reference to the chief executive
 15 officer of the institutions with the term "superintendent".

16 This division of the bill also removes state institution
 17 administrative authority from the administrator of the
 18 department's division of mental health and developmental
 19 disabilities and redirects that authority to the director of
 20 human services designee in the following Code chapters:
 21 chapter 225C, relating to mental illness, mental retardation,
 22 developmental disabilities, and brain injury services; chapter
 23 226, relating to the state mental health institutes; chapter
 24 227, relating to county and private hospitals for persons with
 25 mental illness and mental retardation; chapter 229, relating
 26 to hospitalization of persons with mental illness; and chapter
 27 230, relating to support of persons with mental illness.

28 The amendment to Code section 229.15 also rewrites language
 29 regarding reports of evaluations required to be made on
 30 patients in private hospitals and county care facilities that
 31 are also submitted to the district court.

32 Division II of the bill changes Code references from state
 33 "hospital-schools" to Glenwood and Woodward state "resource
 34 centers".

35 The reference changes are applied in Code section 218.1 and

1 222.1, relating to the list of the department's institutions,
2 and in Code section 222.2, relating to assignment of
3 administrative responsibilities for the two institutions. In
4 addition, the administrative assignment language in this
5 section is amended to conform to the changes made in division
6 I of the bill.

7 Code section 222.2, relating to the definitions used in
8 Code chapter 222, is amended to strike the current law's
9 definition of the state hospital-schools and replace it with a
10 new definition of the resource centers. This change is also
11 applied to the definition of the term "superintendents".

12 An alternative form of bill drafting is utilized to change
13 the references from "hospital-school" to "resource center", in
14 both singular and plural forms, in specified sections of the
15 1999 Code and Code Supplement. In addition, the Code editor
16 is directed to apply this change throughout the Code of Iowa,
17 including new enactments to be codified.

18 Division III relates to persons who are prospective
19 employees, employees, prospective volunteers, and volunteers
20 in county cluster offices in a position having direct contact
21 with the department's clients. The department is directed to
22 perform criminal and child and dependent adult abuse record
23 checks of such persons in this state and may perform the
24 checks in other states. If a criminal record or founded abuse
25 exists, the department is to perform an evaluation in
26 accordance with specified criteria to determine whether
27 prohibition of the person's employment or volunteer
28 participation is warranted.

29 The department may permit a person who is evaluated to be
30 employed or to participate as a volunteer if the person
31 complies with the department's conditions relating to
32 employment or participation as a volunteer which may include
33 completion of additional training. Otherwise, if the
34 department determines that the person has committed a crime or
35 has a record of founded child or dependent adult abuse which

1 warrants prohibition of employment or participation as a
2 volunteer, the person cannot be employed by or participate as
3 a volunteer in a department cluster office in a position
4 having direct contact with the department's clients.

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THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

DATE: January 24, 2000
TO: Members of the General Assembly
FROM: Karla Fultz McHenry, Legislative Liaison

The Iowa Department of Human Services (DHS) is proposing legislation relating to:

- Responsibility for control of the DHS institutions
- Name change for the State Hospital-Schools
- Background checks on Field staff

The goal of the bill is to address the change in assignment of control of the institutions within the Department from program Division Administrators to the Deputy Director for Field Operations, and to more accurately reflect the role of the Hospital-Schools through a name change of "Resource Centers". The bill also allows for record checks to be performed for Field staff and volunteers who have contact with clients. This would be for criminal background and child and dependent adult abuse registry checks. These checks are currently being done for new employees hired at the institutions.

For additional information regarding this proposal, or other questions, please contact Karla Fultz McHenry, Legislative Liaison, at 281-4848 or e-mail at kmchenr@dhs.state.ia.us.

KFM/KK

H- 3/6/00 Human Res
H- 3/14/00 Do Pass

FILED FEB 28 '00
H. 3/23/00 Unfinished Business
Colombia

2360

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3105)

Passed Senate ^(p. 515) Date 3/2/00 Passed House ^(p. 1240) Date 4-5-00
Vote: Ayes 47 Nays 0 Vote: Ayes 92 Nays 0

Approved 4-19-00

^(p. 1087) Re-passed 4-10-00
Vote 50-0

A BILL FOR

1 An Act relating to the authority of the department of human
2 services involving state institutions and employee and
3 volunteer background checks.

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

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SF 2360

1 DIVISION I
2 ADMINISTRATION OF DEPARTMENT OF HUMAN SERVICES INSTITUTIONS

3 Section 1. Section 218.1, unnumbered paragraph 1, Code
4 1999, is amended to read as follows:

5 The director ~~of-the-state-department~~ of human services
6 shall have the general and full authority given under statute
7 to control, manage, direct, and operate the following
8 institutions under the director's jurisdiction, and may at the
9 director's discretion ~~execute~~ assign the powers and
10 authorities given the director by statute to any one of the
11 deputy directors, division administrators, or ~~to-any-of-the~~
12 officers or employees of the divisions of the department of
13 human services:

14 Sec. 2. Section 218.2, unnumbered paragraph 2, Code 1999,
15 is amended to read as follows:

16 The ~~division~~ administrator to whom primary responsibility
17 of a particular institution has been assigned shall make ~~such~~
18 reports to the director of ~~the-department-of~~ human services as
19 are requested by the director and the director shall report,
20 in writing, to the governor any abuses found to exist in any
21 of the ~~said~~ institutions.

22 Sec. 3. Section 218.3, Code 1999, is amended by striking
23 the section and inserting in lieu thereof the following:

24 218.3 DEFINITIONS.

25 For the purposes of this chapter, unless the context
26 otherwise requires:

27 1. "Administrator" means the person to whom the director
28 of human services has assigned power and authority over an
29 institution in accordance with section 218.1.

30 2. "Institution" means an institution listed in section
31 218.1.

32 Sec. 4. Section 218.4, unnumbered paragraph 2, Code 1999,
33 is amended to read as follows:

34 Rules adopted by the council shall be uniform and shall
35 apply to all institutions under the particular administrator

1 and to all other institutions under the administrator's
2 jurisdiction and the primary rules ~~of-the-administrator-of-the~~
3 ~~division-of-mental-health-and-developmental-disabilities~~ for
4 use in institutions where persons with mental illness are
5 served shall, unless otherwise indicated, uniformly apply to
6 county or private hospitals in which persons with mental
7 illness are served, but the rules shall not interfere with
8 proper medical treatment administered to patients by competent
9 physicians. Annually, signed copies of the rules shall be
10 sent to the ~~chief-executive-officer~~ superintendent of each
11 institution or hospital under the control or supervision of a
12 particular administrator and copies shall also be sent to the
13 clerk of each district court, the chairperson of the board of
14 supervisors of each county and, as appropriate, to the officer
15 in charge of institutions or hospitals caring for persons with
16 mental illness in each county who shall be responsible for
17 seeing that the rules are posted in each institution or
18 hospital in a prominent place. The rules shall be kept
19 current to meet the public need and shall be revised and
20 published annually.

21 Sec. 5. Section 218.5, Code 1999, is amended to read as
22 follows:

23 218.5 FIRE PROTECTION CONTRACTS.

24 The administrators ~~of-the-divisions-of-the-state-department~~
25 ~~of-human-services~~ shall have power to enter into contracts
26 with the governing body of any city or other municipal
27 corporation for the protection from fire of any property under
28 ~~such~~ the administrators' primary control, located in any ~~such~~
29 municipal corporation or in territory contiguous ~~thereto~~ to
30 the municipal corporation, upon such terms as may be agreed
31 upon.

32 Sec. 6. Section 218.9, unnumbered paragraph 1, Code 1999,
33 is amended to read as follows:

34 The administrator ~~of-the-division-of-mental-health-and~~
35 ~~developmental-disabilities-of-the-department-of-human-services~~

1 in charge of an institution, subject to the approval of the
2 director of the department human services, shall appoint the
3 superintendents-of-the-state-hospital-schools-and-the-state
4 mental-health-institutes superintendent of the institution.

5 Sec. 7. Section 218.10, Code 1999, is amended to read as
6 follows:

7 218.10 SUBORDINATE OFFICERS AND EMPLOYEES.

8 The ~~division~~ administrator in charge of a particular
9 institution, with the consent and approval of the director of
10 the ~~department~~ of human services, shall determine the number
11 of subordinate officers and employees for each the
12 institution. Subject to this chapter, the officers and
13 employees shall be appointed and discharged by the chief
14 executive-officer superintendent or business manager pursuant
15 to chapter 19A. The ~~officer~~ superintendent shall keep, in the
16 record of each subordinate officer and employee, the date of
17 employment, the compensation, and the date of each discharge,
18 and the reasons for discharge.

19 Sec. 8. Section 218.14, Code 1999, is amended to read as
20 follows:

21 218.14 DWELLING HOUSE OF SUPERINTENDENT OR OTHER EMPLOYEE.

22 1. The ~~division~~ administrator having control over any
23 state an institution may, with consent of the director of
24 human services, furnish the executive-head superintendent of
25 each-of the institutions institution, in addition to salary,
26 with a dwelling house or with appropriate quarters in lieu
27 thereof of the dwelling, or the ~~division~~ administrator may
28 compensate the executive-head superintendent of each-of the
29 institutions institution in lieu of furnishing a house
30 dwelling or quarters. If an executive-head the superintendent
31 of the institution is furnished with a dwelling house or
32 quarters, either of which is owned by the state, the executive
33 head superintendent may also be furnished with water, heat,
34 and electricity.

35 2. The ~~division~~ administrator having control over any

1 state an institution may furnish assistant **executive-heads**
2 superintendents or other employees, or both, with a dwelling
3 houses or with appropriate quarters, owned by the state. The
4 assistant **executive-head** superintendent or employee, who is so
5 furnished, shall pay rent for the dwelling house or quarters
6 in an amount to be determined by the **executive-head**
7 superintendent of the institution, which shall be the fair
8 market rental value of the house dwelling or quarters. If an
9 assistant **executive-head** superintendent or employee is
10 furnished with a dwelling house or quarters, either of which
11 is owned by the state, the assistant **executive-head**
12 superintendent or employee may also be furnished with water,
13 heat, and electricity. However, the furnishing of these
14 utilities shall be considered in determining the fair market
15 rental value of the house dwelling or quarters.

16 Sec. 9. Section 218.17, Code 1999, is amended to read as
17 follows:

18 218.17 AUTHORITY FOR VACATION.

19 Vacations and sick leave with pay as authorized in section
20 70A.1 shall only be taken at such times as the **executive**
21 **officer** superintendent or the business manager in charge of
22 said an officer or employee, as the case may be, may direct,
23 and only after written authorization by the **executive-officer**
24 superintendent or business manager, and for the number of days
25 specified therein in the authorization. A copy of such-permit
26 the authorization shall be attached to the institution's copy
27 of the payroll of the institution, for audit purposes, for the
28 period during which the vacation was taken, and the
29 semimonthly payroll shall show the number of days the person
30 was absent under the permit authorization.

31 Sec. 10. Section 218.19, Code 1999, is amended to read as
32 follows:

33 218.19 DISTRICTS.

34 The administrator having control over any-state a type of
35 institution shall, from time to time, divide the state into

1 districts from which the ~~several-institutions~~ type of
2 institution may receive residents. The particular division
3 ~~administrators~~ administrator shall promptly notify the proper
4 county or judicial officers of all changes in such the
5 districts.

6 Sec. 11. Section 218.20, Code 1999, is amended to read as
7 follows:

8 218.20 PLACE OF COMMITMENTS -- TRANSFERS.

9 Commitments, unless otherwise permitted by the division
10 administrator having control over ~~any-state~~ an institution,
11 shall be to the institution located in the district embracing
12 the county from which the commitment is issued. ~~The~~
13 ~~particular-division-administrators~~ An administrator may, at
14 the expense of the state, transfer a resident of one
15 institution to another like institution.

16 Sec. 12. Section 218.23, Code 1999, is amended to read as
17 follows:

18 218.23 REPORTS TO ADMINISTRATOR.

19 The ~~managing-officer~~ superintendent of each an institution
20 shall, within ten days after the commitment or entrance of a
21 person to the institution, cause a true copy of the person's
22 entrance record to be made and forwarded to the administrator
23 in control of such the institution. When a patient or
24 resident leaves, or is discharged, or transferred, or dies in
25 any an institution, the superintendent or person in charge
26 shall within ten days ~~thereafter~~ after that date send such the
27 information to the office of such the institution's
28 administrator on forms which the administrator prescribes.

29 Sec. 13. Section 218.25, Code 1999, is amended to read as
30 follows:

31 218.25 RELIGIOUS BELIEFS.

32 The ~~chief-executive-officer~~ superintendent of an
33 institution, receiving a person committed to ~~any-of-said~~
34 ~~institutions~~ the institution, shall inquire of such the person
35 as to the person's religious preference and enter the same

1 preference in the book kept for the purpose, and cause said
2 the person to sign the same book.

3 Sec. 14. Section 218.30, Code 1999, is amended to read as
4 follows:

5 218.30 INVESTIGATION OF OTHER INSTITUTIONS.

6 The administrators ~~of-the-department-of-human-services~~ to
7 whom control of ~~state~~ institutions has been ~~delegated~~
8 assigned, or their authorized officers or employees, may
9 investigate charges of abuse, neglect, or mismanagement on the
10 part of ~~any~~ an officer or employee of ~~any~~ a private
11 institution which is subject to the administrator's particular
12 supervision or control. The administrator ~~of-the-division-of~~
13 ~~mental-health-and-developmental-disabilities~~ who has been
14 assigned to have authority over the state mental health
15 institutes, or the administrator's authorized officer or
16 employee, shall also investigate charges concerning county
17 care facilities in which persons with mental illness are
18 served.

19 Sec. 15. Section 218.45, Code 1999, is amended to read as
20 follows:

21 218.45 CONFERENCES.

22 Quarterly conferences of the ~~chief-executive-officers~~
23 superintendents of ~~said~~ the institutions shall be held with
24 the administrator in control of ~~such-institution~~ the
25 institutions at Des Moines or at institutions under the
26 administrator's jurisdiction, for the consideration of all
27 matters relative to the management of ~~said~~ the institutions.
28 Full minutes of ~~such-meetings~~ the conferences shall be
29 preserved in the records of the administrator. The
30 administrator in control may cause papers on appropriate
31 subjects to be prepared and read, at ~~such~~ the conferences, ~~on~~
32 ~~appropriate-subjects~~.

33 Sec. 16. Section 218.46, subsection 1, Code 1999, is
34 amended to read as follows:

35 1. The ~~administrators-of-divisions-of-the-department-of~~

1 ~~human-services-who-are~~ administrator who is in charge of
2 ~~institutions~~ an institution shall encourage the scientific
3 investigation, on the part of the ~~executive-heads~~
4 superintendent and medical ~~staffs~~ staff of the various
5 ~~institutions~~ institution, as to the most successful methods of
6 ~~managing-such-institutions~~ institutional management and
7 treating the persons committed ~~thereto,~~ to the institution.
8 In addition, the administrator shall procure and furnish to
9 ~~such-heads-and-staffs~~ the superintendent and medical staff
10 information relative to such management and treatment, and,
11 from time to time, publish bulletins and reports of scientific
12 and clinical work done in ~~said-institutions~~ that type of
13 institution.

14 Sec. 17. Section 218.47, Code 1999, is amended to read as
15 follows:

16 218.47 MONTHLY REPORT.

17 The ~~chief-executive-officer~~ superintendent or business
18 manager of each institution, ~~or-business-manager-of~~
19 ~~institutions-having-the-same,~~ shall, on the first day of each
20 month, account to the administrator in control of the
21 particular institution for all state funds received during the
22 preceding month, and, at ~~said~~ the same time, remit the same
23 accounting to the treasurer of state.

24 Sec. 18. Section 218.48, Code 1999, is amended to read as
25 follows:

26 218.48 ANNUAL REPORTS.

27 The ~~executive-head~~ superintendent or business manager of
28 each institution shall make an annual report to the
29 administrator in control of the particular institution and
30 ~~embrace-therein-a-minute~~ include in the report a detailed and
31 accurate inventory of the stock and supplies on hand, and the
32 their amount and value thereof, under the following heads
33 headings: livestock livestock, farm produce on hand,
34 vehicles, agricultural implements, machinery, mechanical
35 fixtures, real estate, furniture, and bedding in residents'

1 department, state property in superintendent's department,
2 clothing, dry goods, provisions and groceries, drugs and
3 medicine, fuel, library, and all other state property under
4 appropriate heads headings to be determined by the particular
5 administrator involved.

6 Sec. 19. Section 218.49, Code 1999, is amended to read as
7 follows:

8 218.49 CONTINGENT FUND.

9 The administrator in control of ~~a-state~~ an institution may
10 permit the ~~executive-head, which shall include~~ superintendent
11 or the business manager ~~as provided in this chapter,~~ of each
12 institution to retain a stated amount of funds ~~in~~ under the
13 ~~executive-head's~~ superintendent's or business manager's
14 possession supervision as a contingent fund for the payment of
15 freight, postage, commodities purchased on authority of the
16 particular ~~administrator~~ superintendent or business manager
17 involved on a cash basis, salaries, and bills granting
18 discount for cash.

19 Sec. 20. Section 218.55, Code 1999, is amended to read as
20 follows:

21 218.55 PURCHASE FROM AN INSTITUTION.

22 ~~The An~~ administrator ~~of a division of the department of~~
23 ~~human-services~~ may purchase supplies of any institution under
24 the administrator's control, for use in any other ~~such~~
25 institution under the administrator's control, and reasonable
26 payment ~~therefor~~ for the supplies shall be made as in the case
27 of other purchases.

28 Sec. 21. Section 218.57, Code 1999, is amended to read as
29 follows:

30 218.57 COMBINING APPROPRIATIONS.

31 The director of revenue and finance ~~is authorized to~~ may
32 combine the balances carried in all specific appropriations
33 into a special account for each institution under the control
34 of a particular administrator ~~of a division of the department~~
35 ~~of human-services~~, except that the support fund for each

1 institution shall be carried as a separate account.

2 Sec. 22. Section 218.65, Code 1999, is amended to read as
3 follows:

4 218.65 PROPERTY OF DECEASED RESIDENT.

5 The ~~chief-executive-officer~~ superintendent or business
6 manager of each institution shall, upon the death of any
7 resident or patient, immediately take possession of all
8 property of the deceased left at ~~said~~ the institution, and
9 deliver the ~~same~~ property to the duly appointed and qualified
10 representative of the deceased.

11 Sec. 23. Section 218.67, Code 1999, is amended to read as
12 follows:

13 218.67 ~~WHEN-NO-ADMINISTRATION-GRANTED~~ ESTATE ADMINISTRATOR
14 NOT IDENTIFIED.

15 If ~~administration-be-not-granted~~ an estate administrator is
16 not identified within one year from the death of a decedent in
17 an institution, and ~~no~~ a surviving spouse or heir is not
18 known, ~~said-executive-officer~~ the superintendent of the
19 institution may convert all ~~said~~ the decedent's property into
20 money cash and in so doing the ~~executive-officer~~
21 superintendent shall have the powers possessed by a general
22 administrator of an estate.

23 Sec. 24. Section 218.69, Code 1999, is amended to read as
24 follows:

25 218.69 PERMANENT RECORD.

26 A complete permanent record of the money ~~so-sent~~
27 transmitted to the treasurer of state under section 218.68,
28 showing by whom and with whom it was left, its amount, the
29 date of the death of the owner, the owner's reputed place of
30 residence before the owner became a resident of the
31 institution, the date on which it was ~~sent~~ transmitted to the
32 state treasurer and any other facts which may tend to identify
33 the intestate and explain the case, shall be kept by the ~~chief~~
34 ~~executive-officer~~ superintendent of the institution or
35 business manager, as the case may be, and a transcript thereof

1 of the record shall be sent to, and kept by, the treasurer of
2 state.

3 Sec. 25. Section 218.72, Code 1999, is amended to read as
4 follows:

5 218.72 TEMPORARY QUARTERS IN EMERGENCY.

6 In case the buildings at any institution under the
7 ~~management control~~ of an administrator ~~of-the-division-of-the~~
8 ~~department-of-human-services~~ are destroyed or rendered unfit
9 for habitation by reason of fire, storms, or other like
10 causes, to such an extent that the residents cannot be there
11 ~~confined housed~~ and cared for, ~~said the~~ the administrator shall
12 make temporary provision for the ~~confinement housing~~ and care
13 of the residents at some other place in the state. Like
14 provision may be made in case any pestilence breaks out among
15 the residents. The reasonable cost of the change, including
16 transfer of residents, shall be paid from any money in the
17 state treasury not otherwise appropriated.

18 Sec. 26. Section 218.83, Code 1999, is amended to read as
19 follows:

20 218.83 ~~CO-OPERATION~~ ADMINISTRATIVE IMPROVEMENT.

21 The director of ~~the-department-of~~ human services and the
22 administrators ~~of-the-divisions-therein-are-directed-to-co-~~
23 ~~operate assigned to have authority over the institutions shall~~
24 cooperate with any department or agency of the state
25 government in any manner, including the exchange of employees,
26 calculated to improve administration of the affairs of the
27 institutions ~~under-the-control-of-the-department-of-human~~
28 services.

29 Sec. 27. Section 218.85, Code 1999, is amended to read as
30 follows:

31 218.85 UNIFORM SYSTEM OF ACCOUNTS.

32 The director of ~~the-department-of~~ human services through
33 the administrators ~~of-the-divisions~~ in control of ~~state the~~
34 institutions shall install in all ~~such-state the~~ institutions
35 ~~under-the-director's-control-and-supervision~~ the most modern,

1 complete, and uniform system of accounts, records, and reports
2 possible, ~~which.~~ The system shall be prescribed by the
3 director of revenue and finance as authorized in section
4 421.31, subsection 10, and, among other matters, shall clearly
5 show the detailed facts relative to the handling and uses of
6 all purchases.

7 Sec. 28. Section 218.88, Code 1999, is amended to read as
8 follows:

9 218.88 INSTITUTIONAL PAYROLLS.

10 At the close of each pay period, the ~~chief-executive~~
11 ~~officer-of-each-institution~~ superintendent or business manager
12 of each institution ~~having-the-same,~~ shall prepare and forward
13 to the director of ~~the-department-of~~ human services a
14 semimonthly payroll which shall show the name of each officer
15 and employee, the semimonthly pay, time paid for, the amount
16 of pay, and any deductions. ~~In-no-event-shall-a~~ A substitute
17 shall not be permitted to receive compensation in the name of
18 the employee for whom the substitute is acting.

19 Sec. 29. Section 218.92, Code 1999, is amended to read as
20 follows:

21 218.92 ~~DANGEROUS-MENTALLY-DISTURBED~~ PATIENTS WITH
22 DANGEROUS MENTAL DISTURBANCES.

23 When a patient in a state hospital-school for persons with
24 mental retardation, a state mental health institute, or an
25 another institution under the administration of the
26 ~~administrator-of-the-division-of-mental-health-and~~
27 ~~developmental-disabilities-of-the~~ department of human
28 services, has become so mentally disturbed as to constitute a
29 danger to self, to other patients in or staff of the
30 institution, or to the public, and the institution cannot
31 provide adequate security, the administrator in charge of the
32 institution, with the consent of the director of the Iowa
33 department of corrections, may order the patient to be
34 transferred to the Iowa medical and classification center, if
35 the ~~executive-head~~ superintendent of the institution from

1 which the patient is to be transferred, with the support of a
2 majority of the medical staff, recommends the transfer in the
3 interest of the patient, other patients, or the public. If
4 the patient transferred was hospitalized pursuant to sections
5 229.6 to 229.15, the transfer shall be promptly reported to
6 the court ~~which-hospitalized~~ that ordered the hospitalization
7 of the patient, as required by section 229.15, subsection 4.
8 The Iowa medical and classification center has the same
9 rights, duties, and responsibilities with respect to the
10 patient as the institution from which the patient was
11 transferred had while the patient was hospitalized there in
12 the institution. The cost of the transfer shall be paid from
13 the funds of the institution from which the transfer is made.

14 Sec. 30. Section 218.93, Code 1999, is amended to read as
15 follows:

16 218.93 CONSULTANTS FOR DIRECTOR OR ADMINISTRATORS.

17 The director of ~~the-department-of~~ human services or the
18 administrators ~~of-divisions~~ in control of state the
19 institutions are authorized to secure the services of
20 consultants to furnish advice on administrative, professional,
21 or technical problems to the director or such the
22 administrators, their employees, or employees of institutions
23 under their jurisdiction or to provide in-service training and
24 instruction for such the employees. The director and
25 administrators are authorized to pay the consultants at a rate
26 to be determined by them from funds ~~appropriated-to~~ under
27 their division control or to from any institution
28 institutional funding under their jurisdiction as such the
29 director or administrator may determine.

30 Sec. 31. Section 218.98, Code 1999, is amended to read as
31 follows:

32 218.98 CANTEEN MAINTAINED.

33 The administrators ~~of-divisions-in-the-department-of-human~~
34 services in control of state the institutions may maintain a
35 canteen at any institution under their jurisdiction and

1 control for the sale to persons ~~confined-therein~~ residing in
2 the institution of toilet articles, candy, tobacco products,
3 notions, and other sundries, and may provide the necessary
4 facilities, equipment, personnel, and merchandise therefor for
5 such sale. ~~Such~~ The administrators shall specify what
6 commodities will be sold ~~therein~~ in the canteen. The
7 department may establish and maintain a permanent operating
8 fund for each canteen. The fund shall consist of the receipts
9 from the sale of commodities at the canteen.

10 Sec. 32. Section 218.99, Code 1999, is amended to read as
11 follows:

12 218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL
13 ACCOUNTS.

14 ~~The administrator of-a-division-of-the-department-of-human~~
15 ~~services~~ in control of a state institution shall direct the
16 business manager of each institution under the administrator's
17 jurisdiction which is mentioned in section 331.424, subsection
18 1, paragraphs "a" and "b", and for which services are paid
19 under section 331.424A, to quarterly inform the county of
20 legal settlement's entity designated to perform the county's
21 single entry point process of any patient or resident who has
22 an amount in excess of two hundred dollars on account in the
23 patients' personal deposit fund and the amount on deposit.
24 The administrators shall direct the business manager to
25 further notify the entity designated to perform the county's
26 single entry point process at least fifteen days before the
27 release of funds in excess of two hundred dollars or upon the
28 death of the patient or resident. If the patient or resident
29 has no county of legal settlement, notice shall be made to the
30 director of human services and the administrator ~~of-the~~
31 ~~division-of-the-department~~ in control of the institution
32 involved.

33 Sec. 33. Section 225C.4, subsection 1, paragraph h, and
34 subsection 2, paragraph b, Code Supplement 1999, are amended
35 by striking the paragraphs.

1 Sec. 34. Section 225C.13, Code 1999, is amended to read as
2 follows:

3 225C.13 AUTHORITY ~~OF-ADMINISTRATOR~~ TO ESTABLISH AND LEASE
4 FACILITIES.

5 1. The administrator assigned, in accordance with section
6 218.1, to control the state mental health institutes and the
7 state resource centers may enter into agreements under which a
8 facility or portion of a facility administered by the
9 administrator is leased to a department or division of state
10 government, a county or group of counties, or a private
11 nonprofit corporation organized under chapter 504A. A lease
12 executed under this section shall require that the lessee use
13 the leased premises to deliver either disability services or
14 other services normally delivered by the lessee.

15 2. The administrator of the division of mental health and
16 developmental disabilities may work with the appropriate
17 administrator of the department's institutions to establish
18 mental health and mental retardation services for all
19 institutions under the control of the director of human
20 services and to establish an autism unit, following mutual
21 planning and consultation with the medical director of the
22 state psychiatric hospital, at an institution or a facility
23 administered by the department to provide psychiatric and
24 related services and other specific programs to meet the needs
25 of autistic persons, and to furnish appropriate diagnostic
26 evaluation services.

27 Sec. 35. Section 226.47, Code 1999, is amended to read as
28 follows:

29 226.47 ADMINISTRATOR DEFINED.

30 For the purpose of this chapter, "administrator" means the
31 ~~administrator of the division of mental health and~~
32 ~~developmental disabilities of the department of human services~~
33 person assigned, in accordance with section 218.1, to control
34 the state mental health institutes.

35 Sec. 36. Section 227.19, Code 1999, is amended to read as

1 follows:

2 227.19 ADMINISTRATOR DEFINED.

3 For the purpose of this chapter, "administrator" or
4 "administrator of the division" means the ~~administrator-of-the~~
5 ~~division-of-mental-health-and-developmental-disabilities-of~~
6 ~~the-department-of-human-services~~ person assigned, in
7 accordance with section 218.1, to control the state mental
8 health institutes or that person's designee.

9 Sec. 37. Section 229.1, subsection 1, Code 1999, is
10 amended to read as follows:

11 1. "Administrator" means the administrator of ~~that~~
12 ~~division-of~~ the department of human services ~~having~~
13 ~~jurisdiction-of~~ assigned, in accordance with section 218.1, to
14 control the state mental health institutes, or that
15 administrator's designee.

16 Sec. 38. Section 229.15, subsection 3, Code 1999, is
17 amended to read as follows:

18 3. When a patient has been placed in a facility other than
19 a hospital pursuant to section 229.14, subsection 4, a report
20 on the patient's condition and prognosis shall be made to the
21 court which so placed the patient, at least once every six
22 months, unless the court authorizes annual reports. ~~A-report~~
23 ~~shall-be-submitted-within-fifteen-days-after-the-facility-in~~
24 ~~which-the-patient-has-been-placed-is-evaluated-as-required-by~~
25 If an evaluation of the patient is performed pursuant to
26 section 227.2, subsection 4, a copy of the evaluation report
27 shall be submitted to the court within fifteen days of the
28 evaluation's completion. The court may in its discretion
29 waive the requirement of an additional report between the
30 annual evaluations. If the administrator ~~of-the-division~~
31 exercises the authority to remove residents from a county care
32 facility or other county or private institution under section
33 227.6, the administrator shall promptly notify each court
34 which placed in that facility any resident so removed.

35 Sec. 39. Section 229.41, Code 1999, is amended to read as

1 follows:

2 229.41 VOLUNTARY ADMISSION.

3 Persons making application pursuant to section 229.2 on
4 their own behalf or on behalf of another person who is under
5 eighteen years of age, if the person whose admission is sought
6 is received for observation and treatment on such the
7 application, shall be required to pay the costs of
8 hospitalization at rates established by the administrator of
9 ~~the division, which.~~ The costs may be collected weekly in
10 advance and shall be payable at the business office of the
11 hospital. Such The collections shall be remitted to the
12 director of revenue and finance monthly to be credited to the
13 general fund of the state.

14 Sec. 40. Section 229.43, Code 1999, is amended to read as
15 follows:

16 229.43 NONRESIDENTS OR NO-SETTLEMENT PATIENTS.

17 ~~The administrator of the division shall have the power to~~
18 may place patients of mental health institutes who have no
19 county of legal settlement; who are nonresidents; or whose
20 legal settlement is unknown, on convalescent leave to a
21 private sponsor or in any a health care facility licensed
22 under chapter 135C, when in the opinion of the administrator
23 said the placement is in the best interests of the patient and
24 the state of Iowa. If the patient was involuntarily
25 hospitalized, the district court which hospitalized ordered
26 hospitalization of the patient must be informed when the
27 patient is placed on convalescent leave, as required by
28 section 229.15, subsection 4.

29 Sec. 41. Section 230.5, Code 1999, is amended to read as
30 follows:

31 230.5 NONRESIDENTS.

32 If such legal settlement is found by the court to be in
33 some foreign state or country, or unknown, it the court shall
34 immediately notify the administrator ~~of the division~~ of such
35 the finding and furnish the administrator with a copy of the

1 evidence taken on the question of legal settlement, and shall
2 in its order issued pursuant to section 229.13 direct that the
3 patient be hospitalized at the appropriate state hospital for
4 persons with mental illness.

5 Sec. 42. Section 230.31, Code 1999, is amended to read as
6 follows:

7 230.31 DEPARTERS FROM OTHER STATES.

8 When-any if a person with mental illness departs without
9 proper authority from an institution in another state and is
10 found in this state, any a peace officer in any the county in
11 which such the patient is found may take and detain the
12 patient without order and shall report such the detention to
13 the administrator ~~of-the-division~~ who shall provide for the
14 return of such the patient to the authorities of the state
15 where the unauthorized leave was made. Pending such return
16 such the patient may be detained temporarily at one of the
17 institutions of this state ~~governed-by~~ under the control of
18 the administrator ~~of-the-division~~ or any other administrator
19 of the state department of human services. Expenses incurred
20 under this section shall be paid in the same manner as is
21 provided for transfers in section 230.8.

22 Sec. 43. Section 230.33, unnumbered paragraph 1, Code
23 1999, is amended to read as follows:

24 The administrator ~~of-the-division-is-hereby-authorized-to~~
25 may enter into agreements with other states, through their
26 duly constituted authorities, to effect the reciprocal return
27 of persons with mental illness and persons with mental
28 retardation to the contracting states, and to effect the
29 reciprocal supervision of persons on convalescent leave.

30 Sec. 44. Section 230.34, subsection 1, Code 1999, is
31 amended to read as follows:

32 1. As used in this chapter, "administrator" means the
33 administrator of ~~the-division-of-mental-health-and~~
34 ~~developmental-disabilities-of~~ the department of human services
35 assigned, in accordance with section 218.1, to control the

1 state mental health institutes, or that administrator's
2 designee.

3 DIVISION II

4 RESOURCE CENTERS

5 Sec. 45. Section 218.1, subsections 1 and 2, Code 1999,
6 are amended to read as follows:

7 1. Glenwood state ~~hospital-school~~ resource center.

8 2. Woodward state ~~hospital-school~~ resource center.

9 Sec. 46. Section 222.1, Code 1999, is amended to read as
10 follows:

11 222.1 PURPOSE OF STATE ~~SCHOOLS~~ RESOURCE CENTERS.

12 1. The Glenwood state ~~hospital-school~~ resource center and
13 the Woodward state ~~hospital-school~~ resource center are
14 established and shall be maintained as the state's regional
15 resource centers for the purpose of providing treatment,
16 training, instruction, care, habilitation, and support of
17 persons with mental retardation or other disabilities in this
18 state, and providing facilities, services, and other support
19 to the communities located in the region being served by a
20 state ~~hospital-school~~ resource center. In addition, the state
21 hospital-schools resource centers are encouraged to serve as a
22 training resource for community-based program staff, medical
23 students, and other participants in professional education
24 programs. A ~~hospital-school~~ resource center may request the
25 approval of the council on human services to change the name
26 of the ~~institution~~ resource center for use in communication
27 with the public, in signage, and in other forms of
28 communication.

29 2. A special mental retardation unit may be maintained at
30 one of the state mental health institutes for the purposes set
31 forth in sections 222.88 to 222.91.

32 Sec. 47. Section 222.2, subsection 1, Code 1999, is
33 amended to read as follows:

34 1. "Administrator" means the ~~administrator-of-the-division~~
35 ~~of-mental-health-and-developmental-disabilities-of~~ person

1 assigned by the department director of human services, in
2 accordance with section 218.1, to control the state resource
3 centers.

4 Sec. 48. Section 222.2, subsection 3, Code 1999, is
5 amended by striking the subsection.

6 Sec. 49. Section 222.2, Code 1999, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 6A. "State resource centers" or "resource
9 centers" means the Glenwood state resource center and the
10 Woodward state resource center.

11 Sec. 50. Section 222.2, subsection 7, Code 1999, is
12 amended to read as follows:

13 7. "Superintendents" means the superintendents of the
14 state hospital-schools resource centers.

15 Sec. 51. AMENDMENTS TO TERMS "HOSPITAL-SCHOOL" AND
16 "HOSPITAL-SCHOOLS" -- DIRECTIVE TO CODE EDITOR.

17 1. Sections 218.92, 222.5, 222.6, 222.7, 222.9, 222.12,
18 222.13, 222.15, 222.31, 222.36, 222.37, 222.38, 222.39,
19 222.41, 222.42, 222.43, 222.44, 222.45, 222.51, 222.59,
20 222.60, 222.61, 222.62, 222.65, 222.66, 222.67, 222.68,
21 222.69, 222.70, 222.72, 222.73, 222.77, 222.78, 222.83,
22 222.84, 222.85, 222.86, 222.87, 227.6, 249A.11, and 252.16,
23 Code 1999, are amended by striking from the sections the word
24 "hospital-school" and inserting in lieu thereof the words
25 "resource center".

26 2. Sections 23A.2, 222.13A, and 227.2, Code Supplement
27 1999, are amended by striking from the sections the word
28 "hospital-school" and inserting in lieu thereof the words
29 "resource center".

30 3. Sections 135B.9, 218.78, 222.3, 222.4, 222.6, 222.7,
31 222.8, 222.11, and 222.90, Code 1999, are amended by striking
32 from the sections the word "hospital-schools" and inserting in
33 lieu thereof the words "resource centers".

34 4. Sections 225C.4, 225C.6, 227.2, and 331.440A, Code
35 Supplement 1999, are amended by striking from the sections the

1 word "hospital-schools" and inserting in lieu thereof the
2 words "resource centers".

3 5. The Code editor shall substitute the words "resource
4 center" for the word "hospital-school" anywhere in the Code of
5 Iowa or in any enactment to be codified if there appears to be
6 no doubt as to the intent to refer to the Glenwood resource
7 center or Woodward resource center under the authority of the
8 department of human services.

9 6. The Code editor shall substitute the words "resource
10 centers" for the word "hospital-schools" anywhere in the Code
11 of Iowa or in any enactment to be codified if there appears to
12 be no doubt as to the intent to refer to the Glenwood resource
13 center and Woodward resource center under the authority of the
14 department of human services.

15 DIVISION III

16 COUNTY CLUSTER EMPLOYEE AND VOLUNTEER RECORD

17 CHECKS

18 Sec. 52. NEW SECTION. 217.44 COUNTY CLUSTERS -- EMPLOYEE
19 AND VOLUNTEER RECORD CHECKS.

20 1. The department shall conduct criminal and child and
21 dependent adult abuse record checks of persons who are
22 potential employees, employees, potential volunteers, and
23 volunteers in county cluster offices in a position having
24 direct contact with the department's clients. The record
25 checks shall be performed in this state and the department may
26 conduct these checks in other states. If the department
27 determines that a person has been convicted of a crime or has
28 a record of founded child or dependent adult abuse, the
29 department shall perform an evaluation to determine whether
30 the crime or founded abuse warrants prohibition of the
31 person's employment or participation as a volunteer. The
32 record checks and evaluation shall be performed in accordance
33 with procedures adopted for this purpose by the department.

34 2. In an evaluation, the department shall consider the
35 nature and seriousness of the crime or founded child or

1 dependent adult abuse in relation to the position sought or
2 held, the time elapsed since the commission of the crime or
3 founded abuse, the circumstances under which the crime or
4 founded abuse was committed, the degree of rehabilitation, the
5 likelihood that the person will commit the crime or founded
6 abuse again, and the number of crimes or founded abuses
7 committed by the person involved.

8 3. The department may permit a person who is evaluated to
9 be employed or to participate as a volunteer if the person
10 complies with the department's conditions relating to
11 employment or participation as a volunteer which may include
12 completion of additional training.

13 4. If the department determines that the person has
14 committed a crime or has a record of founded child or
15 dependent adult abuse which warrants prohibition of employment
16 or participation as a volunteer, the person shall not be
17 employed by or participate as a volunteer in a department
18 cluster office in a position having direct contact with the
19 department's clients.

20 EXPLANATION

21 This bill relates to the authority of the department of
22 human services involving state institutions and employee and
23 volunteer background checks.

24 Division I of the bill relates to administration of the
25 institutions of the department of human services.

26 The bill amends Code section 218.1, relating to authority
27 over the department's institutions, by authorizing the
28 director of human services to assign responsibilities for
29 control of these institutions to a deputy director in addition
30 to current law's provision for an assignment to a division
31 administrator, or other employee or officer of the department.

32 Code section 218.2 is amended to strike a reference to the
33 term "division" administrator.

34 Code section 218.3, relating to primary authority for
35 management of the institutions, is stricken and rewritten.

1 Under current law, the director of human services may assign
2 administrative responsibilities for the juvenile institutions,
3 but the law specifies that the administrator of the division
4 of mental health and developmental disabilities has primary
5 authority for the state hospital-schools and mental health
6 institutes. The Code section is rewritten to define the term
7 "administrator" as the person to whom the director of human
8 services has assigned power and authority over an institution
9 and the term "institution" is defined as an institution listed
10 in Code section 218.1.

11 The remainder of the amendments to Code chapter 218 in this
12 division of the bill replace specific references to division
13 administrators with the defined term of "administrator" and
14 replace various forms of reference to the chief executive
15 officer of the institutions with the term "superintendent".

16 This division of the bill also removes state institution
17 administrative authority from the administrator of the
18 department's division of mental health and developmental
19 disabilities and redirects that authority to the director of
20 human services designee in the following Code chapters:
21 chapter 225C, relating to mental illness, mental retardation,
22 developmental disabilities, and brain injury services; chapter
23 226, relating to the state mental health institutes; chapter
24 227, relating to county and private hospitals for persons with
25 mental illness and mental retardation; chapter 229, relating
26 to hospitalization of persons with mental illness; and chapter
27 230, relating to support of persons with mental illness.

28 The amendment to Code section 229.15 also rewrites language
29 regarding reports of evaluations required to be made on
30 patients in private hospitals and county care facilities that
31 are also submitted to the district court.

32 Division II of the bill changes Code references from state
33 "hospital-schools" to Glenwood and Woodward state "resource
34 centers".

35 The reference changes are applied in Code section 218.1 and

1 222.1, relating to the list of the department's institutions,
2 and in Code section 222.2, relating to assignment of
3 administrative responsibilities for the two institutions. In
4 addition, the administrative assignment language in this
5 section is amended to conform to the changes made in division
6 I of the bill.

7 Code section 222.2, relating to the definitions used in
8 Code chapter 222, is amended to strike the current law's
9 definition of the state hospital-schools and replace it with a
10 new definition of the resource centers. This change is also
11 applied to the definition of the term "superintendents".

12 An alternative form of bill drafting is utilized to change
13 the references from "hospital-school" to "resource center", in
14 both singular and plural forms, in specified sections of the
15 1999 Code and Code Supplement. In addition, the Code editor
16 is directed to apply this change throughout the Code of Iowa,
17 including new enactments to be codified.

18 Division III relates to persons who are prospective
19 employees, employees, prospective volunteers, and volunteers
20 in county cluster offices in a position having direct contact
21 with the department's clients. The department is directed to
22 perform criminal and child and dependent adult abuse record
23 checks of such persons in this state and may perform the
24 checks in other states. If a criminal record or founded abuse
25 exists, the department is to perform an evaluation in
26 accordance with specified criteria to determine whether
27 prohibition of the person's employment or volunteer
28 participation is warranted.

29 The department may permit a person who is evaluated to be
30 employed or to participate as a volunteer if the person
31 complies with the department's conditions relating to
32 employment or participation as a volunteer which may include
33 completion of additional training. Otherwise, if the
34 department determines that the person has committed a crime or
35 has a record of founded child or dependent adult abuse which

1 warrants prohibition of employment or participation as a
2 volunteer, the person cannot be employed by or participate as
3 a volunteer in a department cluster office in a position
4 having direct contact with the department's clients.

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SENATE FILE 2360

H-8734

1 Amend Senate File 2360, as passed by the Senate, as
2 follows:

3 1. Page 21, by inserting after line 19 the
4 following:

5 "DIVISION _____
6 SERVICE INFORMATION -- OTHER PROVISIONS
7 Sec. _____. Section 225C.20, Code 1999, is amended
8 to read as follows:

9 225C.20 RESPONSIBILITIES OF COUNTIES FOR
10 INDIVIDUAL CASE MANAGEMENT SERVICES.

11 Individual case management services funded under
12 medical assistance shall be provided by the department
13 except when a county or a consortium of counties
14 contracts with the department to provide the services.
15 A county or consortium of counties may contract to be
16 the provider at any time and the department shall
17 agree to the contract so long as the contract meets
18 the standards for case management adopted by the
19 department. The county or consortium of counties may
20 subcontract for the provision of case management
21 services so long as the subcontract meets the same
22 standards. A county board of supervisors may change
23 the provider of individual case management services at
24 any time. If the current or proposed contract is with
25 the department, the county board of supervisors shall
26 provide written notification of a ~~proposed change to~~
27 ~~the department on or before August 15 and written~~
28 ~~notification of an approved change on or before~~
29 ~~November 15 in the fiscal year which precedes the~~
30 ~~fiscal year in which the change~~ at least ninety days
31 before the date the change will take effect.

32 Sec. _____. Section 331.440A, subsection 1,
33 paragraph b, Code Supplement 1999, is amended to read
34 as follows:

35 b. "Pilot project areas" means the pilot project
36 created under this section involving the ~~three-county~~
37 county or multicounty single entry point process
38 administrative areas designated in accordance with
39 this section.

40 Sec. _____. Section 331.440A, subsection 3, Code
41 Supplement 1999, is amended to read as follows:

42 3. PROJECT ESTABLISHED. The department of human
43 services shall establish a pilot project for
44 decategorizing the public funding for adult mental
45 health, mental retardation, and developmental
46 disabilities services in accordance with this section.
47 The pilot project shall include the three-county
48 single entry point process administrative areas
49 designated for decategorization planning under 1997
50 Iowa Acts, chapter 169, section 13, Washington county,

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1 and Webster county. Under the pilot project, a
2 projected funding amount for a fiscal year shall be
3 developed for each of the ~~three-administrative~~ pilot
4 project areas, from the funding sources designated in
5 this section. The projected funding amount for a
6 fiscal year, manner of payment, and other provisions
7 of the pilot project shall be delineated in contracts
8 between the department and the counties involved in
9 the pilot project.

10 Sec. _____. Section 331.440A, subsection 7,
11 paragraph a, subparagraph (1), Code Supplement 1999,
12 is amended to read as follows:

13 (1) At least one service consumer, one service
14 provider, and one county supervisor from each of the
15 three pilot project areas, designated by the governor.

16 Sec. _____. INFORMATION. The department of human
17 services shall develop data that tracks the county of
18 residence for all individuals who received mental
19 health or developmental disabilities services funded
20 by medical assistance and for which the nonfederal
21 share was paid by a county. In addition, the
22 department shall provide this data for individuals who
23 received such services and for which the state paid
24 the nonfederal share. Initially, the data shall be
25 reported for all or part, as available, of fiscal
26 years 1998-1999 and 1999-2000. The aggregate data,
27 along with other pertinent information, shall be
28 submitted as soon as is practicable to the governor,
29 general assembly, and any task force created by the
30 legislative council to study mental health and
31 developmental disabilities services.

32 Sec. _____. EFFECTIVE DATE. This division of this
33 Act, being deemed of immediate importance, takes
34 effect upon enactment."

35 2. Title page, by striking lines 1 through 3 and
36 inserting the following: "An Act relating to state
37 and local administrative and employment provisions
38 involving human services and providing an effective
39 date."

40 3. By renumbering as necessary.

By CARROLL of Poweshiek

H-8734 FILED APRIL 5, 2000

Adopted
4-5-00
(p. 1240)

HOUSE AMENDMENT TO
SENATE FILE 2360

S-5344

1 Amend Senate File 2360, as passed by the Senate, as
2 follows:

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5 "DIVISION

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46 disabilities services in accordance with this section.
47 The pilot project shall include the three-county
48 single entry point process administrative areas
49 designated for decategorization planning under 1997
50 Iowa Acts, chapter 169, section 13, Washington county,

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Page 2

1 and Webster county. Under the pilot project, a
2 projected funding amount for a fiscal year shall be
3 developed for each of the three-administrative pilot
4 project areas, from the funding sources designated in
5 this section. The projected funding amount for a
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25 reported for all or part, as available, of fiscal
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39 date."

40 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5344 FILED APRIL 5, 2000

Senate Concurred
4-10-00
(p. 1087)

SENATE FILE 2360

AN ACT

RELATING TO STATE AND LOCAL ADMINISTRATIVE AND EMPLOYMENT PROVISIONS INVOLVING HUMAN SERVICES AND PROVIDING AN EFFECTIVE DATE.

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

DIVISION I

ADMINISTRATION OF DEPARTMENT OF HUMAN SERVICES INSTITUTIONS

Section 1. Section 218.1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The director ~~of-the-state-department~~ of human services shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion ~~execute~~ assign the powers and authorities given the director by statute to any one of the ~~deputy directors,~~ division administrators, or ~~co-any-of-the~~ officers or employees of the divisions of the department of human services:

Sec. 2. Section 218.2, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The ~~division~~ administrator to whom primary responsibility of a particular institution has been assigned shall make such reports to the director of ~~the-department-of~~ human services as are requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the ~~said~~ institutions.

Sec. 3. Section 218.3, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

218.3 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. "Administrator" means the person to whom the director of human services has assigned power and authority over an institution in accordance with section 218.1.

2. "Institution" means an institution listed in section 218.1.

Sec. 4. Section 218.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Rules adopted by the council shall be uniform and shall apply to all institutions under the particular administrator and to all other institutions under the administrator's jurisdiction and the primary rules ~~of-the-administrator-of-the~~ ~~division-of-mental-health-and-developmental-disabilities~~ for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to patients by competent physicians. Annually, signed copies of the rules shall be sent to the ~~chief-executive-officer~~ superintendent of each institution or hospital under the control or supervision of a particular administrator and copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

Sec. 5. Section 218.5, Code 1999, is amended to read as follows:

218.5 FIRE PROTECTION CONTRACTS.

The administrators ~~of-the-divisions-of-the-state-department~~ ~~of-human-services~~ shall have power to enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under

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such ~~the~~ administrators' primary control, located in any such municipal corporation or in territory contiguous thereto to the municipal corporation, upon such terms as may be agreed upon.

Sec. 6. Section 218.9, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The administrator ~~of the division of mental health and developmental disabilities of the department of human services in charge of an institution~~, subject to the approval of the director of the department human services, shall appoint the ~~superintendents of the state hospital schools and the state mental health institutes~~ superintendent of the institution.

Sec. 7. Section 218.10, Code 1999, is amended to read as follows:

218.10 SUBORDINATE OFFICERS AND EMPLOYEES.

The ~~division~~ administrator in charge of a particular institution, with the consent and approval of the director of the department of human services, shall determine the number of subordinate officers and employees for each the institution. Subject to this chapter, the officers and employees shall be appointed and discharged by the ~~chief executive officer~~ superintendent or business manager pursuant to chapter 19A. The ~~officer~~ superintendent shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons for discharge.

Sec. 8. Section 218.14, Code 1999, is amended to read as follows:

218.14 DWELLING HOUSE OF SUPERINTENDENT OR OTHER EMPLOYEE.

1. The ~~division~~ administrator having control over any state an institution may, with consent of the director of human services, furnish the ~~executive-head~~ superintendent of ~~each of the institutions~~ institution, in addition to salary, with a dwelling house or with appropriate quarters in lieu thereof of the dwelling, or the ~~division~~ administrator may compensate the ~~executive-head~~ superintendent of ~~each of the~~

~~institutions~~ institution in lieu of furnishing a house dwelling or quarters. If ~~an executive-head~~ the superintendent of the institution is furnished with a dwelling house or quarters, either of which is owned by the state, the ~~executive head~~ superintendent may also be furnished with water, heat, and electricity.

2. The ~~division~~ administrator having control over any state an institution may furnish assistant ~~executive-heads~~ superintendents or other employees, or both, with a dwelling houses or with appropriate quarters, owned by the state. The assistant ~~executive-head~~ superintendent or employee, who is so furnished, shall pay rent for the dwelling house or quarters in an amount to be determined by the ~~executive-head~~ superintendent of the institution, which shall be the fair market rental value of the house dwelling or quarters. If an assistant ~~executive-head~~ superintendent or employee is furnished with a dwelling house or quarters, either of which is owned by the state, the assistant ~~executive-head~~ superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the house dwelling or quarters.

Sec. 9. Section 218.17, Code 1999, is amended to read as follows:

218.17 AUTHORITY FOR VACATION.

Vacations and sick leave with pay as authorized in section 70A.1 shall only be taken at such times as the ~~executive officer~~ superintendent or the business manager in charge of ~~said an officer or employee~~, as the case may be, may direct, and ~~only after written authorization by the executive-officer~~ superintendent or business manager, ~~and for the number of days specified therein in the authorization~~. A copy of ~~such permit~~ the authorization shall be attached to the institution's copy of the payroll of the institution, for audit purposes, for the period during which the vacation was taken, and the semimonthly payroll shall show the number of days the person was absent under the permit authorization.

Sec. 10. Section 218.19, Code 1999, is amended to read as follows:

218.19 DISTRICTS.

The administrator having control over any-state a type of institution shall, from time to time, divide the state into districts from which the ~~several-institutions~~ type of institution may receive residents. The particular ~~division administrators~~ administrator shall promptly notify the proper county or judicial officers of all changes in such the districts.

Sec. 11. Section 218.20, Code 1999, is amended to read as follows:

218.20 PLACE OF COMMITMENTS -- TRANSFERS.

Commitments, unless otherwise permitted by the division administrator having control over any-state an institution, shall be to the institution located in the district embracing the county from which the commitment is issued. ~~The particular-division-administrators~~ An administrator may, at the expense of the state, transfer a resident of one institution to another like institution.

Sec. 12. Section 218.23, Code 1999, is amended to read as follows:

218.23 REPORTS TO ADMINISTRATOR.

The ~~managing-officer~~ superintendent of each an institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the administrator in control of such the institution. When a patient or resident leaves, or is discharged, or transferred, or dies in any an institution, the superintendent or person in charge shall within ten days ~~thereafter~~ after that date send such the information to the office of such the institution's administrator on forms which the administrator prescribes.

Sec. 13. Section 218.25, Code 1999, is amended to read as follows:

218.25 RELIGIOUS BELIEFS.

The ~~chief-executive-officer~~ superintendent of an institution, receiving a person committed to ~~any-of-said~~ institutions ~~the institution~~, shall inquire of such the person as to the person's religious preference and enter the same preference in the book kept for the purpose, and cause ~~said~~ the person to sign the same book.

Sec. 14. Section 218.30, Code 1999, is amended to read as follows:

218.30 INVESTIGATION OF OTHER INSTITUTIONS.

The ~~administrators of-the-department-of-human-services~~ to whom control of state institutions has been delegated assigned, or their authorized officers or employees, may investigate charges of abuse, neglect, or mismanagement on the part of any an officer or employee of any a private institution which is subject to the administrator's particular supervision or control. The administrator ~~of-the-division-of~~ mental-health-and-developmental-disabilities who has been assigned to have authority over the state mental health institutes, or the administrator's authorized officer or employee, shall also investigate charges concerning county care facilities in which persons with mental illness are served.

Sec. 15. Section 218.45, Code 1999, is amended to read as follows:

218.45 CONFERENCES.

Quarterly conferences of the ~~chief-executive-officers~~ superintendents of ~~said the~~ institutions shall be held with the administrator in control of ~~such-institution the~~ institutions at Des Moines or at institutions under the administrator's jurisdiction, for the consideration of all matters relative to the management of ~~said the~~ institutions. Full minutes of ~~such-meetings the~~ conferences shall be preserved in the records of the administrator. The administrator in control may cause papers on appropriate subjects to be prepared and read, at such the conferences, ~~on~~ appropriate-subjects.

Sec. 16. Section 218.46, subsection 1, Code 1999, is amended to read as follows:

1. ~~The administrators-of-divisions-of-the-department-of human-services-who-are~~ administrator who is in charge of ~~institutions an institution~~ shall encourage the scientific investigation, on the part of the ~~executive-heads~~ superintendent and medical staffs ~~staff~~ of the ~~various institutions institution~~, as to the most successful methods of ~~managing-such-institutions~~ institutional management and treating the persons committed ~~thereto, to the institution~~. In addition, ~~the administrator~~ shall procure and furnish to ~~such-heads-and-staffs~~ the superintendent and medical staff information relative to such management and treatment, and, from time to time, publish bulletins and reports of scientific and clinical work done in ~~said-institutions~~ that type of institution.

Sec. 17. Section 218.47, Code 1999, is amended to read as follows:

218.47 MONTHLY REPORT.

The ~~chief-executive-officer~~ superintendent or business manager of each institution, ~~or-business-manager-of institutions-having-the-same,~~ shall, on the first day of each month, account to the administrator in control of the particular institution for all state funds received during the preceding month, and, at ~~said~~ the same time, remit the ~~same~~ accounting to the treasurer of state.

Sec. 18. Section 218.48, Code 1999, is amended to read as follows:

218.48 ANNUAL REPORTS.

The ~~executive-head~~ superintendent or business manager of each institution shall make an annual report to the administrator in control of the particular institution and ~~embrace-therein-a-minute~~ include in the report a detailed and accurate inventory of the stock and supplies on hand, and the their amount and value thereof, under the following headings: livestock livestock, farm produce on hand,

vehicles, agricultural implements, machinery, mechanical fixtures, real estate, furniture, and bedding in residents' department, state property in superintendent's department, clothing, dry goods, provisions and groceries, drugs and medicine, fuel, library, and all other state property under appropriate heads headings to be determined by the particular administrator involved.

Sec. 19. Section 218.49, Code 1999, is amended to read as follows:

218.49 CONTINGENT FUND.

The administrator in control of ~~a-state~~ an institution may permit the ~~executive-head, which shall include~~ superintendent or the business manager as provided in this chapter, of each institution to retain a stated amount of funds ~~in~~ under the ~~executive-head's~~ superintendent's or business manager's possession supervision as a contingent fund for the payment of freight, postage, commodities purchased on authority of the particular ~~administrator~~ superintendent or business manager involved on a cash basis, salaries, and bills granting discount for cash.

Sec. 20. Section 218.55, Code 1999, is amended to read as follows:

218.55 PURCHASE FROM AN INSTITUTION.

The An administrator ~~of-a-division-of-the-department-of human-services~~ may purchase supplies of any institution under the administrator's control, for use in any other ~~such~~ institution under the administrator's control, and reasonable payment ~~therefor~~ for the supplies shall be made as in the case of other purchases.

Sec. 21. Section 218.57, Code 1999, is amended to read as follows:

218.57 COMBINING APPROPRIATIONS.

The director of revenue and finance ~~is-authorized-to~~ may combine the balances carried in all specific appropriations into a special account for each institution under the control of a particular administrator ~~of-a-division-of-the-department~~

of-human-services, except that the support fund for each institution shall be carried as a separate account.

Sec. 22. Section 218.65, Code 1999, is amended to read as follows:

218.65 PROPERTY OF DECEASED RESIDENT.

The ~~chief-executive-officer~~ superintendent or business manager of each institution shall, upon the death of any resident or patient, immediately take possession of all property of the deceased left at ~~said the~~ the institution, and deliver the ~~same~~ property to the duly appointed and qualified representative of the deceased.

Sec. 23. Section 218.67, Code 1999, is amended to read as follows:

218.67 ~~WHEN-NO-ADMINISTRATION-GRANTED~~ ESTATE ADMINISTRATOR NOT IDENTIFIED.

If ~~administration-be-not-granted~~ an estate administrator is not identified within one year from the death of a decedent in an institution, and no a surviving spouse or heir is not known, ~~said-executive-officer~~ the superintendent of the institution may convert all ~~said the decedent's~~ property into money cash and in so doing the ~~executive-officer~~ superintendent shall have the powers possessed by a general administrator of an estate.

Sec. 24. Section 218.69, Code 1999, is amended to read as follows:

218.69 PERMANENT RECORD.

A complete permanent record of the money ~~so-sent~~ transmitted to the treasurer of state under section 218.68, showing by whom and with whom it was left, its amount, the date of the death of the owner, the owner's reputed place of residence before the owner became a resident of the institution, the date on which it was ~~sent~~ transmitted to the state treasurer and any other facts which may tend to identify the intestate and explain the case, shall be kept by the chief ~~executive-officer~~ superintendent of the institution or business manager, as the case may be, and a transcript thereof

of the record shall be sent to, and kept by, the treasurer of state.

Sec. 25. Section 218.72, Code 1999, is amended to read as follows:

218.72 TEMPORARY QUARTERS IN EMERGENCY.

In case the buildings at any institution under the management control of an administrator ~~of-the-division-of-the department-of-human-services~~ are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the residents cannot be there confined housed and cared for, ~~said the~~ the administrator shall make temporary provision for the confinement housing and care of the residents at some other place in the state. Like provision may be made in case any pestilence breaks out among the residents. The reasonable cost of the change, including transfer of residents, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 26. Section 218.83, Code 1999, is amended to read as follows:

218.83 ~~CO-OPERATION~~ ADMINISTRATIVE IMPROVEMENT.

The director of the ~~department-of~~ human services and the administrators ~~of-the-divisions-therein-are-directed-to-co-operate~~ assigned to have authority over the institutions shall cooperate with any department or agency of the state government in any manner, including the exchange of employees, calculated to improve administration of the affairs of the institutions ~~under-the-control-of-the-department-of-human services.~~

Sec. 27. Section 218.85, Code 1999, is amended to read as follows:

218.85 UNIFORM SYSTEM OF ACCOUNTS.

The director of the ~~department-of~~ human services through the administrators ~~of-the-divisions~~ in control of state the institutions shall install in all such-state the institutions ~~under-the-director's-control-and-supervision~~ the most modern, complete, and uniform system of accounts, records, and reports

possible, which. The system shall be prescribed by the director of revenue and finance as authorized in section 421.31, subsection 10, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

Sec. 28. Section 218.88, Code 1999, is amended to read as follows:

218.88 INSTITUTIONAL PAYROLLS.

At the close of each pay period, the ~~chief-executive officer-of-each-institution~~ superintendent or business manager of each institution ~~having-the-same~~, shall prepare and forward to the director of the ~~department-of~~ human services a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. ~~In-no-event-shall-a~~ A substitute shall not be permitted to receive compensation in the name of the employee for whom the substitute is acting.

Sec. 29. Section 218.92, Code 1999, is amended to read as follows:

218.92 ~~DANGEROUS-MENTALLY-DISTURBED~~ PATIENTS WITH DANGEROUS MENTAL DISTURBANCES.

When a patient in a state hospital-school for persons with mental retardation, a state mental health institute, or an another institution under the administration of the ~~administrator-of-the-division-of-mental-health-and developmental-disabilities-of-the~~ department of human services, has become so mentally disturbed as to constitute a danger to self, to other patients in or staff of the institution, or to the public, and the institution cannot provide adequate security, the administrator in charge of the institution, with the consent of the director of the Iowa department of corrections, may order the patient to be transferred to the Iowa medical and classification center, if the ~~executive-head~~ superintendent of the institution from which the patient is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the

interest of the patient, other patients, or the public. If the patient transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court ~~which-hospitalized that ordered the hospitalization of~~ the patient, as required by section 229.15, subsection 4. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized ~~there in~~ the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 30. Section 218.93, Code 1999, is amended to read as follows:

218.93 CONSULTANTS FOR DIRECTOR OR ADMINISTRATORS.

The director of the ~~department-of~~ human services or the administrators ~~of-divisions~~ in control of state the institutions are authorized to secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director or such the administrators, their employees, or employees of institutions under their jurisdiction or to provide in-service training and instruction for such the employees. The director and administrators are authorized to pay the consultants at a rate to be determined by them from funds ~~appropriated-to~~ under their division control or to from any institution institutional funding under their jurisdiction as such the director or administrator may determine.

Sec. 31. Section 218.98, Code 1999, is amended to read as follows:

218.98 CANTEEN MAINTAINED.

The administrators ~~of-divisions-in-the-department-of-human~~ services in control of state the institutions may maintain a canteen at any institution under their jurisdiction and control for the sale to persons ~~confined-therein~~ residing in the institution of toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary

facilities, equipment, personnel, and merchandise therefor for such sale. Such The administrators shall specify what commodities will be sold therein in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 32. Section 218.99, Code 1999, is amended to read as follows:

218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS.

The ~~administrator of a division of the department of human services~~ in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraphs "a" and "b", and for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's single entry point process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's single entry point process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the ~~administrator of the division of the department~~ in control of the institution involved.

Sec. 33. Section 225C.4, subsection 1, paragraph h, and subsection 2, paragraph b, Code Supplement 1999, are amended by striking the paragraphs.

Sec. 34. Section 225C.13, Code 1999, is amended to read as follows:

225C.13 AUTHORITY OF ~~ADMINISTRATOR~~ TO ESTABLISH AND LEASE FACILITIES.

1. The administrator assigned, in accordance with section 218.1, to control the state mental health institutes and the state resource centers may enter into agreements under which a facility or portion of a facility administered by the administrator is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter 504A. A lease executed under this section shall require that the lessee use the leased premises to deliver either disability services or other services normally delivered by the lessee.

2. The administrator of the division of mental health and developmental disabilities may work with the appropriate administrator of the department's institutions to establish mental health and mental retardation services for all institutions under the control of the director of human services and to establish an autism unit, following mutual planning and consultation with the medical director of the state psychiatric hospital, at an institution or a facility administered by the department to provide psychiatric and related services and other specific programs to meet the needs of autistic persons, and to furnish appropriate diagnostic evaluation services.

Sec. 35. Section 226.47, Code 1999, is amended to read as follows:

226.47 ADMINISTRATOR DEFINED.

For the purpose of this chapter, "administrator" means the ~~administrator of the division of mental health and developmental disabilities of the department of human services~~ person assigned, in accordance with section 218.1, to control the state mental health institutes.

Sec. 36. Section 227.19, Code 1999, is amended to read as follows:

227.19 ADMINISTRATOR DEFINED.

For the purpose of this chapter, "administrator" or "administrator of the division" means the ~~administrator of the division of mental health and developmental disabilities of~~

~~the department of human services~~ person assigned, in accordance with section 218.1, to control the state mental health institutes or that person's designee.

Sec. 37. Section 229.1, subsection 1, Code 1999, is amended to read as follows:

1. "Administrator" means the administrator of that ~~division of~~ the department of human services having ~~jurisdiction of~~ assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.

Sec. 38. Section 229.15, subsection 3, Code 1999, is amended to read as follows:

3. When a patient has been placed in a facility other than a hospital pursuant to section 229.14, subsection 4, a report on the patient's condition and prognosis shall be made to the court which so placed the patient, at least once every six months, unless the court authorizes annual reports. ~~A report shall be submitted within fifteen days after the facility in which the patient has been placed is evaluated as required by~~ If an evaluation of the patient is performed pursuant to section 227.2, subsection 4, a copy of the evaluation report shall be submitted to the court within fifteen days of the evaluation's completion. The court may in its discretion waive the requirement of an additional report between the annual evaluations. If the administrator ~~of the division~~ exercises the authority to remove residents from a county care facility or other county or private institution under section 227.6, the administrator shall promptly notify each court which placed in that facility any resident so removed.

Sec. 39. Section 229.41, Code 1999, is amended to read as follows:

229.41 VOLUNTARY ADMISSION.

Persons making application pursuant to section 229.2 on their own behalf or on behalf of another person who is under eighteen years of age, if the person whose admission is sought is received for observation and treatment on such the

application, shall be required to pay the costs of hospitalization at rates established by the administrator of ~~the division, which.~~ The costs may be collected weekly in advance and shall be payable at the business office of the hospital. Such The collections shall be remitted to the director of revenue and finance monthly to be credited to the general fund of the state.

Sec. 40. Section 229.43, Code 1999, is amended to read as follows:

229.43 NONRESIDENTS OR NO-SETTLEMENT PATIENTS.

~~The administrator of the division shall have the power to~~ may place patients of mental health institutes who have no county of legal settlement; who are nonresidents; or whose legal settlement is unknown, on convalescent leave to a private sponsor or in any a health care facility licensed under chapter 135C, when in the opinion of the administrator ~~said the~~ placement is in the best interests of the patient and the state of Iowa. If the patient was involuntarily hospitalized, the district court which hospitalized ordered hospitalization of the patient must be informed when the patient is placed on convalescent leave, as required by section 229.15, subsection 4.

Sec. 41. Section 230.5, Code 1999, is amended to read as follows:

230.5 NONRESIDENTS.

If such legal settlement is found by the court to be in some foreign state or country, or unknown, it the court shall immediately notify the administrator ~~of the division~~ of such the finding and furnish the administrator with a copy of the evidence taken on the question of legal settlement, and shall in its order issued pursuant to section 229.13 direct that the patient be hospitalized at the appropriate state hospital for persons with mental illness.

Sec. 42. Section 230.31, Code 1999, is amended to read as follows:

230.31 DEPARTERS FROM OTHER STATES.

When any ~~if~~ a person with mental illness departs without proper authority from an institution in another state and is found in this state, any a peace officer in any ~~the~~ county in which such ~~the~~ patient is found may take and detain the patient without order and shall report such ~~the~~ detention to the administrator ~~of-the-division~~ who shall provide for the return of such ~~the~~ patient to the authorities of the state where the unauthorized leave was made. Pending such return such ~~the~~ patient may be detained temporarily at one of the institutions of this state ~~governed-by under the control of~~ the administrator ~~of-the-division~~ or any other administrator of the state department of human services. Expenses incurred under this section shall be paid in the same manner as is provided for transfers in section 230.8.

Sec. 43. Section 230.33, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The administrator ~~of-the-division-is-hereby-authorized-to~~ may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with mental retardation to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

Sec. 44. Section 230.34, subsection 1, Code 1999, is amended to read as follows:

1. As used in this chapter, "administrator" means the administrator of ~~the-division-of-mental-health-and-developmental-disabilities-of~~ the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.

DIVISION II
RESOURCE CENTERS

Sec. 45. Section 218.1, subsections 1 and 2, Code 1999, are amended to read as follows:

1. Glenwood state ~~hospital-school~~ resource center.
2. Woodward state ~~hospital-school~~ resource center.

Sec. 46. Section 222.1, Code 1999, is amended to read as follows:

222.1 PURPOSE OF STATE ~~SCHOOLS~~ RESOURCE CENTERS.

1. The Glenwood state ~~hospital-school~~ resource center and the Woodward state ~~hospital-school~~ resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with mental retardation or other disabilities in this state, and providing facilities, services, and other support to the communities located in the region being served by a state ~~hospital-school~~ resource center. In addition, the state ~~hospital-schools~~ resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A ~~hospital-school~~ resource center may request the approval of the council on human services to change the name of the ~~institution~~ resource center for use in communication with the public, in signage, and in other forms of communication.

2. A special mental retardation unit may be maintained at one of the state mental health institutes for the purposes set forth in sections 222.88 to 222.91.

Sec. 47. Section 222.2, subsection 1, Code 1999, is amended to read as follows:

1. "Administrator" means the ~~administrator-of-the-division-of-mental-health-and-developmental-disabilities-of~~ person assigned by the department director of human services, in accordance with section 218.1, to control the state resource centers.

Sec. 48. Section 222.2, subsection 3, Code 1999, is amended by striking the subsection.

Sec. 49. Section 222.2, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "State resource centers" or "resource centers" means the Glenwood state resource center and the Woodward state resource center.

Sec. 50. Section 222.2, subsection 7, Code 1999, is amended to read as follows:

7. "Superintendents" means the superintendents of the state hospital-schools resource centers.

Sec. 51. AMENDMENTS TO TERMS "HOSPITAL-SCHOOL" AND "HOSPITAL-SCHOOLS" -- DIRECTIVE TO CODE EDITOR.

1. Sections 218.92, 222.5, 222.6, 222.7, 222.9, 222.12, 222.13, 222.15, 222.31, 222.36, 222.37, 222.38, 222.39, 222.41, 222.42, 222.43, 222.44, 222.45, 222.51, 222.59, 222.60, 222.61, 222.62, 222.65, 222.66, 222.67, 222.68, 222.69, 222.70, 222.72, 222.73, 222.77, 222.78, 222.83, 222.84, 222.85, 222.86, 222.87, 227.6, 249A.11, and 252.16, Code 1999, are amended by striking from the sections the word "hospital-school" and inserting in lieu thereof the words "resource center".

2. Sections 23A.2, 222.13A, and 227.2, Code Supplement 1999, are amended by striking from the sections the word "hospital-school" and inserting in lieu thereof the words "resource center".

3. Sections 135B.9, 218.78, 222.3, 222.4, 222.6, 222.7, 222.8, 222.11, and 222.90, Code 1999, are amended by striking from the sections the word "hospital-schools" and inserting in lieu thereof the words "resource centers".

4. Sections 225C.4, 225C.6, 227.2, and 331.440A, Code Supplement 1999, are amended by striking from the sections the word "hospital-schools" and inserting in lieu thereof the words "resource centers".

5. The Code editor shall substitute the words "resource center" for the word "hospital-school" anywhere in the Code of Iowa or in any enactment to be codified if there appears to be no doubt as to the intent to refer to the Glenwood resource center or Woodward resource center under the authority of the department of human services.

6. The Code editor shall substitute the words "resource centers" for the word "hospital-schools" anywhere in the Code of Iowa or in any enactment to be codified if there appears to

be no doubt as to the intent to refer to the Glenwood resource center and Woodward resource center under the authority of the department of human services.

DIVISION III

COUNTY CLUSTER EMPLOYEE AND VOLUNTEER RECORD

CHECKS

Sec. 52. NEW SECTION. 217.44 COUNTY CLUSTERS -- EMPLOYEE AND VOLUNTEER RECORD CHECKS.

1. The department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in county cluster offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the department may conduct these checks in other states. If the department determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The department may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the department's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department cluster office in a position having direct contact with the department's clients.

DIVISION IV

SERVICE INFORMATION -- OTHER PROVISIONS

Sec. 53. Section 225C.20, Code 1999, is amended to read as follows:

225C.20 RESPONSIBILITIES OF COUNTIES FOR INDIVIDUAL CASE MANAGEMENT SERVICES.

Individual case management services funded under medical assistance shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A county or consortium of counties may contract to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The county or consortium of counties may subcontract for the provision of case management services so long as the subcontract meets the same standards. A county board of supervisors may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the county board of supervisors shall provide written notification of a proposed ~~change to the department on or before August 15 and written notification of an approved change on or before November 15 to the fiscal year which precedes the fiscal year in which the change~~ at least ninety days before the date the change will take effect.

Sec. 54. Section 331.440A, subsection 1, paragraph b, Code Supplement 1999, is amended to read as follows:

b. "Pilot project areas" means the pilot project created under this section involving the three-county county or

multicounty single entry point process administrative areas designated in accordance with this section.

Sec. 55. Section 331.440A, subsection 3, Code Supplement 1999, is amended to read as follows:

3. PROJECT ESTABLISHED. The department of human services shall establish a pilot project for decategorizing the public funding for adult mental health, mental retardation, and developmental disabilities services in accordance with this section. The pilot project shall include the three-county single entry point process administrative areas designated for decategorization planning under 1997 Iowa Acts, chapter 169, section 13, Washington county, and Webster county. Under the pilot project, a projected funding amount for a fiscal year shall be developed for each of the three-administrative pilot project areas, from the funding sources designated in this section. The projected funding amount for a fiscal year, manner of payment, and other provisions of the pilot project shall be delineated in contracts between the department and the counties involved in the pilot project.

Sec. 56. Section 331.440A, subsection 7, paragraph a, subparagraph (1), Code Supplement 1999, is amended to read as follows:

(1) At least one service consumer, one service provider, and one county supervisor from each of the three pilot project areas, designated by the governor.

Sec. 57. INFORMATION. The department of human services shall develop data that tracks the county of residence for all individuals who received mental health or developmental disabilities services funded by medical assistance and for which the nonfederal share was paid by a county. In addition, the department shall provide this data for individuals who received such services and for which the state paid the nonfederal share. Initially, the data shall be reported for all or part, as available, of fiscal years 1998-1999 and 1999-2000. The aggregate data, along with other pertinent information, shall be submitted as soon as is practicable to

the governor, general assembly, and any task force created by the legislative council to study mental health and developmental disabilities services.

Sec. 58. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2360, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2000

THOMAS J. VILSACK
Governor