

CHAPTER 227

FACILITIES FOR PERSONS WITH MENTAL ILLNESS OR AN INTELLECTUAL DISABILITY

Referred to in [§225C.4](#), [229.38](#), [331.381](#)

227.1	Definitions — supervision.	227.10	Transfers from county or private facilities.
227.2	Inspection.	227.11	Transfers from state mental health institutes.
227.3	Resident and patient input.	227.12	Difference of opinion.
227.4	Standards for care of persons with mental illness or an intellectual disability in county care facilities.	227.13	Discharge of transferred patient.
227.5	Reserved.	227.14	Caring for persons with mental illness from other counties.
227.6	Removal of residents or patients.	227.15	Authority to involuntarily confine.
227.7	Cost — collection from county.	227.16	through 227.18 Reserved.
227.8	Notification to guardians.	227.19	Administrator defined. Repealed by 2023 Acts, ch 19, §1357.
227.9	Investigating mental health.		

227.1 Definitions — supervision.

1. For the purposes of [this chapter](#), unless the context otherwise requires:
 - a. “County care facility” means a county care facility operated under [chapter 347B](#).
 - b. “Department” means the department of health and human services.
 - c. “Director” means the director of health and human services.
 - d. “Facility” includes a county care facility and a private or county facility, including a hospital, for persons with mental illness or an intellectual disability.
 - e. “Mental health and disability services region” means a mental health and disability services region formed in accordance with [section 225C.56](#).
 - f. “Patient” means a person receiving care in a facility or a state mental health institute.
 - g. “Regional administrator” means the same as defined in [section 225C.55](#).
 - h. “Resident” means a person cared for in a county care facility.

2. The regulatory requirements for county and private facilities where persons with mental illness or an intellectual disability are admitted, committed, or placed shall be administered by the department.

[S13, §2727-a58; C24, 27, 31, 35, 39, §3517; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.1]

[96 Acts, ch 1129, §113](#); [2015 Acts, ch 69, §48](#); [2016 Acts, ch 1073, §76](#); [2023 Acts, ch 19, §501](#)
Section amended

227.2 Inspection.

1. The director of inspections, appeals, and licensing shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the director or the director of the department of inspections, appeals, and licensing, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private or county facility where persons with mental illness or an intellectual disability are admitted or reside. A licensure inspection or a review shall be made by a competent and disinterested person who is acquainted with and interested in the care of persons with mental illness and persons with an intellectual disability. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall consult with the regional administrator for the county in which the facility is located on plans and practices that will improve the care given residents. The person shall also make recommendations to the director for coordinating and improving the relationships between the administrators of county care facilities, the superintendents of state mental health institutes and resource centers, community mental health centers, mental health and disability services regions, and other cooperating agencies, to cause improved and more satisfactory care of patients. A written report of each licensure inspection of a county care facility under [this section](#) shall be filed by the person with the department and shall include:

a. The capacity of the facility for the care of residents.

b. The number, sex, ages, and primary diagnoses of the residents.

c. The care of residents, their food, clothing, treatment plan, employment, and opportunity for recreational activities and for productive work intended primarily as therapeutic activity.

d. The number, job classification, sex, duties, and salaries of all employees.

e. The cost to the state or county of maintaining residents in a county care facility.

f. The recommendations given to and received from the regional administrator on methods and practices that will improve the conditions under which the county care facility is operated.

g. Any failure to comply with standards adopted under [section 227.4](#) for care of persons with mental illness and persons with an intellectual disability in county care facilities, which is not covered in information submitted pursuant to paragraphs “a” through “f”, and any other matters which the director may require.

2. A copy of the written report prescribed by [subsection 1](#) shall be furnished to the county board of supervisors, to the regional administrator for the county, to the administrator of the county care facility inspected and to its certified volunteer long-term care ombudsman, and to the department.

3. The department of inspections, appeals, and licensing shall inform the department of an action by the department of inspections, appeals, and licensing to suspend, revoke, or deny renewal of a license issued by the department of inspections, appeals, and licensing to a county care facility, and the reasons for the action.

4. In addition to the licensure inspections required or authorized by [this section](#), the department shall cause to be made an evaluation of each person cared for in a county care facility at least once each year by one or more qualified mental health, intellectual disability, or medical professionals, whichever is appropriate.

a. It is the responsibility of the state to secure the annual evaluation for each person who is on convalescent leave or who has not been discharged from a state mental health institute. It is the responsibility of the county to secure the annual evaluation for all other persons with mental illness in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each person who is on leave and has not been discharged from a state resource center. It is the responsibility of the county to secure the annual evaluation for all other persons with an intellectual disability in the county care facility.

c. It is the responsibility of the county to secure an annual evaluation of each resident of a county care facility to whom neither paragraph “a” nor paragraph “b” is applicable.

5. The evaluations required by [subsection 4](#) shall include an examination of each person which shall reveal the person’s condition of mental and physical health and the likelihood of improvement or discharge and other recommendations concerning the care of those persons as the evaluator deems pertinent. One copy of the evaluation shall be filed with the department and one copy shall be filed with the administrator of the county care facility.

[S13, §2727-a59; C24, 27, 31, 35, 39, §3518; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §227.2; 81 Acts, ch 78, §20, 32]

96 Acts, ch 1129, §53 – 55; 99 Acts, ch 129, §10; 2000 Acts, ch 1112, §51; 2009 Acts, ch 23, §11; 2012 Acts, ch 1019, §77; 2013 Acts, ch 18, §16; 2015 Acts, ch 69, §49 – 51; 2021 Acts, ch 80, §117; 2023 Acts, ch 19, §502

Referred to in §227.3, 229.15

Section amended

227.3 Resident and patient input.

The inspector conducting any licensure inspection or review under [section 227.2](#) shall give each resident or patient an opportunity to converse with the inspector out of the hearing of any officer or employee of the facility, and shall fully investigate all complaints and report the result in writing to the department. The department, before acting on the report adversely

to the facility, shall give the persons in charge a copy of the report and an opportunity to be heard.

[S13, §2727-a60; C24, 27, 31, 35, 39, §3519; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §227.3; 81 Acts, ch 78, §20, 33]

2023 Acts, ch 19, §503

Section amended

227.4 Standards for care of persons with mental illness or an intellectual disability in county care facilities.

The department, in cooperation with the department of inspections, appeals, and licensing, shall recommend and the mental health and disability services commission created in [section 225C.5](#) shall adopt, or amend and adopt, standards for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The standards shall be enforced by the department of inspections, appeals, and licensing as a part of the licensure inspection conducted pursuant to [chapter 135C](#). The objective of the standards is to ensure that persons with mental illness or an intellectual disability who are residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under [this section](#), the department shall designate an advisory committee representing administrators of county care facilities, regional administrators, mental health and disability services region governing boards, and county care facility certified volunteer long-term care ombudsmen to assist in the establishment of standards.

[S81, §227.4; 81 Acts, ch 78, §20, 34]

85 Acts, ch 122, §2; 94 Acts, ch 1170, §37; 99 Acts, ch 129, §11; 2004 Acts, ch 1090, §7; 2005 Acts, ch 175, §98; 2010 Acts, ch 1031, §389; 2012 Acts, ch 1019, §78; 2013 Acts, ch 18, §17; 2015 Acts, ch 69, §52; 2023 Acts, ch 19, §504, 1925

Referred to in [§225C.4, 227.2](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

227.5 Reserved.

227.6 Removal of residents or patients.

If a county care facility fails to comply with rules and standards adopted under [this chapter](#), the department may remove all persons with mental illness and all persons with an intellectual disability cared for in the county care facility at public expense, to the proper state mental health institute or resource center, or to some private or county facility for the care of persons with mental illness or an intellectual disability that has complied with the rules prescribed by the department. Residents being transferred to a state mental health institute or resource center shall be accompanied by an attendant or attendants sent from the institute or resource center. If a resident is transferred under [this section](#), at least one attendant shall be of the same sex. If the department finds that the needs of patients with mental illness and patients with an intellectual disability of any other county or private facility are not being adequately met, those patients may be removed from that facility upon order of the department.

[S13, §2727-a63; C24, 27, 31, 35, 39, §3522; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §227.6; 81 Acts, ch 78, §20, 35]

90 Acts, ch 1204, §46; 96 Acts, ch 1129, §56; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1019, §79; 2023 Acts, ch 19, §505

Referred to in [§229.15](#)

Section amended

227.7 Cost — collection from county.

The cost of such removal, including all expenses of the attendant, shall be certified by the superintendent of the facility receiving the patient, to the director of the department of administrative services, who shall draw a warrant upon the treasurer of state for the amount,

which shall be credited to the support fund of the facility and charged against the general revenues of the state and collected by the director of the department of administrative services from the county which sent the patient to the facility.

[S13, §2727-a63; C24, 27, 31, 35, 39, §3523; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.7]

[2003 Acts, ch 145, §286](#); [2023 Acts, ch 19, §506](#)

Referred to in [§227.10](#)

Section amended

227.8 Notification to guardians.

The department shall notify the guardian, or one or more of the relatives, of patients kept at private expense, of all violations of the rules by the private or county facilities, and of the action of the department as to all other patients.

[S13, §2727-a63; C24, 27, 31, 35, 39, §3524; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.8]

[2023 Acts, ch 19, §507](#)

Section amended

227.9 Investigating mental health.

When the department determines that any person in any such county or private facility is in good mental health, or illegally restrained of liberty, the department shall institute and prosecute proceedings in the name of the state, before the proper officer, board, or court, for the discharge of the person.

[S13, §2727-a63; C24, 27, 31, 35, 39, §3525; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.9]

[2023 Acts, ch 19, §508](#)

Section amended

227.10 Transfers from county or private facilities.

Patients who have been admitted at public expense to any facility to which [this chapter](#) is applicable may be involuntarily transferred to the proper state mental health institute in the manner prescribed by [sections 229.6 through 229.13](#). The application required by [section 229.6](#) may be filed by the director or the director's designee, or by the administrator of the facility where the patient is being maintained or treated. If the patient was admitted to that facility involuntarily, the department may arrange and complete the transfer, and shall report it as required of a chief medical officer under [section 229.15, subsection 5](#). The transfer shall be made at the mental health and disability services region's expense, and the expense recovered, as provided in [section 227.7](#). However, transfer under [this section](#) of a patient whose expenses are payable in whole or in part by the mental health and disability services region is subject to an authorization for the transfer through the regional administrator for the patient's county of residence.

[S13, §2727-a64; C24, 27, 31, 35, 39, §3526; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.10]

[96 Acts, ch 1129, §113](#); [96 Acts, ch 1183, §17](#); [2004 Acts, ch 1090, §33](#); [2015 Acts, ch 69, §53](#); [2015 Acts, ch 138, §27, 161, 162](#); [2021 Acts, ch 80, §118](#); [2023 Acts, ch 19, §509](#)

Referred to in [§227.12](#)

Section amended

227.11 Transfers from state mental health institutes.

A regional administrator for the county chargeable with the expense of a patient in a state mental health institute shall transfer the patient to a county or private facility for persons with mental illness that is in compliance with the applicable rules when the director or the director's designee orders the transfer on a finding that the patient is suffering from a serious mental illness and will receive equal benefit by being transferred. A mental health and disability services region shall transfer to a county care facility any patient in a state mental health institute upon request of the superintendent of the state mental health institute in which the patient is confined pursuant to the superintendent's authority under [section 229.15, subsection 5](#), and approval by the regional administrator for the county of

the patient's residence. In no case shall a patient be transferred except upon compliance with [section 229.14A](#) or without the written consent of a relative, friend, or guardian if such relative, friend, or guardian pays the expense of the care of such patient in a state mental health institute. Patients transferred to a public or private facility under [this section](#) may subsequently be placed on convalescent or limited leave or transferred to a different facility for continued full-time custody, care, and treatment when, in the opinion of the attending physician or the chief medical officer of the facility from which the patient was transferred, the best interest of the patient would be served by the leave or transfer. For any patient who is involuntarily committed, any transfer made under [this section](#) is subject to the placement hearing requirements of [section 229.14A](#).

[S13, §2727-a64; C24, 27, 31, 35, §3527, 3528; C39, §3527; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.11]

[96 Acts, ch 1129, §113](#); [2001 Acts, ch 155, §44](#); [2015 Acts, ch 69, §54](#); [2023 Acts, ch 19, §510](#)

Referred to in [§227.12, 230.15, 331.381](#)

Section amended

227.12 Difference of opinion.

When a difference of opinion exists between the director and the authorities in charge of any private or county facility in regard to the transfer of a patient as provided in [sections 227.10](#) and [227.11](#), the matter shall be submitted to the district court of the county in which the facility is situated and shall be summarily tried as an equitable action, and the judgment of the district court shall be final.

[S13, §2727-a68; C24, 27, 31, 35, 39, §3529; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.12]

[2015 Acts, ch 69, §55](#); [2023 Acts, ch 19, §511](#)

Section amended

227.13 Discharge of transferred patient.

Patients transferred from a state mental health institute to county or private facilities shall not be discharged, when not cured, without the consent of the director.

[S13, §2727-a64; C24, 27, 31, 35, 39, §3530; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.13]

[2023 Acts, ch 19, §512](#)

Section amended

227.14 Caring for persons with mental illness from other counties.

The regional administrator for a county that does not have proper facilities for caring for persons with mental illness may, with the consent of the department, provide for such care at the expense of the mental health and disability services region in any convenient and proper county or private facility for persons with mental illness which is willing to receive the persons.

[S13, §2727-a65; C24, 27, 31, 35, 39, §3531; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.14]

[96 Acts, ch 1129, §113](#); [2015 Acts, ch 69, §56](#); [2015 Acts, ch 138, §28, 161, 162](#); [2023 Acts, ch 19, §513](#)

Referred to in [§331.381](#)

Section amended

227.15 Authority to involuntarily confine.

A person shall not be involuntarily confined and restrained in any private or county facility or other general hospital with a psychiatric ward for the care or treatment of persons with mental illness, except by the procedure prescribed in [sections 229.6 through 229.15](#).

[S13, §2727-a66; C24, 27, 31, 35, 39, §3532; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §227.15]

[96 Acts, ch 1129, §113](#); [2021 Acts, ch 80, §119](#); [2023 Acts, ch 19, §514](#)

Section amended

227.16 through 227.18 Reserved.

227.19 Administrator defined. Repealed by 2023 Acts, ch 19, §1357.