

**125.2 Definitions.**

For purposes of this chapter, unless the context clearly indicates otherwise:

1. “*Board*” means the state board of health created pursuant to chapter 136.
2. “*Chemical substance*” means alcohol, wine, spirits, and beer as defined in chapter 123 and controlled substances as defined in section 124.101.
3. “*Chief medical officer*” means the medical director in charge of a public or private hospital, or the director’s physician-designee. This chapter does not negate the authority otherwise reposed by chapter 226 in the respective superintendents of the state mental health institutes to make decisions regarding the appropriateness of admissions or discharges of patients of those institutes, however, it is the intent of this chapter that a superintendent who is not a licensed physician shall be guided in these decisions by the chief medical officer of the institute.
4. “*Clerk*” means the clerk of the district court.
5. “*Department*” means the Iowa department of public health.
6. “*Director*” means the director of the Iowa department of public health.
7. “*Facility*” means an institution, a detoxification center, or an installation providing care, maintenance and treatment for persons with substance-related disorders licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.
8. “*Incapacitated by a chemical substance*” means that a person, as a result of the use of a chemical substance, is unconscious or has the person’s judgment otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to the need for treatment.
9. “*Incompetent person*” means a person who has been adjudged incompetent by a court of law.
10. “*Interested person*” means a person who, in the discretion of the court, is legitimately concerned that a respondent receive substance abuse treatment services.
11. “*Psychiatric advanced registered nurse practitioner*” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is registered with the board of nursing as an advanced registered nurse practitioner.
12. “*Residence*” means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payments of costs attributable to its residents, the following rules shall apply:
  - a. If a person claims an Iowa homestead, then the person’s residence shall be in the county where that homestead is claimed, irrespective of any other factors.
  - b. If paragraph “a” does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person’s residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of age who are wards of this state.
  - c. If paragraphs “a” and “b” do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the department as provided in this chapter.
  - d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.
  - e. The provisions of this subsection shall not be used in any case to which section 125.43 is applicable.
13. “*Respondent*” means a person against whom an application is filed under section 125.75.
14. “*Substance-related disorder*” means a diagnosable substance abuse disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic

and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment.

[C62, 66, §123A.1; C71, 73, §123A.1, 123B.1; C75, 77, §125.2; C79, 81, §125.2, 229.50; 81 Acts, ch 58, §1; 82 Acts, ch 1212, §1]

86 Acts, ch 1245, §1122; 89 Acts, ch 197, §21; 90 Acts, ch 1085, §1, 2; 2005 Acts, ch 175, §59, 60; 2008 Acts, ch 1082, §1; 2011 Acts, ch 121, §25 – 28, 62; 2012 Acts, ch 1021, §40

Referred to in §125.3, 125.7, 125.44, 226.9C, 282.19, 321J.24, 321J.25, 411.6, 600A.8, 709.16

[T] 2011 amendments striking subsections 2, 13, 17, and 18, and amending subsections 5 and 9, now renumbered as 14 and 7, take effect July 1, 2012; 2011 Acts, ch 121, §62

[T] Subsection 2 stricken and former subsections 3 and 4 renumbered as 2 and 3

[T] Subsection 5 amended and renumbered as 14

[T] Subsections 6 – 8 renumbered as 4 – 6

[T] Subsection 9 amended and renumbered as 7

[T] Subsections 10 – 12 renumbered as 8 – 10

[T] Subsection 13 stricken

[T] Subsection 14 amended and renumbered as 11

[T] Subsections 15 and 16 renumbered as 12 and 13

[T] Subsections 17 and 18 stricken