

**222.60 Costs paid by county or state — diagnosis and evaluation.**

1. All necessary and legal expenses for the cost of admission or commitment or for the treatment, training, instruction, care, habilitation, support and transportation of persons with an intellectual disability, as provided for in the county management plan provisions implemented pursuant to section 331.439, subsection 1,\* in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director of human services, shall be paid by either:

a. The person's county of residence.

b. The state when the person is a resident in another state or in a foreign country or the residence is unknown. The payment responsibility shall be deemed to be a state case.

2. a. Prior to a county of residence approving the payment of expenses for a person under this section, the county may require that the person be diagnosed to determine if the person has an intellectual disability or that the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to an intellectual disability. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county may require that an evaluation be performed at reasonable time periods.

b. The cost of a county-required diagnosis and an evaluation is at the county's expense. For a state case, the state may apply the diagnosis and evaluation provisions of this subsection at the state's expense.

c. A diagnosis or an evaluation under this section may be part of a county's central point of coordination process under section 331.440,\* provided that a diagnosis is performed only by an individual qualified as provided in this section.

3. a. A diagnosis of an intellectual disability under this section shall be made only when the onset of the person's condition was prior to the age of eighteen years and shall be based on an assessment of the person's intellectual functioning and level of adaptive skills. The diagnosis shall be made by an individual who is a psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills.

b. A diagnosis of an intellectual disability shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, published by the American psychiatric association, as provided in the definition of intellectual disability in section 4.1.

[C39, §3477.3, 3477.4, 3477.7; C46, 50, 54, 58, 62, §223.14, 223.15, 223.18; C66, 71, 73, 75, 77, 79, 81, §222.60]

83 Acts, ch 96, §157, 159; 95 Acts, ch 82, §12; 95 Acts, ch 190, §1; 95 Acts, ch 206, §13; 2000 Acts, ch 1112, §51; 2004 Acts, ch 1090, §33; 2009 Acts, ch 41, §223; 2012 Acts, ch 1019, §53 – 55; 2012 Acts, ch 1120, §74, 75, 130

Referred to in §222.49, 222.50, 222.65, 222.77, 222.78, 249A.12, 331.381

[SP] For future amendment to subsection 1, unnumbered paragraph 1, effective July 1, 2014, see 2013 Acts, ch 130, §21, 35

[SP] \*Sections 331.439 and 331.440 are repealed; corrective legislation is pending

[T] 2012 amendments to subsections 1 and 2 by 2012 Acts, ch 1120, §74, 75, take effect July 1, 2013; 2012 Acts, ch 1120, §130

[T] Subsections 1 and 2 amended