

229.10 Physicians' or mental health professionals' examination — report.

1. *a.* An examination of the respondent shall be conducted by one or more licensed physicians or mental health professionals, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to [section 229.11, subsection 1](#), paragraph "b", the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to [section 229.11, subsection 1](#), paragraph "a" or "c", the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician or mental health professional of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid by the regional administrator from mental health and disability services region funds upon order of the court.

b. Any licensed physician or mental health professional conducting an examination pursuant to [this section](#) may consult with or request the participation in the examination of any consulting mental health professional, and may include with or attach to the written report of the examination any findings or observations by any consulting mental health professional who has participated in the examination.

c. If the respondent is not taken into custody under [section 229.11](#), but the court is subsequently informed that the respondent has declined to be examined by one or more licensed physicians or mental health professionals pursuant to the court order, the court may order such limited detention of the respondent as is necessary to facilitate the examination of the respondent by one or more licensed physicians or mental health professionals.

2. A written report of the examination by one or more court-designated physicians or mental health professionals shall be filed with the clerk prior to the time set for hearing. A written report of any examination by a physician chosen by the respondent may be similarly filed. The clerk shall immediately do all of the following:

a. Cause the report or reports to be shown to the judge who issued the order.

b. Cause the respondent's attorney to receive a copy of the report or reports.

3. If the report of one or more of the court-designated physicians or mental health professionals is to the effect that the individual is not seriously mentally impaired, the court shall without taking further action terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of one or more of the court-designated physicians or mental health professionals is to the effect that the respondent is seriously mentally impaired, the court shall schedule a hearing on the application as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

[C77, 79, 81, §229.10]

2006 Acts, ch 1116, §2; 2009 Acts, ch 41, §224; 2012 Acts, ch 1079, §11; 2015 Acts, ch 69, §62; 2015 Acts, ch 138, §32, 161, 162; 2017 Acts, ch 34, §14; 2018 Acts, ch 1056, §8

Referred to in §218.92, 222.7, 225.30, 226.31, 227.10, 227.15, 229.8, 229.14, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38

Subsection 3 amended