125.80 Physician's or mental health professional's examination — report — scheduling of hearing.

1. *a.* An examination of the respondent shall be conducted within a reasonable time and prior to the commitment hearing by one or more licensed physicians and surgeons or osteopathic physicians and surgeons or mental health professionals as required by the court's order. If the respondent is taken into custody under section 125.81, the examination shall be conducted within twenty-four hours after the respondent is taken into custody. If the respondent desires, the respondent may have a separate examination by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional of the respondent's own choice. The court shall notify the respondent of the right to choose a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional for a separate examination. The reasonable cost of the examinations shall be paid from county funds upon order of the court if the respondent lacks sufficient funds to pay the cost.

b. A licensed physician and surgeon or osteopathic physician and surgeon or mental health professional conducting an examination pursuant to this section may consult with or request the participation in the examination of facility personnel, and may include with or attach to the written report of the examination any findings or observations by facility personnel who have been consulted or have participated in the examination.

c. If the respondent is not taken into custody under section 125.81, but the court is subsequently informed that the respondent has declined to be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional pursuant to the court order, the court may order limited detention of the respondent as necessary to facilitate the examination of the respondent by the licensed physician and surgeon or osteopathic physician and surgeon or mental health professional.

2. A written report of the examination by a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional shall be filed with the clerk prior to the hearing date. A written report of an examination by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional chosen by the respondent may be similarly filed. The clerk shall immediately:

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

b. Cause the respondent's attorney to receive a copy of the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional.

3. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is not a person with a substance-related disorder, the court, without taking further action, shall terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is a person with a substance-related disorder, the court shall schedule a commitment hearing 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.