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

1. All necessary and legal expenses for the cost of admission or for the treatment, training, instruction, care, habilitation, support, and transportation of persons with an intellectual disability, as provided for in the applicable regional service system management plan implemented pursuant to section 331.393 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 regional administrator for the person's county of residence.

b. The state when the person is a resident in another state or in a foreign country, or when the person's residence is unknown.

2. *a.* Prior to the regional administrator for a county of residence approving the payment of expenses for a person under this section, the regional administrator 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 regional administrator for the person's county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the regional administrator may require that an evaluation be performed at reasonable time periods.

b. The cost of a regional administrator-required diagnosis and an evaluation is at the mental health and disability services region's expense. When a person is a resident in another state or in a foreign country, or when the person's residence is unknown, 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 diagnosis and assessment process implemented by the applicable regional administrator, 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; 2013 Acts, ch 130, §21, 35; 2015 Acts, ch 69, §11; 2018 Acts, ch 1165, §62, 63

Referred to in §222.1, 222.50, 222.65, 222.77, 222.78, 249A.12, 331.381