

CHAPTER 218

INSTITUTIONS GOVERNED BY DEPARTMENT OF HEALTH AND HUMAN SERVICES

218.1	Institutions controlled.	218.52	Supplies — competition.
218.2	Powers of governor — report of abuses.	218.53	Dealers may file addresses. Repealed by 2023 Acts, ch 19, §1357.
218.3	Definitions.		
218.4	Recommendation for rules.	218.54	Samples preserved. Repealed by 2023 Acts, ch 19, §1357.
218.5	Fire protection contracts.		
218.6	Transfer of appropriations made to institutions.	218.55	Purchase from an institution.
	and 218.8 Reserved.	218.56	Purchase of supplies — vendor warrants.
218.7	Appointment of superintendents.	218.57	Combining appropriations.
218.10	Subordinate officers and employees.	218.58	Construction, repair, and improvement projects — emergencies.
218.11	Interagency case information service. Repealed by 2013 Acts, ch 19, §2.	218.59	through 218.63 Reserved.
		218.64	Investigation of death.
218.12	Bonds.	218.65	Property of deceased resident.
218.13	Record checks.	218.66	Property of small value.
218.14	Dwelling of superintendent or other employee.	218.67	Estate administrator not identified.
218.15	Salaries — how paid.		
218.16	Reserved.	218.68	Money deposited with treasurer of state.
218.17	Authorized leave.		
218.18	Reserved.	218.69	Permanent record.
218.19	Districts. Repealed by 2023 Acts, ch 19, §1357.	218.70	Payment to party entitled.
		218.71	Reserved.
218.20	Place of commitments — transfers. Repealed by 2023 Acts, ch 19, §1357.	218.72	Temporary quarters in emergency.
		218.73	through 218.77 Reserved.
218.21	Record of residents.	218.78	Institutional receipts deposited.
218.22	Record privileged.	218.79	through 218.82 Reserved.
218.23	Reports to director.	218.83	Administrative improvement.
218.24	Questionable commitment.	218.84	Abstracting claims and keeping accounts.
218.25	Religious beliefs.		
218.26	Religious worship.	218.85	Uniform system of accounts.
218.27	Religious belief of minors.	218.86	Abstract of claims.
218.28	Investigation.	218.87	Warrants issued by director of the department of administrative services.
218.29	Scope of investigation.		
218.30	Investigation of other facilities.		
218.31	Witnesses.	218.88	Institutional payrolls.
218.32	Contempt.	218.89	Abstracts of payrolls. Repealed by 2003 Acts, ch 145, §291.
218.33	Transcript of testimony.		
218.34	through 218.39 Reserved.	218.90	and 218.91 Reserved.
218.40	Services required. Repealed by 2023 Acts, ch 19, §1357.	218.92	Residents with dangerous mental disturbances.
218.41	Custody.	218.93	Consultants for department.
218.42	Wages of residents.	218.94	Director may buy and sell real estate — options — fund.
218.43	Deduction to pay court costs.		
218.44	Wages paid to dependent — deposits.	218.95	Synonymous terms.
		218.96	Gifts, grants, devises, and bequests.
218.45	Conferences.		
218.46	Scientific investigation.	218.97	Reserved.
218.47	Monthly report.	218.98	Canteen maintained.
218.48	Annual reports.	218.99	Counties to be notified of personal accounts.
218.49	Contingent fund.		
218.50	Requisition for contingent fund.		
218.51	Monthly reports of contingent fund.	218.100	Central warehouse and supply depot.

**218.1 Institutions controlled.**

The director shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director’s jurisdiction, and

may at the director's discretion assign the powers and authorities given the director by statute to a superintendent:

1. Glenwood state resource center.
2. Woodward state resource center.
3. Mental health institute, Cherokee, Iowa.
4. Mental health institute, Independence, Iowa.
5. State training school.
6. Other facilities not attached to the campus of the main institution as program developments require.

[S13, §2727-a8, -a77; SS15, §2713-n2, 2727-a96; C24, 27, 31, 35, 39, §3287; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.1; 81 Acts, ch 73, §1; 82 Acts, ch 1260, §18]

83 Acts, ch 96, §66, 157, 159; 83 Acts, ch 101, §37; 92 Acts, ch 1140, §21; 2000 Acts, ch 1112, §1, 45; 2019 Acts, ch 100, §1; 2023 Acts, ch 19, §355

Referred to in §218.2, 218.3, 225C.13, 232.69, 234.1, 237.4, 237C.1, 280.16, 282.33, 357H.1, 708.3A, 709.16  
Section amended

### 218.2 Powers of governor — report of abuses.

1. Nothing contained in [section 218.1](#) shall limit the general supervisory or examining powers vested in the governor by the laws or Constitution of the State of Iowa, or legally vested by the governor in any committee appointed by the governor.

2. The superintendent to whom primary responsibility for a particular institution has been assigned shall make reports to the director as requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

[S13, §2727-a9, -a18; C24, 27, 31, 35, 39, §3288, 3289; C46, 50, 54, 58, 62, 66, §218.2, 218.3; C71, 73, 75, 77, 79, 81, §218.2]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §2; 2006 Acts, ch 1010, §67; 2019 Acts, ch 24, §104; 2020 Acts, ch 1062, §28; 2023 Acts, ch 19, §356

Section amended

### 218.3 Definitions.

For the purposes of [this chapter](#), unless the context otherwise requires:

1. “*Council*” means the council on health and human services.
2. “*Department*” means the department of health and human services.
3. “*Director*” means the director of health and human services.
4. “*Institution*” means an institution listed in [section 218.1](#).
5. “*Resident*” means a person committed or admitted to an institution and is synonymous with patient, as appropriate to the institution.

6. “*Superintendent*” means the person to whom primary responsibility for a particular institution has been assigned.

[C71, 73, 75, 77, 79, 81, §218.3; 81 Acts, ch 78, §20, 24; 82 Acts, ch 1260, §19]

83 Acts, ch 96, §67, 157, 159; 83 Acts, ch 101, §38; 91 Acts, ch 258, §36; 94 Acts, ch 1170, §29; 2000 Acts, ch 1112, §3; 2023 Acts, ch 19, §357

Section amended

### 218.4 Recommendation for rules.

1. The department shall recommend to the council for adoption rules not inconsistent with law as necessary for the management of the institutions and the admission, treatment, care, custody, education and discharge of residents. It is the duty of the department to establish rules by which danger to life and property from fire will be minimized. The department may require any appointees to perform duties in addition to those required by statute.

2. Rules adopted by the council pursuant to [chapter 17A](#) shall be uniform and shall apply to all institutions under the department's jurisdiction. The primary rules for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to such persons by competent physicians. Annually, signed copies of the rules shall be sent to the superintendent of each institution. Copies shall also be sent to the clerk of each district court, the chairperson

of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

3. The department of inspections, appeals, and licensing shall cause to be made an annual inspection of all the institutions and shall provide a written report of each inspection to the department.

[S13, §2727-a30, -a48, 5718-a3; SS15, §2727-a50, -a96; C24, 27, 31, 35, 39, §3290; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.4]

83 Acts, ch 96, §157, 159, 160; 94 Acts, ch 1170, §30; 2000 Acts, ch 1112, §4; 2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §57; 2023 Acts, ch 19, §358, 1639

See Code editor's note on simple harmonization at the beginning of this Code volume  
Section amended

### 218.5 Fire protection contracts.

The department may enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under the department's primary control, located in any municipal corporation or in territory contiguous to the municipal corporation, upon terms as may be agreed upon.

[C31, 35, §3290-d1; C39, §3290.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.5]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §5; 2023 Acts, ch 19, §359

Section amended

### 218.6 Transfer of appropriations made to institutions.

1. Notwithstanding [section 8.39, subsection 1](#), without the prior written consent and approval of the governor and the director of the department of management, the director may transfer funds between the appropriations made for the institutions, listed as follows:

- a. The state resource centers.
- b. The state mental health institutes.
- c. The state training school.
- d. The civil commitment unit for sexual offenders.

2. The department shall report any transfer made pursuant to [subsection 1](#) during a fiscal quarter to the legislative services agency within thirty days of the beginning of the subsequent fiscal quarter.

2005 Acts, ch 175, §93; 2017 Acts, ch 174, §110; 2018 Acts, ch 1165, §121; 2023 Acts, ch 19, §360

Section amended

**218.7 and 218.8** Reserved.

### 218.9 Appointment of superintendents.

1. The director shall appoint the superintendent of the institution. The tenure of office of a superintendent shall be at the pleasure of the director. The director may transfer a superintendent from one institution to another.

2. The superintendent shall have immediate custody and control, subject to the orders and policies of the director, of all property used in connection with the institution except as provided in [this chapter](#).

[S13, §2727-a24; C24, 27, 31, 35, 39, §3292; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.9; 81 Acts, ch 27, §3, ch 73, §2, ch 78, §20, 25; 82 Acts, ch 1260, §20]

83 Acts, ch 96, §68, 157, 159; 83 Acts, ch 101, §39; 84 Acts, ch 1277, §17; 90 Acts, ch 1239, §4; 94 Acts, ch 1170, §31; 2000 Acts, ch 1112, §6; 2018 Acts, ch 1041, §58; 2019 Acts, ch 59, §61; 2023 Acts, ch 19, §361

Section amended

### 218.10 Subordinate officers and employees.

The director shall determine the number of subordinate officers and employees for the institution. Subject to [this chapter](#), the officers and employees shall be appointed and

discharged by the superintendent or the superintendent's designee pursuant to [chapter 8A, subchapter IV](#). The superintendent shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons for discharge.

[S13, §2727-a37; SS15, §2713-n2, 2727-a96; C24, 27, 31, 35, 39, §3293; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.10]

[83 Acts, ch 96, §157, 159; 86 Acts, ch 1245, §260; 2000 Acts, ch 1112, §7; 2003 Acts, ch 145, §210; 2023 Acts, ch 19, §362](#)

Section amended

**218.11 Interagency case information service.** Repealed by 2013 Acts, ch 19, §2.

#### **218.12 Bonds.**

Each officer and employee of an institution charged with the custody or control of any money or property belonging to the state shall provide an official bond, properly conditioned, and signed by sufficient sureties in a sum to be fixed by the director, which bond shall be approved by the director, and filed in the office of the secretary of state.

[S13, §2727-a31; C24, 27, 31, 35, 39, §3295; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.12]

[2023 Acts, ch 19, §363](#)

Section amended

#### **218.13 Record checks.**

1. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment or residence in the facility. The record check evaluation system shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. If the record check evaluation system determines that a person, who is employed by an institution or resides in a facility utilized by an institution, has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

3. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the record check evaluation system's conditions relating to employment or residence which may include completion of additional training.

4. If the record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

[91 Acts, ch 138, §3; 97 Acts, ch 169, §12; 2023 Acts, ch 19, §364](#)

Referred to in [§235A.15](#)

Section amended

**218.14 Dwelling of superintendent or other employee.**

1. The director may furnish the superintendent of the institution, in addition to salary, with a dwelling or with appropriate quarters in lieu of the dwelling, or may compensate the superintendent of the institution in lieu of furnishing a dwelling or quarters. If the superintendent of the institution is furnished with a dwelling or quarters, either of which is owned by the state, the superintendent may also be furnished with water, heat, and electricity.

2. The director may furnish assistant superintendents or other employees, or both, with a dwelling or with appropriate quarters, owned by the state. The assistant superintendent or employee, who is so furnished, shall pay rent for the dwelling or quarters in an amount to be determined by the director, which shall be the fair market rental value of the dwelling or quarters. If an assistant superintendent or employee is furnished with a dwelling or quarters, either of which is owned by the state, the assistant superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the dwelling or quarters.

[S13, §2727-a38; SS15, §2713-n2, 2727-a96, 5717; C24, 27, 31, 35, 39, §3297, 3746; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §218.14, 246.7; C81, §218.14]

[83 Acts, ch 96, §157, 159](#); [2000 Acts, ch 1112, §8](#); [2023 Acts, ch 19, §365](#)

Similar provisions, see [§904.305](#)

Section amended

**218.15 Salaries — how paid.**

The salaries and wages shall be included in the semimonthly payrolls and paid in the same manner as other expenses of the institutions.

[S13, §2727-a38; C24, 27, 31, 35, 39, §3298; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.15]

[2023 Acts, ch 19, §366](#)

Section amended

**218.16 Reserved.****218.17 Authorized leave.**

Vacations and sick leave with pay as authorized in [section 70A.1](#) shall only be taken at such times as the superintendent or the superintendent's designee in charge of an officer or employee, as the case may be, may direct, and only after written authorization by the superintendent or the superintendent's designee, and for the number of days specified in the authorization. A copy of the authorization shall be attached to the institution's copy of the payroll of the institution, for audit purposes, for the period during which the vacation was taken, and the semimonthly payroll shall show the number of days the person was absent under the authorization.

[S13, §2727-a74c, -a74d; C24, 27, 31, 35, 39, §3300; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.17]

[2000 Acts, ch 1112, §9](#); [2023 Acts, ch 19, §367](#)

Section amended

**218.18 Reserved.****218.19 Districts.** Repealed by 2023 Acts, ch 19, §1357.**218.20 Place of commitments — transfers.** Repealed by 2023 Acts, ch 19, §1357.**218.21 Record of residents.**

The director shall, as to every person committed to any of the institutions, keep the following record:

1. Name.
2. Residence.
3. Sex.
4. Age.
5. Nativity.

6. Occupation.
  7. Civil condition.
  8. Date of entrance or commitment.
  9. Date of discharge.
  10. Whether a discharge was final.
  11. Condition of the person when discharged.
  12. The name of the institutions from which and to which such person has been transferred.
  13. If deceased, the date and cause of the person's death.
- [S13, §2727-a22; C24, 27, 31, 35, 39, §3304; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.21]

[83 Acts, ch 96, §157, 159, 160; 2018 Acts, ch 1041, §59; 2023 Acts, ch 19, §368](#)

Referred to in [§218.22](#)

Section amended

### **218.22 Record privileged.**

Except with the consent of the director, or on an order of a court of record, the record provided in [section 218.21](#) shall be accessible only to the director and to assistants and proper clerks authorized by the director. The director may permit the department of administrative services to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in [section 218.21](#).

[S13, §2727-a22; C24, 27, 31, 35, 39, §3305; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.22]

[83 Acts, ch 96, §157, 159, 160; 93 Acts, ch 48, §11; 2011 Acts, ch 132, §40, 106; 2023 Acts, ch 19, §369, 1401](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

### **218.23 Reports to director.**

The superintendent of an institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the director or the director's designee. When a resident leaves, or is discharged or transferred from, or dies in an institution, the superintendent or person in charge shall within ten days after that date send the information to the director or the director's designee on forms which the director prescribes.

[S13, §2727-a22; C24, 27, 31, 35, 39, §3306; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.23]

[83 Acts, ch 96, §159, 160; 2000 Acts, ch 1112, §12; 2023 Acts, ch 19, §370](#)

Section amended

### **218.24 Questionable commitment.**

The superintendent shall immediately notify the director if there is any question as to the propriety of the commitment or detention of any person received at an institution, and the director, upon notification, shall inquire into the matter presented, and take proper action.

[S13, §2727-a29; C24, 27, 31, 35, 39, §3307; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.24]

[2023 Acts, ch 19, §371](#)

Section amended

### **218.25 Religious beliefs.**

The superintendent of an institution, receiving a person committed to the institution, shall inquire of the person as to the person's religious preference and enter the preference in the book kept for the purpose, and cause the person to sign the book.

[S13, §5718-a1; C24, 27, 31, 35, 39, §3308; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.25]

[2000 Acts, ch 1112, §13](#)

**218.26 Religious worship.**

Any resident, during the time of the resident's detention, shall be allowed, for at least one hour weekly and in times of extreme sickness, and at such other suitable and reasonable times consistent with the resident's religious belief and proper discipline in the institution, to receive spiritual advice, instruction, and ministrations from any recognized member of the clergy of the church or denomination which represents the resident's religious belief.

[S13, §5718-a1, -a2; C24, 27, 31, 35, 39, §3309; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.26]

[83 Acts, ch 96, §159, 160; 2023 Acts, ch 19, §372](#)

Section amended

**218.27 Religious belief of minors.**

If a resident is a minor and has formed no choice, the minor's preference may, at any time, be expressed by the minor with the approval of parents or guardian, if the minor has a parent or guardian.

[S13, §5718-a3; C24, 27, 31, 35, 39, §3310; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.27]

[83 Acts, ch 96, §159, 160; 2023 Acts, ch 19, §373](#)

Section amended

**218.28 Investigation.**

The director or the director's designee shall visit, and minutely examine, at least once in six months, and more often if necessary or required by law, the institutions and the financial condition and management of the institutions.

[S13, §2727-a10, -a19; C24, 27, 31, 35, 39, §3311; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.28]

[83 Acts, ch 96, §157, 159; 2005 Acts, ch 3, §51; 2023 Acts, ch 19, §374](#)

Section amended

**218.29 Scope of investigation.**

The director or the director's designee shall, during such investigation and as far as possible, see every resident of each institution, especially those admitted since the director's or the director's designee's preceding visit, and shall give such residents suitable opportunity to converse with the director or the director's designee apart from the officers and attendants.

[S13, §2727-a19; C24, 27, 31, 35, 39, §3312; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.29]

[83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §375](#)

Section amended

**218.30 Investigation of other facilities.**

The director may investigate or cause the investigation of charges of abuse, neglect, or mismanagement on the part of an officer or employee of a private facility which is subject to the director's supervision or control. The director shall also investigate or cause the investigation of charges concerning county care facilities in which persons with mental illness are served.

[S13, §2727-a74b; C24, 27, 31, 35, 39, §3313; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.30]

[83 Acts, ch 96, §157, 159; 94 Acts, ch 1170, §32; 2000 Acts, ch 1112, §14; 2023 Acts, ch 19, §376](#)

Section amended

**218.31 Witnesses.**

In aid of any investigation, the department may summon and compel the attendance of witnesses; examine the witnesses under oath, which the director or the director's designee may administer; have access to all books, papers, and property material to such investigation; and order the production of any other books or papers material to the investigation. Witnesses

other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

[S13, §2727-a10; C24, 27, 31, 35, 39, §3314; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.31]

[2021 Acts, ch 80, §108](#); [2022 Acts, ch 1032, §39](#); [2023 Acts, ch 19, §377](#)

Referred to in [§218.32](#)

Witness fees, [§622.69 – 622.75](#)

Section amended

### **218.32 Contempt.**

Any person failing or refusing to obey the orders of the department issued under [section 218.31](#), or to give or produce evidence when required, shall be reported by the department to the district court in the county where the offense occurs, and shall be dealt with by the court as for contempt of court.

[S13, §2727-a10; C24, 27, 31, 35, 39, §3315; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.32]

[2023 Acts, ch 19, §378](#)

Contempts, [chapter 665](#)

Section amended

### **218.33 Transcript of testimony.**

The department shall cause the testimony taken at such investigation to be transcribed and filed with the department within ten days after the testimony is taken, or as soon thereafter as practicable, and when filed the testimony shall be open for the inspection of any person.

[S13, §2727-a10; C24, 27, 31, 35, 39, §3316; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.33]

[2023 Acts, ch 19, §379](#)

Section amended

### **218.34 through 218.39 Reserved.**

**218.40 Services required.** Repealed by [2023 Acts, ch 19, §1357](#).

### **218.41 Custody.**

When a resident of an institution is working outside the institution proper, the resident is at all times in the actual custody of the superintendent of the institution.

[SS15, §5718-a11; C24, 27, 31, 35, 39, §3324; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.41]

[83 Acts, ch 96, §159, 160](#); [2023 Acts, ch 19, §380](#)

Section amended

### **218.42 Wages of residents.**

If a resident performs services for the state at an institution, the department shall pay the resident a wage in accordance with federal wage and hour requirements. However, the wage amount shall not exceed the amount of the prevailing wage paid in the state for a like service or its equivalent.

[SS15, §5718-a11a; C24, 27, 31, 35, 39, §3325; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.42]

[83 Acts, ch 96, §159, 160](#); [95 Acts, ch 82, §1](#); [2023 Acts, ch 19, §381](#)

Referred to in [§218.43, 218.44](#)

Section amended

### **218.43 Deduction to pay court costs.**

If wages are paid to a resident pursuant to [section 218.42](#), the department may deduct from the wages an amount sufficient to pay all or a part of the costs taxed to the resident by reason



of the resident's commitment to the institution. In such case the amount deducted shall be forwarded to the clerk of the district court or proper official.

[SS15, §5718-a11a; C24, 27, 31, 35, 39, §3326; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.43]

[83 Acts, ch 96, §159, 160; 2021 Acts, ch 80, §109; 2023 Acts, ch 19, §382](#)

Section amended

#### **218.44 Wages paid to dependent — deposits.**

If wages are paid to a resident pursuant to [section 218.42](#), the department may pay all or any part of the wages directly to any dependent of the resident. The department may also deposit the wages to the account of the resident, or may deposit part of the wages and allow the resident a portion for the resident's own personal use, or may pay to the county of commitment all or any part of the resident's care, treatment, or subsistence while at the institution from any credit balance accruing to the account of the resident.

[SS15, §5718-a11a; C24, 27, 31, 35, 39, §3327; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.44]

[83 Acts, ch 96, §159, 160; 2021 Acts, ch 80, §110; 2022 Acts, ch 1032, §40; 2023 Acts, ch 19, §383](#)

Section amended

#### **218.45 Conferences.**

Quarterly conferences of the superintendents of the institutions shall be held with the director at Des Moines or at institutions under the director's jurisdiction, for the consideration of all matters relative to the management of the institutions. Full minutes of the conferences shall be preserved in the records of the department. The director may cause papers on appropriate subjects to be prepared and presented at the conferences.

[S13, §2727-a20; C24, 27, 31, 35, 39, §3328; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.45]

[2000 Acts, ch 1112, §15; 2023 Acts, ch 19, §384](#)

Section amended

#### **218.46 Scientific investigation.**

1. The director shall encourage the scientific investigation, on the part of the superintendent and medical staff of the institution, as to the most successful methods of institutional management and treatment of the persons committed to the institution. In addition, the department shall procure and furnish to the superintendent and medical staff information relative to such management and treatment and publish bulletins and reports of scientific and clinical work done in that type of institution.

2. The department may provide services and facilities for the scientific observation, rechecking, and treatment of persons with mental illness within the state. Application by, or on behalf of, any person for such services and facilities shall be made to the director on forms furnished by the department. The time and place of admission of any person to outpatient or clinical services and facilities for scientific observation, rechecking, and treatment and the use of such services and facilities for the benefit of persons who have already been hospitalized for psychiatric evaluation and appropriate treatment or involuntarily hospitalized as seriously mentally ill shall be in accordance with rules and regulations adopted by the department.

[S13, §2727-a27; C24, 27, 31, 35, 39, §3329; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.46]

[83 Acts, ch 96, §157, 159; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §16; 2023 Acts, ch 19, §385](#)

Publications; [§7A.27](#)

Section amended

#### **218.47 Monthly report.**

The superintendent of each institution or the superintendent's designee shall, on the first day of each month, account to the director or the director's designee for all state funds

received during the preceding month, and at the same time remit the accounting to the treasurer of state.

[S13, §2727-a40; C24, 27, 31, 35, 39, §3330; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.47]

[2000 Acts, ch 1112, §17](#); [2023 Acts, ch 19, §386](#)

Section amended

#### **218.48 Annual reports.**

The superintendent of each institution or the superintendent's designee shall make an annual report to the director and include in the report a detailed and accurate inventory of the stock and supplies on hand, and their amount and value, under the following headings:

1. Livestock.
2. Farm produce on hand.
3. Vehicles.
4. Agricultural implements.
5. Machinery.
6. Mechanical fixtures.
7. Real estate.
8. Furniture.
9. Bedding in residents' department.
10. State property in superintendent's department.
11. Clothing.
12. Dry goods.
13. Provisions and groceries.
14. Drugs and medicine.
15. Fuel.
16. Library.
17. All other state property under appropriate headings to be determined by the director.

[S13, §2705-b, 2727-a32; C24, 27, 31, 35, 39, §3331; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.48]

[2000 Acts, ch 1112, §18](#); [2017 Acts, ch 29, §52](#); [2023 Acts, ch 19, §387](#)

Section amended

#### **218.49 Contingent fund.**

The director may permit the superintendent of each institution or the superintendent's designee to retain a stated amount of funds under the superintendent's or superintendent's designee's supervision as a contingent fund for the payment of freight, postage, commodities purchased on authority of the particular superintendent involved on a cash basis, salaries, and bills granting discount for cash.

[SS15, §2727-a44; C24, 27, 31, 35, 39, §3332; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.49]

[2000 Acts, ch 1112, §19](#); [2023 Acts, ch 19, §388](#)

Section amended

#### **218.50 Requisition for contingent fund.**

If necessary, the director shall make proper requisition upon the director of the department of administrative services for a warrant on the state treasurer to secure the contingent fund for each institution.

[SS15, §2727-a44; C24, 27, 31, 35, 39, §3333; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.50]

[83 Acts, ch 96, §157, 159](#); [2003 Acts, ch 145, §286](#); [2023 Acts, ch 19, §389](#)

Section amended

**218.51 Monthly reports of contingent fund.**

A monthly report of the status of the contingent fund shall be submitted by the superintendent of each institution or the superintendent's designee to the director or the director's designee in accordance with applicable rules established by the director.

[SS15, §2727-a44; C24, 27, 31, 35, 39, §3334; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.51]

[2023 Acts, ch 19, §390](#)

Section amended

**218.52 Supplies — competition.**

The department shall, in the purchase of supplies, afford all reasonable opportunity for competition, and shall give preference to local dealers and Iowa producers when such can be done without loss to the state.

[S13, §2727-a46; SS15, §2727-a50; C24, 27, 31, 35, 39, §3335; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.52]

[2023 Acts, ch 19, §391](#)

Preference to Iowa products, §8A.311, 73.1 et seq.

Section amended

**218.53 Dealers may file addresses.** Repealed by 2023 Acts, ch 19, §1357.

**218.54 Samples preserved.** Repealed by 2023 Acts, ch 19, §1357.

**218.55 Purchase from an institution.**

The department may purchase supplies of any institution for use in any other institution, and reasonable payment for the supplies shall be made as in the case of other purchases.

[S13, §2727-a47; C24, 27, 31, 35, 39, §3338; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.55]

[83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §20; 2023 Acts, ch 19, §392](#)

Section amended

**218.56 Purchase of supplies — vendor warrants.**

1. The department shall adopt and make of record rules and regulations governing the purchase of all articles and supplies needed at the various institutions and the form and verification of vouchers for such purchases.

2. The department shall mail vendor warrants for the department of corrections.

[S13, §2727-a41, -a42, -a49; C24, 27, 31, 35, 39, §3339; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.56]

[90 Acts, ch 1247, §4; 2019 Acts, ch 59, §63; 2023 Acts, ch 19, §393](#)

Section amended

**218.57 Combining appropriations.**

The director of the department of administrative services may combine the balances carried in all specific appropriations into a special account for each institution, except that the support fund for each institution shall be carried as a separate account.

[S13, §2727-a43; C24, 27, 31, 35, 39, §3344; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.57]

[83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §21; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §394](#)

Section amended

**218.58 Construction, repair, and improvement projects — emergencies.**

The department shall work with the department of administrative services to accomplish the following responsibilities:

1. The department shall prepare and submit to the director of the department of management, as provided in [section 8.23](#), a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the institutions.

2. The department shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects costing over the competitive bid threshold in [section 26.3](#), or as established in [section 314.1B](#). An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a licensed architect or licensed professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

3. The department of administrative services shall comply with the competitive bid procedures in [chapter 26](#) to let all contracts under [chapter 8A, subchapter III](#), for authorized construction, repair, or improvement of departmental buildings, grounds, or equipment.

4. If the director and the director of the department of administrative services determine that emergency repairs or improvements estimated to cost more than the competitive bid threshold in [section 26.3](#), or as established in [section 314.1B](#) are necessary to assure the continued operation of a departmental institution, the requirements of [subsections 2 and 3](#) for preparation of plans and specifications and competitive procurement procedures are waived. A determination of necessity for waiver by the director and the director of the department of administrative services shall be in writing and shall be entered in the project record for emergency repairs or improvements. Emergency repairs or improvements shall be accomplished using plans and specifications and competitive quotation or bid procedures, as applicable, to the greatest extent possible, considering the necessity for rapid completion of the project. A waiver of the requirements of [subsections 2 and 3](#) does not authorize an expenditure in excess of an amount otherwise authorized for the repair or improvement.

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to [section 8A.514](#), certified by the claimant and the architect or engineer in charge, and audited and approved by the department of administrative services. Upon approval by the department of administrative services, the director of the department of administrative services shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

6. Subject to the prior approval of the director or the director's designee, minor projects costing five thousand dollars or less may be authorized and completed by the superintendent of the institution through the use of day labor.

[84 Acts, ch 1256, §1; 86 Acts, ch 1245, §314; 2003 Acts, ch 145, §211, 286; 2006 Acts, ch 1017, §23, 42, 43; 2007 Acts, ch 126, §44; 2017 Acts, ch 131, §7; 2023 Acts, ch 19, §395](#)

Section amended

**218.59 through 218.63** Reserved.

#### **218.64 Investigation of death.**

Upon the death of a resident of an institution, the county medical examiner shall conduct a preliminary investigation of the death as provided in [section 331.802](#). The cost of the preliminary investigation shall be paid by the department.

[2008 Acts, ch 1187, §134; 2023 Acts, ch 19, §396](#)

Referred to in [§222.12, 226.34, 331.802](#)

Section amended

#### **218.65 Property of deceased resident.**

The department shall, upon the death of any resident, immediately take possession of all property of the deceased left at the institution, and deliver the property to the duly appointed and qualified representative of the deceased.

[S13, §2727-a72; C24, 27, 31, 35, 39, §3352; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.65]

[83 Acts, ch 96, §159, 160; 2000 Acts, ch 1112, §22; 2023 Acts, ch 19, §397](#)

Section amended

**218.66 Property of small value.**

If administration is not granted within one year from the date of the death of the decedent, and the value of the estate of the decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs of the decedent.

[S13, §2727-a72; C24, 27, 31, 35, 39, §3353; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.66]

[2023 Acts, ch 19, §398](#)

Section amended

**218.67 Estate administrator not identified.**

If an estate administrator is not identified within one year from the death of a decedent in an institution, and a surviving spouse or heir is not known, the superintendent of the institution may convert all the decedent's property into cash and in so doing the superintendent shall have the powers possessed by a general administrator of an estate.

[S13, §2727-a72; C24, 27, 31, 35, 39, §3354; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.67]

[2000 Acts, ch 1112, §23](#)

Referred to in [§218.68](#)

**218.68 Money deposited with treasurer of state.**

Moneys under [section 218.67](#) shall be transmitted to the treasurer of state as soon after one year after the death of the intestate as practicable, and be credited to the support fund of the institution of which the intestate was a resident.

[S13, §2727-a72; C24, 27, 31, 35, 39, §3355; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.68]

[83 Acts, ch 96, §159, 160; 2020 Acts, ch 1063, §77](#)

Referred to in [§218.69, 218.70](#)

**218.69 Permanent record.**

A complete permanent record of the money transmitted to the treasurer of state under [section 218.68](#), showing by whom and with whom the money was left, the amount, the date of the death of the owner, the owner's reputed place of residence before the owner became a resident of the institution, the date on which the money was transmitted to the state treasurer, and any other facts which may tend to identify the intestate and explain the case, shall be kept by the department, and a transcript of the record shall be sent to and kept by the treasurer of state.

[S13, §2727-a72; C24, 27, 31, 35, 39, §3356; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.69]

[83 Acts, ch 96, §159, 160; 2000 Acts, ch 1112, §24; 2023 Acts, ch 19, §399](#)

Section amended

**218.70 Payment to party entitled.**

Moneys transmitted to the treasurer of state under [section 218.68](#) shall be paid, at any time within ten years from the death of the intestate, to any person who is shown to be entitled to the moneys. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

[S13, §2727-a73, -a74; C24, 27, 31, 35, 39, §3357; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.70]

[2020 Acts, ch 1063, §78; 2020 Acts, ch 1121, §63, 70; 2023 Acts, ch 19, §400](#)

Section amended

**218.71 Reserved.****218.72 Temporary quarters in emergency.**

In case the buildings at any institution are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the residents cannot be housed and cared for, the director shall make temporary provision for the housing and care

of the residents at some other place in the state. Like provision may be made in case any pestilence breaks out among the residents. The reasonable cost of the change, including transfer of residents, shall be paid from any moneys in the state treasury not otherwise appropriated.

[C51, §3143; R60, §5156; C73, §4795; C97, §5693; SS15, §2713-n18; C24, 27, 31, 35, 39, §3359; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.72]

83 Acts, ch 96, §157, 159, 160; 2000 Acts, ch 1112, §25; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §401

Section amended

**218.73 through 218.77** Reserved.

**218.78 Institutional receipts deposited.**

1. All institutional receipts of the department, including funds received from client participation at the state resource centers under [section 222.78](#) and at the state mental health institutes under [section 230.20](#), shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, for receipts deposited in the revolving farm fund under [section 904.706](#), for deposits into the medical assistance fund under [section 249A.11](#), and for rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions.

2. If approved by the director, the department may use appropriated funds for the granting of educational leave.

[C77, 79, 81, §218.78, 218.101; 81 Acts, ch 11, §14, ch 75, §2]

83 Acts, ch 96, §157, 159; 85 Acts, ch 146, §1; 88 Acts, ch 1249, §5; 2000 Acts, ch 1112, §51; 2005 Acts, ch 167, §30, 66; 2010 Acts, ch 1141, §24; 2023 Acts, ch 19, §402

Section amended

**218.79 through 218.82** Reserved.

**218.83 Administrative improvement.**

The director shall cooperate with any department or agency of state government in any manner, including the exchange of employees, calculated to improve administration of the institutions.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.83]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §26; 2023 Acts, ch 19, §403

Section amended

**218.84 Abstracting claims and keeping accounts.**

The director or the director's designee shall have sole charge of abstracting and certifying claims for payment and the keeping of a central system of accounts in institutions under the director's control.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.84]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §404

Section amended

**218.85 Uniform system of accounts.**

The department shall install in all the institutions the most modern, complete, and uniform system of accounts, records, and reports possible. The system shall be prescribed by the director of the department of administrative services as authorized in [section 8A.502, subsection 12](#), and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

[S13, §2727-a13; C24, 27, 31, 35, 39, §3286; C46, §217.12; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.85]

83 Acts, ch 96, §157, 159; 89 Acts, ch 284, §5; 2000 Acts, ch 1112, §27; 2003 Acts, ch 145, §212; 2023 Acts, ch 19, §405

Requirement of auditor of state, §11.5

Section amended

**218.86 Abstract of claims.**

Vouchers for expenditures other than salaries shall be submitted to the director of the department of administrative services, who shall prepare in triplicate an abstract of claims submitted showing the name of the claimant and the institutions and institutional fund on account of which the payment is made. The claims and abstracts of claims shall be returned to the department where the correctness of the abstracts shall be certified. The original abstract shall be delivered to the director of the department of administrative services, the duplicate to be retained in the office of the director, and the triplicate forwarded to the proper institution to be retained as a record of claims paid.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.86]

[94 Acts, ch 1107, §9](#); [2003 Acts, ch 145, §286](#); [2023 Acts, ch 19, §406](#)

Referred to in [§218.100](#)

Section amended

**218.87 Warrants issued by director of the department of administrative services.**

Upon such certificate the director of the department of administrative services shall, if the institution named has sufficient funds, issue the director's warrants upon the state treasurer, for the amounts and to the claimants indicated on the warrants. The director of the department of administrative services shall deliver the warrants issued to the department, who will cause the warrants to be transmitted to the payees of the warrants.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.87]

[2003 Acts, ch 145, §286](#); [2023 Acts, ch 19, §407](#)

Referred to in [§218.100](#)

Section amended

**218.88 Institutional payrolls.**

At the close of each pay period, the superintendent of each institution shall prepare and forward to the director or the director's designee a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. A substitute shall not be permitted to receive compensation in the name of the employee for whom the substitute is acting.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.88]

[83 Acts, ch 96, §157, 159](#); [2000 Acts, ch 1112, §28](#); [2023 Acts, ch 19, §408](#)

Referred to in [§218.100](#)

Section amended

**218.89 Abstracts of payrolls.** Repealed by [2003 Acts, ch 145, §291](#).

**218.90 and 218.91** Reserved.

**218.92 Residents with dangerous mental disturbances.**

When a resident of an institution has become so mentally disturbed as to constitute a danger to self, to other residents or staff of the institution, or to the public, and the institution cannot provide adequate security, the director or the director's designee, with the consent of the director of the Iowa department of corrections, may order the resident to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the resident is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the resident, other residents, or the public. If the resident transferred was hospitalized pursuant to [sections 229.6 through 229.15](#), the transfer shall be promptly reported to the court that ordered the hospitalization of the resident, as required by [section 229.15, subsection 5](#). The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the resident as the institution from

which the resident was transferred had while hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.92; 82 Acts, ch 1100, §5]

83 Acts, ch 96, §69, 159; 89 Acts, ch 83, §34; 94 Acts, ch 1170, §33; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §29, 51; 2012 Acts, ch 1019, §21; 2021 Acts, ch 80, §111; 2023 Acts, ch 19, §409

See also §226.30  
Section amended

### 218.93 Consultants for department.

The department may secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director, department employees, or to provide in-service training and instruction for the employees. The department may pay the consultants at a rate to be determined by the department from funds under the department's control or from any institutional funding under the director's jurisdiction.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.93]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §30; 2023 Acts, ch 19, §410

Section amended

### 218.94 Director may buy and sell real estate — options — fund.

1. a. The director may secure options to purchase real estate, to acquire and sell real estate, and to grant utility easements, for the proper uses of the institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the director may determine. Upon sale of the real estate, the proceeds shall be deposited in a health and human services capital reinvestment fund created in the state treasury under the control of the department. There is appropriated from such capital reinvestment fund a sum equal to the proceeds deposited and credited to the capital reinvestment fund to the department, which may be used to purchase other real estate, for capital improvements upon property under the director's control, or for improvements to property which is owned by the state and utilized by the department.

b. Notwithstanding [section 8.33](#), moneys in the capital reinvestment fund shall not revert at the close of a fiscal year, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in [this section](#). Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Any proceeds from the sale of real estate that were credited to the general fund of the state pursuant to [section 218.94, Code 2022](#), and that remain available on June 30, 2023, are transferred to the capital reinvestment fund to be used for the purposes of the fund.

2. The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including but not limited to appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located and the source from which the moneys were appropriated shall be reimbursed from the proceeds of the sale.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.94]

83 Acts, ch 96, §157, 159; 86 Acts, ch 1244, §29; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §411; 2023 Acts, ch 112, §52

Section amended

### 218.95 Synonymous terms.

1. For purposes of construing the provisions of this and the following subtitles of [this title](#) and [chapters 904, 913, and 914](#) relating to persons with mental illness and reconciling these provisions with other former and present provisions of statute, the following terms shall be considered synonymous:

a. “*Mentally ill*” and “*insane*”, except that the hospitalization or detention of any person for treatment of mental illness shall not constitute a finding or create a presumption that the individual is legally insane in the absence of a finding of incompetence made pursuant to [section 229.27](#).



- b. “Parole” and “convalescent leave”.
- c. “Resident” and “patient”.
- d. “Escape” and “depart without proper authorization”.
- e. “Warrant” and “order of admission”.
- f. “Escapee” and “patient”.
- g. “Sane” and “in good mental health”.
- h. “Commitment” and “admission”.

2. It is the policy of the general assembly that words which have come to have a degrading meaning shall not be employed in institutional records having reference to persons with various mental conditions and that in all records pertaining to persons with various mental conditions the less discriminatory of the foregoing synonyms shall be employed.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.95]

83 Acts, ch 96, §159, 160; 96 Acts, ch 1129, §39; 2009 Acts, ch 41, §263; 2015 Acts, ch 30, §71; 2016 Acts, ch 1073, §65; 2023 Acts, ch 19, §412

Section amended

#### **218.96 Gifts, grants, devises, and bequests.**

The director may accept gifts, grants, devises, or bequests of real or personal property from the federal government or any source. The director may exercise such powers with reference to the property accepted as deemed essential to the property’s preservation and the purposes for which given, granted, devised, or bequeathed.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.96]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §413

Section amended

#### **218.97 Reserved.**

#### **218.98 Canteen maintained.**

A canteen may be maintained at any institution for sale to persons residing in the institution of items including but not limited to toilet articles, candy, tobacco products, notions, and other sundries, and the necessary facilities, equipment, personnel, and merchandise for such sale may be provided. The department shall specify what commodities will be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.98]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §31; 2023 Acts, ch 19, §414

Section amended

#### **218.99 Counties to be notified of personal accounts.**

The superintendent of each facility specified in [section 331.424, subsection 1](#), paragraph “a”, subparagraphs (1) and (2), and for which services are paid by the county of residence or a mental health and disability services region, shall quarterly inform the county of residence of any person committed or admitted to the facility who has an amount in excess of two hundred dollars on account in the person’s personal deposit fund and the amount on deposit. The superintendent shall further notify the county of residence at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the person. If the person has no residency in this state or the person’s residency is unknown, notice shall be made to the department.

[C66, 71, 73, 75, 77, 79, 81, S81, §218.99; 81 Acts, ch 117, §1026]

83 Acts, ch 96, §157, 159, 160; 83 Acts, ch 123, §80, 209; 95 Acts, ch 206, §6, 12; 97 Acts, ch 169, §1; 98 Acts, ch 1100, §23; 2000 Acts, ch 1112, §32; 2004 Acts, ch 1090, §33; 2010 Acts, ch 1061, §165; 2012 Acts, ch 1120, §68, 130; 2018 Acts, ch 1165, §61; 2021 Acts, ch 177, §80, 108; 2023 Acts, ch 19, §415

Section amended

**218.100 Central warehouse and supply depot.**

The department shall establish a fund for maintaining and operating a central warehouse as a supply depot and distribution facility for surplus government products, carload canned goods, paper products, other staples, and such other items as determined by the department. The fund shall be permanent and shall be composed of the receipts from the sales of merchandise, recovery of handling, operating and delivery charges of such merchandise, and from the funds contributed by the institutions in a contingent fund being used for this purpose. All claims for purchases of merchandise, operating, and salary expenses shall be subject to the provisions of [sections 218.86, 218.87, and 218.88](#).

[C71, 73, 75, 77, 79, 81, §218.100]

[83 Acts, ch 96, §157, 159; 2003 Acts, ch 145, §213; 2021 Acts, ch 80, §112; 2023 Acts, ch 19, §416](#)

Legislative intent that upon completion of the central warehouse and supply depot of the department of corrections pursuant to [§904.118A](#), the department of health and human services cease utilizing the central warehouse and supply depot established under this section; [2008 Acts, ch 1180, §19; 2023 Acts, ch 19, §1358](#)

Section amended