

226.8 Persons with diagnosis of intellectual disability — admission or transfer to state mental health institute.

1. Admission or transfer pursuant to [section 222.7](#) to a state mental health institute of a person with a diagnosis of an intellectual disability, as defined in [section 4.1](#), shall only occur under the following conditions:

a. If all of the following requirements are met:

(1) The person has been determined by the state mental health institute to meet admission criteria for inpatient psychiatric care.

(2) The state mental health institute has determined the person will benefit from psychiatric treatment or from some other specific program available at the state mental health institute.

(3) There is sufficient capacity available at the state mental health institute to support the needs of the person.

b. If determined appropriate for the person at the sole discretion of the director or the director's designee.

2. Charges for the care of any person with a diagnosis of an intellectual disability admitted to a state mental health institute shall be made by the institute in the manner provided by [chapter 230](#), but the liability of any other person to any mental health and disability services region for the cost of care of such person with a diagnosis of an intellectual disability shall be as prescribed by [section 222.78](#).

[R60, §1468, 1491; C73, §1434; C97, §2298; C24, 27, 31, 35, 39, §3490; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.8]

[96 Acts, ch 1129, §113](#); [2012 Acts, ch 1019, §75](#); [2022 Acts, ch 1131, §59](#); [2023 Acts, ch 19, §476](#)

Subsection 1, paragraph b amended