

135H.6 Inspection — conditions for issuance.

1. The department shall issue a license to an applicant under [this chapter](#) if all the following conditions exist:

a. The department has ascertained that the applicant's medical facilities and staff are adequate to provide the care and services required of a psychiatric medical institution for children.

b. The proposed psychiatric institution is accredited by an approved qualifying organization.

c. The applicant complies with applicable state rules and standards for a psychiatric institution adopted by the department in accordance with federal requirements under [42 C.F.R. §441.150 – 441.156](#).

d. The department of health and human services has submitted written approval of the application based on the department of health and human services' determination of need. The department of health and human services shall identify the location and number of youth in the state who require the services of a psychiatric medical institution for children. Approval of an application shall be based upon the location of the proposed psychiatric institution relative to the need for services identified by the department of health and human services and an analysis of the applicant's ability to provide services and support consistent with requirements under [chapter 232](#), specifically community-based treatment. If the proposed psychiatric institution is not freestanding from a facility licensed under [chapter 135B](#) or [135C](#), approval under this paragraph shall not be given unless the department of health and human services certifies that the proposed psychiatric institution is capable of providing a resident with a living environment similar to the living environment provided by a licensee which is freestanding from a facility licensed under [chapter 135B](#) or [135C](#).

e. If a youth has a serious emotional disturbance, the psychiatric institution does not require any of the following as a condition for the youth to obtain treatment:

(1) Court proceedings to be initiated.

(2) For the youth's parent, guardian, or custodian to terminate parental rights over, or transfer legal custody of, the youth.

(3) Relinquishment of the youth's custody.

2. The department of health and human services shall not give approval to an application which would cause the total number of beds licensed under [this chapter](#) for services reimbursed by the medical assistance program under [chapter 249A](#) to exceed four hundred thirty beds, unless the director of health and human services determines approval of such an application is necessary for good cause. Good cause is established if the health and safety of Iowans would be adversely impacted if the application for additional beds is not approved.

3. In addition to the beds authorized under [subsection 2](#), the department of health and human services may establish not more than thirty beds licensed under [this chapter](#) at the state mental health institute at Independence.

4. The department of health and human services may approve a conversion of beds approved under [subsection 2](#) if the beds are specialized to provide substance use disorder treatment. However, the total number of beds approved under [subsection 2](#) and [this subsection](#) shall not exceed four hundred thirty unless approved for good cause by the director pursuant to [subsection 2](#). The limitations on the number of beds under [this section](#) shall not apply to beds for youth who do not reside in this state and whose service costs are not paid by public funds in this state.

[89 Acts, ch 283, §7; 90 Acts, ch 1239, §1, 2; 93 Acts, ch 53, §7; 93 Acts, ch 172, §30; 93 Acts, ch 180, §80; 96 Acts, ch 1213, §32; 98 Acts, ch 1218, §66; 99 Acts, ch 51, §1, 2; 99 Acts, ch 98, §1; 2001 Acts, ch 191, §35; 2005 Acts, ch 117, §1; 2011 Acts, ch 121, §8; 2011 Acts, ch 131, §151, 153; 2018 Acts, ch 1026, §49; 2023 Acts, ch 19, §186, 187; 2024 Acts, ch 1111, §1, 2; 2025 Acts, ch 86, §6](#)

Referred to in [§226.9B](#)

Subsections 1 and 4 amended

Subsection 5 stricken