

CHAPTER 28
POLICIES FOR MENTAL HEALTH
INSTITUTES AND RESOURCE CENTER

[Prior to 7/1/83, Social Services [770] Ch 28]
[Prior to 2/11/87, Human Services [498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/30

441—28.1(218) Definitions. The definitions in this rule apply to 441—Chapters 28, 29, and 30.

“Admission” means the acceptance of an individual for receipt of services at a state mental health institute or the Woodward state resource center on either a voluntary or involuntary basis.

“Adult” means an individual who is 18 years of age or older.

“Facility” means a mental health institute or the Woodward state resource center referenced in Iowa Code section 218.1.

“Grievance” means a written or oral complaint by or on behalf of an individual involving:

1. A rights violation or unfairness to the individual, or
2. Any aspect of the individual’s life with which the individual does not agree.

“Guardian” means the person other than a parent of a minor who has been appointed by the court to have custody of the person of the individual as provided under Iowa Code section 232.2(24) or 633.3(20).

“Individual” means any person seeking or receiving services from a state mental health institute or the Woodward state resource center.

“Informed consent” means an agreement by an individual or by the individual’s parent, guardian, or legal representative to participate in an activity based upon an understanding of all of the following:

1. A full explanation of the procedures to be followed, including an identification of those that are experimental.
2. A description of the discomforts and risks.
3. A description of the benefits to be expected.
4. A disclosure of appropriate alternative procedures that would be advantageous for the individual.
5. Assurance that consent is given freely and voluntarily without fear of retribution or withdrawal of services.

“Legal representative” means a person, including an attorney, who is authorized by law to act on behalf of an individual.

“Minor” means an individual under the age of 18.

“Non-Medicaid payment-eligible” means that an individual is not eligible for Medicaid funding for the services provided by a mental health institute or the Woodward resource center.

“Parent” means a natural or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

“Rights” means the human, civil, and constitutional liberties an individual possesses through federal and state constitutions and laws.

“Superintendent” means the superintendent of either of the two mental health institutes or the Woodward state resource center.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.2(222,230) Payor of last resort. The department will review a non-Medicaid payment-eligible individual’s financial and third-party coverage information to ensure the state is the payor of last resort. Third-party coverage does not include payment by an administrative services organization as defined in Iowa Code section 225A.1.

This rule is intended to implement Iowa Code sections 222.35 and 230.23.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.3(229) Grievances. Any individual who believes the individual’s rights have been violated by a mental health institute or resource center or who has any complaint concerning the individual’s treatment at

a mental health institute or resource center may file a grievance. A grievance will be filed using the individual grievance form. The individual's parent, family, guardian, or legal representative may file a grievance on behalf of the individual.

This rule is intended to implement Iowa Code section 229.23.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.4(217,218) Photographing and recording of individuals and use of cameras.

28.4(1) Use of still or video cameras or voice recorders by anyone other than an authorized employee, individual, parent, guardian, or legal representative to photograph or record an individual will be allowed only with the prior authorization of the superintendent or the superintendent's designee. Permission to photograph and record will be granted for one specific use, and the authorization will not extend to any other use.

28.4(2) Photographs, videos, and recordings of an adult individual will be taken for publication only with a signed informed consent from the individual or the individual's guardian or legal representative.

28.4(3) Photographs, videos, and recordings of a minor individual will be taken for publication only with a signed informed consent from the parent, guardian, or legal representative.

28.4(4) Every effort will be made to preserve the inherent dignity of the individual and to preclude exploitation or embarrassment of the individual or the family of the individual.

28.4(5) Photographs, videos, and recordings of individuals are not to be altered to prevent identification in any manner that would tend to perpetuate the stigma attached to the public image of individuals with mental illness or an intellectual disability.

This rule is intended to implement Iowa Code sections 217.30 and 218.4.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.5(217,218) Interviews and statements.

28.5(1) Releases to the news media will be the responsibility of the superintendent. Authority for dissemination and release of information may be designated to other employees at the discretion of the superintendent.

28.5(2) Interviews of individuals by the news media or other outside persons or groups will be permitted only with the consent of the individual or the individual's parent, guardian, or legal representative.

a. When a request without known prior consent is received, the superintendent or designee will not acknowledge the presence or nonpresence of an individual at the facility.

b. If the individual is in the facility, the superintendent or designee will make the individual or the individual's parent, guardian, or legal representative aware of the request. Notice to the individual or the individual's parent, guardian, or legal representative will be documented in the individual's record. The individual or the individual's parent, guardian, or legal representative will be free to decide whether an interview is granted.

This rule is intended to implement Iowa Code sections 217.30 and 218.4.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.6(218) Use of grounds, facilities, or equipment.

28.6(1) The superintendent or designee may grant permission for temporary use of assembly halls, auditoriums, meeting rooms, or facility grounds to an organization or group of citizens when the space or grounds are available and are not needed for regularly scheduled departmental services.

28.6(2) Members of outside organizations permitted to use a facility's space or grounds will observe the same rules as visitors to the facility.

This rule is intended to implement Iowa Code chapter 218.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.7(218) Tours of facility. Groups or persons will be permitted to tour the facility only with approval of the superintendent or designee.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.8(218) Donations. Donations of money, clothing, books, games, recreational equipment or other gifts will be made directly to the superintendent or designee. The superintendent or designee will evaluate the donation in terms of the nature of the contribution to the facility's program. The superintendent or designee will be responsible for accepting the donation and reporting the gift to the department. All monetary gifts will be acknowledged in writing to the donor.

This rule is intended to implement Iowa Code chapter 218.

[ARC 9275C, IAB 5/14/25, effective 7/1/25]

441—28.9(217) Release of confidential information. Information defined by statute as confidential concerning individuals who currently receive or formerly received services from the mental health institutes or resource center shall not be released to a person, agency or organization that is not authorized by law to have access to the information unless the individual, parent, guardian, or legal representative authorizes the release. Authorization will be given by using an Authorization to Obtain or Release Health Care Information form provided by the department.

This rule is intended to implement Iowa Code section 217.30.

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