

Senate File 406

H-1449

- 1 Amend Senate File 406, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 3 through 9 and
4 inserting:
5 <Sec. _____. NEW SECTION. 10A.901 Definitions.
6 As used in this article, unless the context
7 otherwise requires:
8 1. "Administrator" means the person coordinating
9 the administration of this division.
10 2. "Division" means the mental health advocate
11 division of the department of inspections and appeals.>
12 2. Page 1, line 10, by striking <216A.172> and
13 inserting <10A.902>
14 3. Page 1, line 11, by striking <office's> and
15 inserting <division's>
16 4. Page 1, line 13, after <law.> by inserting
17 <The person appointed as administrator must meet the
18 qualifications to be appointed as a mental health
19 advocate.>
20 5. Page 1, line 16, by striking <office> and
21 inserting <division>
22 6. Page 1, line 17, after <advocate.> by inserting
23 <A mental health advocate serving as of June 30, 2013,
24 shall be deemed to be qualified.>
25 7. Page 1, line 22, by striking <or nursing> and
26 inserting <nursing, or psychology,>
27 8. Page 1, line 27, by striking <office> and
28 inserting <division>
29 9. Page 1, line 29, and striking <advocates.> by
30 inserting <advocates and for reassigning advocate
31 responsibilities based on the location of the patient's
32 placement or other patient need. The court shall be
33 notified of any reassignment. The procedures for
34 appointing a person to a vacant mental health advocate
35 position assigned to a geographic area shall require
36 the person appointed to the vacant position to reside
37 within the assigned geographic area.>
38 10. Page 2, after line 2 by inserting:
39 <7. Implementing a uniform description of the
40 duties of a mental health advocate, based upon the best
41 practices developed and promulgated by the judicial
42 council pursuant to section 229.19, subsection 1,
43 paragraph "c".>
44 11. Page 2, line 4, by striking <human rights> and
45 inserting <inspections and appeals>
46 12. Page 2, line 10, by striking <human rights> and
47 inserting <inspections and appeals>
48 13. Page 2, line 25, by striking <human rights> and
49 inserting <inspections and appeals>
50 14. Page 3, by striking lines 10 through 19 and

1 inserting:

2 <Sec. _____. Section 229.2, subsection 1, paragraph
3 b, subparagraph (6), Code 2013, is amended to read as
4 follows:

5 (6) Upon approval of the admission of a minor
6 over the minor's objections, the juvenile court
7 shall appoint an individual to act as an advocate
8 representing the interests of the minor in the same
9 manner as ~~an~~ a mental health advocate representing
10 the interests of patients involuntarily hospitalized
11 pursuant to in accordance with section 229.19.>

12 15. Page 3, lines 23 and 24, by striking <office of
13 the>

14 16. Page 3, lines 25 and 26, by striking <human
15 rights> and inserting <inspections and appeals>

16 17. Page 4, line 3, by striking <human rights> and
17 inserting <inspections and appeals>

18 18. Page 5, by striking lines 21 through 23 and
19 inserting <advocate. For the purposes of this section,
20 "division" means the mental health advocate division of
21 the department of inspections and appeals.>

22 19. Page 6, line 11, by striking <office> and
23 inserting <division>

24 20. Page 6, line 12, by striking <office> and
25 inserting <division>

26 21. Page 7, line 8, by striking <office> and
27 inserting <division>

28 22. Page 7, line 10, by striking <office> and
29 inserting <division>

30 23. Page 7, line 11, by striking <office> and
31 inserting <division>

32 24. Page 7, line 32, by striking <office> and
33 inserting <division>

34 25. Page 7, line 34, by striking <216A.172> and
35 inserting <10A.902>

36 26. Page 8, line 10, by striking <office> and
37 inserting <division>

38 27. By striking page 8, line 30, through page 10,
39 line 29, and inserting:

40 <Sec. _____. APPOINTMENT OF MENTAL HEALTH
41 ADVOCATES. The persons appointed to provide mental
42 health advocate services under section 229.19
43 immediately prior to July 1, 2014, shall be appointed
44 as mental health advocates pursuant to section 10A.902,
45 effective July 1, 2014.>

46 28. Page 23, after line 24 by inserting:

47 <Sec. _____. Section 229.22, subsection 2, paragraph
48 a, Code 2013, is amended to read as follows:

49 a. (1) In the circumstances described in
50 subsection 1, any peace officer who has reasonable

1 grounds to believe that a person is mentally ill,
2 and because of that illness is likely to physically
3 injure the person's self or others if not immediately
4 detained, may without a warrant take or cause that
5 person to be taken to the nearest available facility
6 or hospital as defined in section 229.11, subsection
7 1, paragraphs "b" and "c". A person believed mentally
8 ill, and likely to injure the person's self or others
9 if not immediately detained, may be delivered to a
10 facility or hospital by someone other than a peace
11 officer.

12 (2) Upon delivery of the person believed mentally
13 ill to the facility or hospital, the examining
14 physician, examining physician assistant, or examining
15 psychiatric advanced registered nurse practitioner may
16 order treatment of that person, including chemotherapy,
17 but only to the extent necessary to preserve the
18 person's life or to appropriately control behavior by
19 the person which is likely to result in physical injury
20 to that person or others if allowed to continue.

21 (3) The peace officer who took the person into
22 custody, or other party who brought the person to the
23 facility or hospital, shall describe the circumstances
24 of the matter to the examining physician, examining
25 physician assistant, or examining psychiatric advanced
26 registered nurse practitioner. If the person is a
27 peace officer, the peace officer may do so either in
28 person or by written report.

29 (4) If the examining physician, examining physician
30 assistant, or examining psychiatric advanced registered
31 nurse practitioner finds that there is reason to
32 believe that the person is seriously mentally impaired,
33 and because of that impairment is likely to physically
34 injure the person's self or others if not immediately
35 detained, the examining physician, examining physician
36 assistant, or examining psychiatric advanced registered
37 nurse practitioner shall at once communicate with
38 the nearest available magistrate as defined in
39 section 801.4, subsection 10. For purposes of this
40 subparagraph, the findings of the examining physician
41 assistant must be approved by the examining physician
42 assistant's supervising physician before the examining
43 physician assistant communicates with the nearest
44 available magistrate.

45 (5) The magistrate shall, based upon the
46 circumstances described by the examining physician,
47 examining physician assistant, or examining psychiatric
48 advanced registered nurse practitioner, give the
49 examining physician, examining physician assistant,
50 or examining psychiatric advanced registered nurse

1 practitioner oral instructions either directing that
2 the person be released forthwith or authorizing the
3 person's detention in an appropriate facility. A
4 peace officer from the law enforcement agency that
5 took the person into custody, if available, during
6 the communication with the magistrate, may inform the
7 magistrate that an arrest warrant has been issued for
8 or charges are pending against the person and request
9 that any oral or written order issued under this
10 subsection require the facility or hospital to notify
11 the law enforcement agency about the discharge of the
12 person prior to discharge. The magistrate may also
13 give oral instructions and order that the detained
14 person be transported to an appropriate facility.>
15 29. Title page, by striking lines 4 and 5 and
16 inserting <of a mental health advocate division in the
17 department of inspections and appeals and including
18 effective date provisions.>
19 30. By renumbering as necessary.

HEATON of Henry