

CHAPTER 222

PERSONS WITH AN INTELLECTUAL DISABILITY

Referred to in §235B.2, 235B.3, 235E.1, 235E.2, 235F.1, 331.381, 726.24

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222.1 Purpose of chapter — state resource centers.

1. [This chapter](#) addresses the public and private services available in this state to meet the needs of persons with an intellectual disability.

2. The Glenwood state resource center and the Woodward state resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with an intellectual disability or other disabilities in this state, and providing facilities, services, and other support to the communities located in the region being served by a state resource center. In addition, the state resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A resource center may request the approval of the department to change the name of the resource center for use in communication with the public, in signage, and in other forms of communication.

[S13, §2727-a93, -a95; SS15, §2727-a93, -a96; C24, 27, 31, 35, 39, §3465, 3468; C46, 50, 54, 58, 62, §223.1, 223.4; C66, 71, 73, 75, 77, 79, 81, §222.1]

95 Acts, ch 82, §6; 98 Acts, ch 1155, §8; 2000 Acts, ch 1112, §46; 2012 Acts, ch 1019, §22; 2015 Acts, ch 69, §2; 2021 Acts, ch 80, §113; 2023 Acts, ch 19, §419; 2024 Acts, ch 1161, §35, 137, 167, 180; 2024 Acts, ch 1170, §408

Referred to in [§222.73](#)

2024 amendment to subsection 1 effective July 1, 2025; 2024 Acts, ch 1161, §137

Subsection 1 amended

222.2 Definitions.

When used in [this chapter](#), unless the context otherwise requires:

1. “*Administrative services organization*” means the same as defined in [section 225A.1](#).
2. “*Auditor*” means the county auditor or the auditor’s designee.
3. “*Department*” means the department of health and human services.
4. “*Director*” means the director of health and human services.
5. “*Intellectual disability*” means the same as defined in [section 4.1](#).
6. “*State resource centers*” or “*resource centers*” means the Glenwood state resource center and the Woodward state resource center.
7. “*Superintendents*” means the superintendents of the state resource centers.

[C97, §2699; C24, 27, 31, 35, 39, §3411; C46, 50, 54, 58, 62, §222.1; C66, 71, 73, 75, 77, 79, 81, §222.2; 81 Acts, ch 78, §20, 30]

83 Acts, ch 96, §157, 159; 94 Acts, ch 1170, §35; 96 Acts, ch 1183, §1; 97 Acts, ch 169, §14; 2000 Acts, ch 1112, §47 – 50; 2001 Acts, ch 155, §14; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1019, §23; 2015 Acts, ch 69, §3, 4; 2021 Acts, ch 80, §114; 2023 Acts, ch 19, §420; 2024 Acts, ch 1161, §36, 37, 137, 168, 180; 2024 Acts, ch 1170, §409

Subsection 1 effective July 1, 2025; 2024 Acts, ch 1161, §137

2024 strike of subsections 5 and 6 effective July 1, 2025; 2024 Acts, ch 1161, §137

NEW subsection 1 and former subsections 1 – 4 renumbered as 2 – 5

Former subsections 5 and 6 stricken and former subsections 7 and 8 renumbered as 6 and 7

222.3 Superintendents.

The director shall appoint a qualified superintendent for each of the resource centers who shall receive such salary as the director shall determine.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §3466; C46, 50, 54, 58, 62, §223.2; C66, 71, 73, 75, 77, 79, 81, §222.3]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §421

222.4 Duties of superintendents.

The superintendents shall:

1. Perform all duties required by law and by the director not inconsistent with law.
2. Oversee and insure individual treatment and professional care of each patient in the resource centers.
3. Maintain a full and complete record of the condition of each patient in the resource centers.

4. Have custody, control, and management of all patients in such manner as deemed best subject to the regulations of the department.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §3467; C46, 50, 54, 58, 62, §223.3; C66, 71, 73, 75, 77, 79, 81, §222.4]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §422

222.5 Preadmission diagnostic evaluation.

A person shall not be eligible for admission to a resource center until a preadmission diagnostic evaluation has been made by a resource center which confirms or establishes the need for admission.

[C24, 27, 31, 35, 39, §3444; C46, 50, 54, 58, 62, §222.34; C66, 71, 73, 75, 77, 79, 81, §222.5]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §423; 2024 Acts, ch 1161, §169, 180

222.6 State districts. Repealed by 2023 Acts, ch 19, §1357.

222.7 Transfers.

The department may transfer patients from one state resource center to the other and may at any time transfer patients from the resource centers to the hospitals for persons with mental illness. The department may also transfer patients from a hospital for persons with mental illness to a resource center if consent is given or obtained as follows:

1. In the case of a patient who entered the hospital for persons with mental illness voluntarily, consent is given in advance by the patient or, if the patient is a minor or is incompetent, the person responsible for the patient.

2. In the case of a patient hospitalized pursuant to [sections 229.6 through 229.15](#), the consent of the court which hospitalized the patient is obtained in advance, rather than afterward as otherwise permitted by [section 229.15, subsection 4](#).

[SS15, §2727-a96; C24, 27, 31, 35, 39, §3456, 3472, 3477; C46, 50, 54, 58, 62, §222.46, 223.8, 223.11; C66, 71, 73, 75, 77, 79, 81, §222.7]

83 Acts, ch 96, §71, 159; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §51; 2020 Acts, ch 1063, §79; 2023 Acts, ch 19, §424; 2024 Acts, ch 1161, §170, 180

Referred to in [§226.8](#)

222.8 Communications by patients.

Persons admitted to the resource centers shall have all reasonable opportunity and facility for communication with their friends. Such persons shall be permitted to write and send letters, provided the letters contain nothing of an offensive character. Letters written by any patient to the director or to any state or county official shall be forwarded unopened.

[C24, 27, 31, 35, 39, §3445; C46, 50, 54, 58, 62, §222.35; C66, 71, 73, 75, 77, 79, 81, §222.8]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §425; 2024 Acts, ch 1161, §171, 180

222.9 Unauthorized departures.

If any person with an intellectual disability shall depart without proper authorization from a resource center, it shall be the duty of the superintendent and the superintendent's assistants and all peace officers of any county in which such patient may be found to take and detain the patient without a warrant or order and to immediately report such detention to the superintendent who shall immediately provide for the return of such patient to the resource center.

[C24, 27, 31, 35, 39, §3460; C46, 50, 54, 58, 62, §222.50; C66, 71, 73, 75, 77, 79, 81, §222.9]

96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1019, §25; 2024 Acts, ch 1161, §172, 180

222.10 Duty of peace officer.

When any person with an intellectual disability departs without proper authority from a facility in another state and is found in this state, any peace officer in any county in which such patient is found may take and detain the patient without warrant or order and shall report such detention to the department. The department shall provide for the return of the patient to

the authorities in the state from which the unauthorized departure was made. Pending return, such patient may be detained temporarily at one of the institutions of this state governed by the department. The provisions of [this section](#) relating to the department shall also apply to the return of other nonresident persons with an intellectual disability having legal residency outside the state of Iowa.

[C58, 62, §222.55; C66, 71, 73, 75, 77, 79, 81, §222.10]

[83 Acts, ch 96, §157, 159; 96 Acts, ch 1129, §113; 2012 Acts, ch 1019, §26; 2012 Acts, ch 1120, §69, 130; 2023 Acts, ch 19, §426](#)

222.11 Expense.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and transportation of such patients to the resource centers shall be paid on itemized vouchers, sworn to by the claimants, and approved by the superintendent and the director from any moneys in the state treasury not otherwise appropriated.

[C24, 27, 31, 35, 39, §3461; C46, 50, 54, 58, 62, §222.51; C66, 71, 73, 75, 77, 79, 81, §222.11]

[2000 Acts, ch 1112, §51; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §427](#)

222.12 Deaths investigated.

1. Upon the death of a patient of a resource center, a preliminary investigation of the death shall be conducted as required by [section 218.64](#) by the county medical examiner as provided in [section 331.802](#). Such a preliminary investigation shall also be conducted in the event of a sudden or mysterious death of a patient in a private institution for persons with an intellectual disability. The chief administrative officer of any private institution may request an investigation of the death of any patient by the county medical examiner.

2. The parent, guardian, or other person responsible for the admission of a patient to a private institution for persons with an intellectual disability may also request such a preliminary investigation by the county medical examiner in the event of the death of the patient that is not sudden or mysterious. The person or persons making the request are liable for the expense of such preliminary investigation and payment for the expense may be required in advance.

[C24, 27, 31, 35, 39, §3447; C46, 50, 54, 58, 62, §222.37; C66, 71, 73, 75, 77, 79, 81, §222.12]

[96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §51; 2008 Acts, ch 1187, §135; 2012 Acts, ch 1019, §27; 2013 Acts, ch 130, §18, 35; 2015 Acts, ch 69, §6; 2016 Acts, ch 1073, §67; 2024 Acts, ch 1161, §38, 137, 173, 180](#)

2024 strike of subsection 2 effective July 1, 2025; 2024 Acts, ch 1161, §137

Subsection 2 stricken and former subsection 3 renumbered as 2

222.13 Voluntary admissions.

1. If an adult person is believed to be a person with an intellectual disability, the adult person or the adult person's guardian may apply to the department and the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. The superintendent shall accept the application if a preadmission diagnostic evaluation confirms or establishes the need for admission, except that an application shall not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

2. If the resource center does not have an appropriate program for the treatment of an adult or minor person with an intellectual disability applying under [this section](#) or [section 222.13A](#), the department shall arrange for the placement of the person in any public or private facility within or outside of the state, approved by the director, which offers appropriate services for the person.

[C24, 27, 31, 35, 39, §3464, 3477.2; C46, 50, 54, 58, 62, §222.54, 223.13; C66, 71, 73, 75, 77, 79, 81, §222.13]

[83 Acts, ch 96, §157, 159; 95 Acts, ch 82, §7; 96 Acts, ch 1183, §2; 97 Acts, ch 169, §2; 2000 Acts, ch 1112, §51; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1019, §28; 2012 Acts, ch 1120, §70,](#)

130; 2013 Acts, ch 90, §45; 2015 Acts, ch 69, §7; 2023 Acts, ch 19, §428; 2024 Acts, ch 1161, §39, 137

Referred to in §222.14, 222.15, 222.33

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137

Section amended

222.13A Voluntary admissions — minors.

1. If a minor is believed to be a person with an intellectual disability, the minor's parent, guardian, or custodian may apply to the department for admission of the minor as a voluntary patient in a state resource center. If the resource center does not have appropriate services for the minor's treatment, the department may arrange for the admission of the minor in a public or private facility within or without the state, approved by the director, which offers appropriate services for the minor's treatment.

2. Upon receipt of an application for voluntary admission of a minor, the department shall provide for a preadmission diagnostic evaluation of the minor to confirm or establish the need for the admission. The preadmission diagnostic evaluation shall be performed by a person who meets the qualifications of a qualified intellectual disability professional who is designated by the department.

3. During the preadmission diagnostic evaluation, the minor shall be informed both orally and in writing that the minor has the right to object to the voluntary admission. Notwithstanding [section 222.33](#), if the preadmission diagnostic evaluation determines that the voluntary admission is appropriate but the minor objects to the admission, the minor shall not be admitted to the state resource center unless the court approves of the admission. A petition for approval of the minor's admission may be submitted to the juvenile court by the minor's parent, guardian, or custodian.

4. As soon as practicable after the filing of a petition for approval of the voluntary admission, the court shall determine whether the minor has an attorney to represent the minor in the proceeding. If the minor does not have an attorney, the court shall assign an attorney to the minor. If the minor is unable to pay for an attorney, the attorney shall be compensated by an administrative services organization at an hourly rate to be established in substantially the same manner as provided in [section 815.7](#).

5. The court shall order the admission of a minor who objects to the admission, only after a hearing in which it is shown by clear and convincing evidence that both of the following circumstances exist:

a. The minor needs and will substantially benefit from treatment or habilitation.

b. A placement which involves less restriction of the minor's liberties for the purposes of treatment or habilitation is not feasible.

95 Acts, ch 82, §8; 96 Acts, ch 1183, §3; 99 Acts, ch 135, §15; 2000 Acts, ch 1112, §51; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1019, §29; 2015 Acts, ch 69, §8; 2023 Acts, ch 19, §429; 2024 Acts, ch 1161, §40, 137

Referred to in §222.13, 222.15, 222.33

2024 amendment to subsections 3 and 4 effective July 1, 2025; 2024 Acts, ch 1161, §137

Subsections 3 and 4 amended

222.14 Care pending admission.

If the institution is unable to receive a patient, the superintendent shall notify an administrative services organization. Until such time as the patient is able to be received by the institution, or when application has been made for admission to a public or private facility as provided in [section 222.13](#) and the application is pending, the care of the patient shall be provided as arranged by the administrative services organization.

[C24, 27, 31, 35, 39, §3433; C46, 50, 54, 58, 62, §222.23; C66, 71, 73, 75, 77, 79, 81, §222.14] 2015 Acts, ch 69, §9; 2024 Acts, ch 1161, §41, 137

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137

Section amended

222.15 Discharge of patients admitted voluntarily.

This section applies to any person who was voluntarily admitted to a state resource center or other facility in accordance with the provisions of [section 222.13](#) or [222.13A](#). Except as

otherwise provided by [this section](#), if the person or the person's parent, guardian, or custodian submits a written request for the person's release, the person shall be immediately released.

1. If the person is an adult and was admitted pursuant to an application by the person or the person's guardian and the request for release is made by a different person, the release is subject to the agreement of the person voluntarily admitted or the person's guardian, if the guardian submitted the application.

2. If the person is a minor who was admitted pursuant to the provisions of [section 222.13A](#), the person's release prior to becoming eighteen years of age is subject to the consent of the person's parent, guardian, or custodian, or to the approval of the court if the admission was approved by the court.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §3473; C46, 50, 54, 58, 62, §223.9; C66, 71, 73, 75, 77, 79, 81, §222.15]

[95 Acts, ch 82, §9](#); [2000 Acts, ch 1112, §51](#); [2013 Acts, ch 130, §19, 35](#)

Referred to in [§222.33](#)

222.16 through 222.32 Repealed by 2013 Acts, ch 130, §34, 35.

222.33 State resource center — admissions and discharge.

1. The department shall make all final determinations concerning whether a person may be admitted to a state resource center.

2. If a patient is admitted to a state resource center pursuant to [section 222.13](#) or [222.13A](#), and the patient wishes to be placed outside of the state resource center, the discharge of the patient shall be made in accordance with [section 222.15](#).

[2024 Acts, ch 1161, §42, 137](#)

Referred to in [§222.13A](#)

Section effective July 1, 2025; 2024 Acts, ch 1161, §137

NEW section

222.34 Guardianship proceedings.

If a guardianship is proposed for a person with an intellectual disability, guardianship proceedings shall be initiated and conducted as provided in [chapter 232D](#) or [633](#).

[C24, 27, 31, 35, 39, §3431; C46, 50, 54, 58, 62, §222.21; C66, 71, 73, 75, 77, 79, 81, §222.34]

[84 Acts, ch 1299, §4](#); [96 Acts, ch 1129, §113](#); [2012 Acts, ch 1019, §40](#); [2020 Acts, ch 1063, §80](#)

222.35 State — payor of last resort.

The department shall implement services and adopt rules pursuant to [chapter 17A](#) in a manner that ensures that the state is the payor of last resort, and that the department shall not make any payments for services that have been provided until the department has determined that the services provided are not payable by a third-party source.

[2024 Acts, ch 1161, §43, 137](#)

Section effective July 1, 2025; 2024 Acts, ch 1161, §137

NEW section

222.36 through 222.49 Repealed by 2013 Acts, ch 130, §34, 35.

222.50 County of residence or state to pay.

When the proceedings are instituted in a county in which the person who is alleged to have an intellectual disability was found but which is not the county of residence of the person, and the costs are not taxed to the petitioner, the person's county of residence or the state, as determined in accordance with [section 222.60](#),* shall, on presentation of a properly itemized bill for such costs, repay the costs to the former county.

[C24, 27, 31, 35, 39, §3451; C46, 50, 54, 58, 62, §222.41; C66, 71, 73, 75, 77, 79, 81, §222.50]

[96 Acts, ch 1129, §49](#); [2012 Acts, ch 1019, §46](#); [2012 Acts, ch 1120, §73, 130](#)

*[Section 222.60](#) repealed by [2024 Acts, ch 1161, §135](#); corrective legislation is pending

222.51 Costs collected. Repealed by [2013 Acts, ch 130, §34, 35](#).

222.52 Proceedings against delinquent — hearing on intellectual disability.

When in proceedings against an alleged delinquent or dependent child, the court is satisfied from any evidence that such child has an intellectual disability, the court may order a continuance of such proceeding, and may direct an officer of the court or some other proper person to file a petition against such child permitted under the provisions of [this chapter](#). Pending hearing of the petition the court may by order provide proper custody for the child.

[C24, 27, 31, 35, 39, §3453; C46, 50, 54, 58, 62, §222.43; C66, 71, 73, 75, 77, 79, 81, §222.52]

[2012 Acts, ch 1019, §48](#)

Referred to in [§222.53](#)

222.53 Conviction — suspension.

If on the conviction in the district court of any person for any crime or for any violation of any municipal ordinance, or if on the determination in the court that a child is dependent, neglected, or delinquent and it appears from any evidence presented to the court before sentence, that such person has an intellectual disability within the meaning of [this chapter](#), the court may suspend sentence or order, and may order any officer of the court or some other proper person to file a petition permitted under the provisions of [this chapter](#) against such person. Pending hearing of the petition, the court shall provide for the custody of such person as directed in [section 222.52](#).

[C24, 27, 31, 35, 39, §3454; C46, 50, 54, 58, 62, §222.44; C66, 71, 73, 75, 77, 79, 81, §222.53]

[2012 Acts, ch 1019, §49](#)

222.54 through 222.58 Repealed by 2013 Acts, ch 130, §34, 35.

222.59 Alternative to state resource center placement. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.60 Costs paid by county or state — diagnosis and evaluation. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.60A Cost of assessment.

Notwithstanding any provision of [this chapter](#) to the contrary, any amount attributable to any assessment pursuant to [section 249A.21](#) that would otherwise be the liability of any county shall be paid by the state. The department may transfer funds from the appropriation for medical assistance to pay any amount attributable to any assessment pursuant to [section 249A.21](#) that is a liability of the state.

[2004 Acts, ch 1085, §3, 10, 11; 2016 Acts, ch 1139, §50](#)

222.61 Residency determined. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.62 Residency in another county. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.63 Finding of residency — objection. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.64 Foreign state or country or unknown residency. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.65 Investigation. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.66 Transfers — no residency in state or residency unknown — expenses. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.67 Charge on finding of residency. Repealed by 2024 Acts, ch 1161, §135, 137.
 2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.68 Costs paid in first instance. Repealed by 2024 Acts, ch 1161, §135, 137.
 2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.69 Payment by state. Repealed by 2024 Acts, ch 1161, §135, 137.
 2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.70 Residency disputes. Repealed by 2024 Acts, ch 1161, §135, 137.
 2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.71 and 222.72 Repealed by 2004 Acts, ch 1090, §55.

222.73 Billing of patient charges — computation of actual costs — cost settlement.

1. The superintendent of each resource center shall compute by February 1 the average daily patient charge and outpatient treatment charges for which each county will be billed for services provided to patients chargeable to the county during the fiscal year beginning the following July 1. The department shall certify the amount of the charges and notify the counties of the billing charges.

a. The superintendent shall compute the average daily patient charge for a resource center for services provided in the following fiscal year, in accordance with generally accepted accounting procedures, by totaling the expenditures of the resource center for the immediately preceding calendar year, by adjusting the expenditures by a percentage not to exceed the percentage increase in the consumer price index for all urban consumers for the immediately preceding calendar year, and by dividing the adjusted expenditures by the total inpatient days of service provided during the immediately preceding calendar year.

b. The department shall compute the outpatient treatment charges, in accordance with generally accepted accounting procedures, on the basis of the actual cost of the outpatient treatment provided during the immediately preceding calendar year.

2. The superintendent shall compute in January the actual per-patient-per-day cost for each resource center for the immediately preceding calendar year, in accordance with generally accepted accounting procedures, by totaling the actual expenditures of the resource center for the calendar year and by dividing the total actual expenditures by the total inpatient days of service provided during the calendar year.

3. A superintendent of a resource center may request that the director enter into a contract with a person for the resource center to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in [section 222.1](#). The contract provisions shall include charges which reflect the actual cost of providing the services. Any income from a contract authorized under [this subsection](#) may be retained by the resource center to defray the costs of providing the services or fulfilling the other purposes. Except for a contract voluntarily entered into by a county under [this subsection](#), the costs or income associated with a contract authorized under [this subsection](#) shall not be considered in computing charges and per diem costs in accordance with the provisions of [subsections 1 and 2](#).

[SS15, §2727-a96; C24, 27, 31, 35, 39, §3469; C46, 50, 54, 58, 62, §223.5; C66, 71, 73, 75, 77, 79, 81, §222.73]

86 Acts, ch 1169, §1; 88 Acts, ch 1249, §6; 88 Acts, ch 1276, §38; 95 Acts, ch 82, §4; 96 Acts, ch 1183, §6 – 8; 98 Acts, ch 1155, §9; 2000 Acts, ch 1112, §51; 2001 Acts, ch 155, §15 – 17; 2004 Acts, ch 1090, §33; 2009 Acts, ch 41, §263; 2012 Acts, ch 1120, §86, 130; 2015 Acts, ch 69, §16, 17; 2017 Acts, ch 109, §1, 20, 21; 2023 Acts, ch 19, §436; 2024 Acts, ch 1161, §44, 137, 174, 180

2024 strike of subsections 2 and 4 effective July 1, 2025; 2024 Acts, ch 1161, §137

Subsection 2 stricken and former subsection 3 renumbered as 2

Subsection 4 stricken and former subsection 5 renumbered as 3

222.74 Duplicate to county. Repealed by 2024 Acts, ch 1161, §135, 137.

2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.75 Delinquent payments — penalty. Repealed by 2024 Acts, ch 1161, §135, 137.
2024 repeal effective July 1, 2025; 2024 Acts, ch 1161, §137

222.76 Reserved.

222.77 Patients on leave.

The cost of support of patients placed on convalescent leave or removed as a habilitation measure from a resource center, except when living in the home of a person legally bound for the support of the patient, shall be paid by the state.

[C66, 71, 73, 75, 77, 79, 81, S81, §222.77; 81 Acts, ch 117, §1027]
83 Acts, ch 123, §83, 209; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1120, §87, 130; 2024 Acts, ch 1161, §45, 137

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137
Section amended

222.78 Parents and others liable for support.

1. The father and mother of any patient admitted to a resource center, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient, are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the state for all sums advanced relating to reasonable attorney fees and court costs for the patient's admission to the resource center, and for the treatment, training, instruction, care, habilitation, support, transportation, or other expenditures made on behalf of the patient pursuant to [this chapter](#).

2. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a minor without an intellectual disability of the same age and sex as the minor patient. The department shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source, commensurate with that upon which they would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in [this section](#) shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the department for caring for the patient with an intellectual disability.

[C39, §3477.5; C46, 50, 54, 58, 62, §223.16, 223.20; C66, 71, 73, 75, 77, 79, 81, §222.78]
93 Acts, ch 97, §27; 98 Acts, ch 1218, §70; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1019, §57; 2012 Acts, ch 1120, §88, 130; 2013 Acts, ch 130, §28, 35; 2023 Acts, ch 19, §437; 2024 Acts, ch 1161, §46, 137

Referred to in §218.78, 222.79, 222.80, 222.81, 222.82, 226.8, 234.39
2024 amendment to subsection 1 effective July 1, 2025; 2024 Acts, ch 1161, §137
Subsection 1 amended

222.79 Certification statement presumed correct.

In actions to enforce the liability imposed by [section 222.78](#), the superintendent shall submit a certification statement stating the sums charged, and the certification statement shall be considered presumptively correct.

[C66, 71, 73, 75, 77, 79, 81, §222.79]
2001 Acts, ch 155, §20; 2012 Acts, ch 1120, §89, 130; 2024 Acts, ch 1161, §47, 137

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137
Section amended

222.80 Liability to state.

A person admitted to a county institution or admitted at state expense to a private hospital, sanitarium, or other facility for treatment, training, instruction, care, habilitation, and support

as a patient with an intellectual disability shall be liable to the state for the reasonable cost of the support as provided in [section 222.78](#).

[C66, 71, 73, 75, 77, 79, 81, §222.80]

[96 Acts, ch 1129, §50; 2012 Acts, ch 1019, §58; 2012 Acts, ch 1120, §90, 130; 2013 Acts, ch 130, §29, 35; 2024 Acts, ch 1161, §48, 137](#)

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137

Section amended

222.81 Claim against estate.

The total amount of liability provided in [section 222.78](#) shall be allowed as a claim of the sixth class against the estate of the person or against the estate of the father or mother of such person.

[C66, 71, 73, 75, 77, 79, 81, §222.81]

222.82 Collection of liabilities and claims.

If liabilities and claims exist as provided in [section 222.78](#) or any other provision of [this chapter](#), the state may proceed as provided in [this section](#). The state may compromise any and all liabilities to the state arising under [this chapter](#) when such compromise is deemed to be in the best interests of the state. Any collections and liens shall be limited in conformance to [section 614.1, subsection 4](#).

[C39, §3477.6; C46, 50, 54, 58, 62, §223.17; C66, 71, 73, 75, 77, 79, 81, §222.82]

[2012 Acts, ch 1120, §91, 130; 2024 Acts, ch 1161, §49, 137](#)

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137

Section amended

222.83 Nonresident patients.

The estates of all nonresident patients who are provided treatment, training, instruction, care, habilitation, and support in or by a resource center, and all persons legally bound for the support of such persons, shall be liable to the state for the reasonable value of such services. The certificate of the superintendent of the resource center in which any nonresident is or has been a patient, showing the amounts drawn from the state treasury or due therefrom as provided by law on account of such nonresident patient, shall be presumptive evidence of the reasonable value of such services furnished such patient by the resource center.

[C66, 71, 73, 75, 77, 79, 81, §222.83]

[2000 Acts, ch 1112, §51; 2024 Acts, ch 1161, §175, 180](#)

222.84 Patients' personal deposit fund.

There is established at each resource center a patients' personal deposit fund.

[C66, 71, 73, 75, 77, 79, 81, §222.84]

[2000 Acts, ch 1112, §51; 2020 Acts, ch 1063, §81; 2023 Acts, ch 19, §438; 2024 Acts, ch 1161, §176, 180](#)

222.85 Deposit of moneys — exception to guardians.

1. Any funds coming into the possession of the superintendent or any employee of a resource center belonging to any patient in that institution shall be deposited in the name of the patient in the patients' personal deposit fund, except that if a guardian of the property has been appointed for the person, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires, and comforts for the patient.

2. Moneys paid to a resource center from any source other than state appropriated funds and intended to pay all or a portion of the cost of care of a patient, which cost would otherwise be paid from state funds or from the patient's own funds, shall not be deemed "funds belonging to a patient" for the purposes of [this section](#).

[C66, 71, 73, 75, 77, 79, 81, §222.85]

[2000 Acts, ch 1112, §51; 2018 Acts, ch 1041, §60; 2024 Acts, ch 1161, §50, 137, 177, 180](#)

2024 amendment to subsection 2 effective July 1, 2025; 2024 Acts, ch 1161, §137

Subsection 2 amended

222.86 Payment for care from fund.

If a patient is not receiving medical assistance under [chapter 249A](#) and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the department may apply any amount of the excess to reimburse the state for liability incurred by the state for the payment of care, support, and maintenance of the patient when billed by the state.

[C66, 71, 73, 75, 77, 79, 81, S81, §222.86; [81 Acts, ch 11, §15](#)]

[2000 Acts, ch 1112, §51](#); [2012 Acts, ch 1120, §92, 130](#); [2023 Acts, ch 19, §439](#); [2024 Acts, ch 1161, §51, 137](#)

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §137
Section amended

222.87 Deposit in bank.

The department shall deposit the patients' personal deposit fund in a commercial account of a bank of reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid on the account may be used for recreational purposes for the patients at the resource center.

[C66, 71, 73, 75, 77, 79, 81, §222.87]

[2000 Acts, ch 1112, §51](#); [2023 Acts, ch 19, §440](#); [2024 Acts, ch 1161, §178, 180](#)

222.88 Special intellectual disability unit. Repealed by [2024 Acts, ch 1161, §179, 180](#).

222.89 Location — staff and personnel. Repealed by [2024 Acts, ch 1161, §179, 180](#).

222.90 Superintendent. Repealed by [2024 Acts, ch 1161, §179, 180](#).

222.91 Direct referral to special unit. Repealed by [2024 Acts, ch 1161, §179, 180](#).

222.92 Net general fund appropriation — state resource centers.

1. The department shall operate the state resource centers on the basis of net appropriations from the general fund of the state. The appropriation amounts shall be the net amounts of state moneys projected to be needed for the state resource centers for the fiscal year of the appropriations. The purpose of utilizing net appropriations is to encourage the state resource centers to operate with increased self-sufficiency, to improve quality and efficiency, and to support collaborative efforts between the state resource centers and providers of funding for the services available from the state resource centers. The state resource centers shall not be operated under the net appropriations in a manner that results in a cost increase to the state or in cost shifting between the state, the medical assistance program, or other sources of funding for the state resource centers.

2. The net appropriation made for a state resource center may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for purposes of cash flow management, a state resource center may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

3. Subject to the approval of the department, except for revenues segregated as provided in [section 249A.11](#), revenues received that are attributed to a state resource center for a fiscal year shall be credited to the state resource center's account and shall be considered appropriated receipts as defined in [section 8.2](#), including but not limited to all of the following:

- a. The federal share of medical assistance program revenue received under [chapter 249A](#).
- b. Federal Medicare program payments.
- c. Moneys received from client financial participation.
- d. Other revenues generated from current, new, or expanded services that the state resource center is authorized to provide.

4. Notwithstanding [section 8.33](#), up to five hundred thousand dollars of a state resource center's revenue that remains unencumbered or unobligated at the close of the fiscal year

shall not revert but shall remain available for expenditure for purposes of the state resource center until the close of the succeeding fiscal year.

2005 Acts, ch 175, §94; 2012 Acts, ch 1120, §93, 130; 2015 Acts, ch 69, §18; 2024 Acts, ch 1161, §52, 53, 137; 2024 Acts, ch 1185, §155, 156

2024 amendment to subsection 1 effective July 1, 2025; 2024 Acts, ch 1161, §137

2024 strike of subsection 3, paragraph a effective July 1, 2025; 2024 Acts, ch 1161, §137

Subsection 1 amended

Subsection 3, paragraph a stricken and former paragraphs b – e redesignated as a – d