



THOMAS J. VILSACK  
GOVERNOR

**OFFICE OF THE GOVERNOR**

SALLY J. PEDERSON  
LT. GOVERNOR

April 22, 2005

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**House File 613**, an Act relating to the regulation of hot water heating boilers for swimming pools and spas.

**House File 641**, an Act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

**House File 726**, an Act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

**House File 760**, an Act relating to dependent adults and the provision of protective services.

**House File 768**, an Act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

**House File 776**, an Act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol



complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government.

**House File 784**, an Act to establish an advanced practice registered nurse compact and including a future repeal.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House



HOUSE FILE 760

AN ACT  
RELATING TO DEPENDENT ADULTS AND THE PROVISION OF  
PROTECTIVE SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 235B.18, subsections 1 and 4, Code 2005, are amended to read as follows:

1. If the department reasonably determines that a dependent adult is a victim of dependent adult abuse and lacks capacity to consent to the receipt of protective services, the department may petition the district court in the county in which the dependent adult resides for an order authorizing the provision of protective services. The petition shall allege specific facts sufficient to demonstrate that the dependent adult is in need of protective services and lacks capacity to consent to the receipt of services.

4. A determination by the court that a dependent adult lacks the capacity to consent to the receipt of protective services under this chapter shall not affect incompetency proceedings under sections 633.552 through 633.556 or any other proceedings, and incompetency proceedings under sections 633.552 through 633.556 shall not have a conclusive effect on the question of capacity to consent to the receipt of protective services under this chapter. A person previously adjudicated as incompetent under the relevant provisions of chapter 633 is entitled to the care, protection, and services under this chapter.

Sec. 2. Section 235B.19, subsection 1, Code 2005, is amended to read as follows:

1. If the department determines that a dependent adult is suffering from dependent adult abuse which presents an immediate danger to the health or safety of the dependent adult, or which results in irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to receive protective services, and that no consent can be obtained, the department may petition the court with probate jurisdiction in the county in which the dependent adult resides for an emergency order authorizing protective services.

Sec. 3. Section 235B.19, subsection 3, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Upon finding that there is probable cause to believe that the dependent adult abuse presents an immediate threat to the health or safety of the dependent adult or which results in irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may do any of the following:

Sec. 4. Section 235B.19, subsection 5, Code 2005, is amended to read as follows:

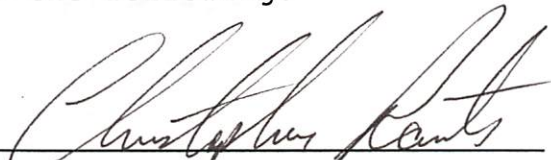
5. If the department cannot obtain an emergency order under this section due to inaccessibility of the court, the department may contact law enforcement to remove the dependent adult to safer surroundings, authorize the provision of medical treatment, and order the provision of or provide other available services necessary to remove conditions creating the immediate danger to the health or safety of the dependent adult or which are producing irreparable harm to the physical or financial resources or property of the dependent adult.

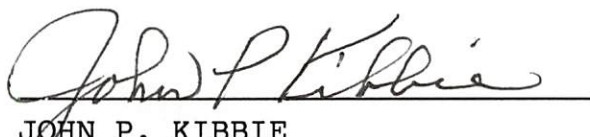
The department shall obtain an emergency order under this section not later than four p.m. on the first succeeding business day after the date on which protective or other services are provided. If the department does not obtain an emergency order within the prescribed time period, the department shall cease providing protective services and, if necessary, make arrangements for the immediate return of the person to the place from which the person was removed, to the person's place of residence in the state, or to another suitable place. A person, agency, or institution acting in

good faith in removing a dependent adult or in providing services under this subsection, and an employer of or person under the direction of such a person, agency, or institution, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as the result of the removal or provision of services.


Sec. 5. Section 235B.19, subsection 6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The Upon a finding of probable cause to believe that dependent adult abuse has occurred and is either ongoing or is likely to reoccur, the court may also enter orders as may be appropriate to third persons enjoining them from specific conduct. The orders may include temporary restraining orders which impose criminal sanctions if violated. The court may enjoin third persons from any of the following:

  
CHRISTOPHER C. RANTS  
Speaker of the House

  
JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 760, Eighty-first General Assembly.

  
MARGARET THOMSON  
Chief Clerk of the House

Approved April 22, 2005

  
THOMAS J. VILSACK  
Governor