



TERRY E. BRANSTAD  
GOVERNOR

**OFFICE OF THE GOVERNOR**

KIM REYNOLDS  
LT. GOVERNOR

April 12, 2012

The Honorable Matt Schultz  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2312, an Act relating to persons with mental health illnesses and substance-related disorders.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



Senate File 2312

AN ACT  
RELATING TO PERSONS WITH MENTAL HEALTH ILLNESSES AND  
SUBSTANCE-RELATED DISORDERS.

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

Section 1. Section 80B.11, subsection 1, paragraph c, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) In-service training under this paragraph "c" shall include the requirement that all law enforcement officers complete a course on mental health at least once every four years. In developing the requirements

for this training, the director shall seek input from mental health care providers and mental health care consumers.

Sec. 2. Section 125.91, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The procedure prescribed by this section shall only be used for an intoxicated person who has threatened, attempted, or inflicted physical self-harm or harm on another, and is likely to inflict physical self-harm or harm on another unless immediately detained, or who is incapacitated by a chemical substance, ~~if that person cannot be taken into immediate custody under sections 125.75 and 125.81 because immediate access to the court is not possible~~ an application has not been filed naming the person as the respondent pursuant to section 125.75 and the person cannot be ordered into immediate custody and detained pursuant to section 125.81.

Sec. 3. Section 135C.3, subsection 1, Code 2011, is amended to read as follows:

1. A licensed nursing facility shall provide an organized twenty-four-hour program of services commensurate with the needs of its residents and under the immediate direction of a licensed nurse. Medical and nursing services must be provided under the direction of either a house physician or an individually selected physician. Surgery or obstetrical care shall not be provided within the facility. An admission to the nursing facility must be based on a physician's written order certifying that the individual being admitted requires no greater degree of nursing care than the facility to which the admission is made is licensed to provide and is capable of providing. The nursing facility is not required to admit an individual through court order, referral, or other means without the express prior approval of the administrator of the nursing facility.

Sec. 4. Section 135C.4, Code 2011, is amended to read as follows:

**135C.4 Residential care facilities.**

1. Each facility licensed as a residential care facility shall provide an organized continuous twenty-four-hour program of care commensurate with the needs of the residents of the home and under the immediate direction of a person approved and certified by the department whose combined training and supervised experience is such as to ensure adequate and competent care.

2. All admissions to residential care facilities shall be