

March 20, 1969
Passed on File
Social Services, Pass-48

SENATE FILE 525

By COMMITTEE ON
SOCIAL SERVICES

Passed Senate, Date *3-27-69* Passed House, Date *4-22-69*

Vote: Ayes *54* Nays *0* Vote: Ayes *112* Nays *0*

Approved *May 9, 1969*

*Passed as amended by House
4-25; 51-0.*

A BILL FOR

- 1 An Act relating to the treatment of alcoholism.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. For the purposes of this Act:
- 4 1. "Commission" means the Iowa commission on alcoholism.
- 5 2. "Facility" means a contracting hospital, institution,
- 6 detoxification center, or installation providing care, main-
- 7 tenance, and treatment for alcoholics.
- 8 Sec. 2. The commission shall provide for treatment, reha-
- 9 bilitation, family therapy, and any and all other ancillary
- 10 services deemed necessary to return a resident of this state
- 11 who is an alcoholic to a full, productive life. In the event
- 12 any such services duplicate any provided by the department of
- 13 social services or the department of public instruction, the
- 14 commission and such departments shall execute an interagency
- 15 agreement providing for the needed service by one department.
- 16 The commission may receive and expend any federal funds that
- 17 may be made available for such purposes, except those funds
- 18 made available for vocational rehabilitation purposes through
- 19 the department of public instruction.
- 20 Sec. 3. No later than July first of each year the commis-
- 21 sion shall allocate any moneys appropriated by the general
- 22 assembly or otherwise available for such purposes, and any
- 23 federal funds so available, among treatment services to be
- 24 provided an alcoholic while confined as a voluntary patient in
- 25 a qualified facility with which the commission has contracted

1 to provide such treatment and other rehabilitative services.

2 Sec. 4. The commission may enter into written agreements
3 with any qualified facility to pay for one-half of the cost of
4 the care, maintenance, and treatment of an alcoholic confined
5 as a voluntary patient within that county. The commission
6 shall formulate, adopt, and promulgate pursuant to chapter
7 seventeen A (17A) of the Code, such rules and regulations per-
8 taining to the minimum qualifications necessary to qualify as
9 such, which shall include at least a minimum period of six
10 months in which it shall be demonstrated that a facility can
11 successfully treat alcoholism. Such contracts shall be for a
12 period of no more than one year. The commission shall review
13 and evaluate at least once each year all such agreements and
14 determine whether or not they shall be continued.

15 The contract may be in such form and contain provisions as
16 agreed upon by the parties. Such contract shall provide that
17 the facility shall admit and treat alcoholics whose legal
18 settlement is in counties other than the contracting county.
19 If one payment for care, maintenance, and treatment is not
20 made by the patient or those legally liable therefor within
21 thirty days after discharge the payment shall be made by the
22 commission directly to the facility. Payments shall be made
23 each month and shall be based upon the facility's average daily
24 per patient charge.

25 Sec. 5. Counties shall pay for the remaining one-half of
26 the cost of care, maintenance, and treatment of an alco-
27 holic from its state institutions fund as provided in section
28 four hundred forty-four point twelve (444.12) of the Code.
29 The facility shall certify to the county of the alcoholic's
30 legal settlement once each month and one-half of the unpaid cost
31 of the care, maintenance, and treatment of an alcoholic who
32 has been confined as a voluntary patient. Such county shall
33 pay the cost so certified to the facility from its state institu-
34 tions fund.

35 Sec. 6. The facility shall, when an alcoholic is admitted,

1 or as soon thereafter as it receives the proper information,
2 determine and enter upon its records whether the legal settle-
3 ment of such alcoholic is in the county where the facility is
4 located, or in some other county, state, or country, or is
5 unknown.

6 Sec. 7. In the event any county to which certification of
7 the cost of care, maintenance, and treatment of an alcoholic
8 is made, disputes that such alcoholic has his legal settlement
9 in that county, it shall immediately notify the facility that
10 such dispute exists. The commission shall immediately investi-
11 gate the facts and determine in which county the patient has
12 legal settlement. The commission shall certify its determina-
13 tion to the county wherein it is found the patient has legal
14 settlement and to the facility. The county of legal settle-
15 ment shall reimburse the facility as provided in this Act. If
16 the commission finds that the legal settlement of an alcoholic
17 at the time of admission was in another state or country or
18 was unknown, then the commission shall pay for that portion of
19 his care, maintenance, and treatment that his county of legal
20 settlement would have been liable to pay.

21 Sec. 8. The alcoholic, his or her spouse, and any person,
22 firm, corporation, or insurance company bound by contract to
23 provide support, hospitalization, or medical services for the
24 alcoholic shall be legally liable for the total amount of the
25 cost of providing care, maintenance, and treatment for the
26 alcoholic while a voluntary patient in a facility when the
27 commission has contracted with such facility to provide treat-
28 ment even though one-half of the cost was paid by the commis-
29 sion. Such liability shall be to the county of the alcoholic's
30 legal settlement after such county has made its payment for
31 one-half of such treatment services.

32 Sec. 9. The county auditor upon receipt of such certifica-
33 tion by the facility shall enter the same to the credit of the
34 facility and issue a notice to the county treasurer, authoriz-
35 ing him to transfer the amount from the state institutional

1 fund to the state general fund, which notice shall be filed by
2 the treasurer as his authority for making such transfer, and
3 shall include the amount transferred in his next remittance to
4 the facility.

5 Sec. 10. The total cost of providing the care, maintenance,
6 and treatment for an alcoholic pursuant to this Act shall be
7 a lien on any real estate owned by the alcoholic or owned by
8 his spouse. Such lien shall be effective against the real
9 estate owned by the spouse only if the name of the spouse is
10 indexed by the auditor. No lien imposed by this statute
11 against any real estate of a spouse prior to July 1, 1969
12 shall be effective against the property of such spouse unless
13 the name of the spouse was indexed prior to July 1, 1969.

14 Sec. 11. The auditor of each county shall keep an accurate
15 account of the total cost of the care, maintenance, and treat-
16 ment of any alcoholic and keep an index of the names of the
17 alcoholics admitted from such county. The indexing and the
18 record of the account of such alcoholic in the office of the
19 county auditor shall constitute notice of such lien. The name
20 of the spouse of such alcoholic shall also be indexed in the
21 same manner as the names of alcoholics are indexed.

22 Sec. 12. The board of supervisors shall collect the total
23 amount of all such claims and direct the county attorney to
24 proceed with the collection of such claims as a part of the
25 duties of his office. The county shall be entitled to keep
26 the total amount of all such claims collected.

27 Sec. 13. In any action to enforce the liability imposed by
28 this Act, the certificate from the facility to the county
29 auditor stating the sums charged in such cases shall be pre-
30 sumed correct.

31 Sec. 14. In the case of the death of either spouse the
32 estate of the deceased shall not be settled or the homestead
33 sold until the surviving spouse shall die or cease to occupy
34 the homestead or while it is occupied by the minor children of
35 an alcoholic. However, no lien shall be enforced against any

1 homestead so long as it be occupied by an alcoholic, his spouse
2 or minor children.

3 Sec. 15. The board of supervisors of the county shall
4 release liens accruing under the provisions of this Act when
5 costs of the facility are fully paid or when compromised and
6 settled by such board or when an estate affected by this Act
7 has been probated and the proceeds allowed have been applied
8 on such liens.

9 Sec. 16. On the death of the person who receives assis-
10 tance under the provisions of this Act, the total amount paid
11 for his care, maintenance, and treatment shall be allowed as a
12 claim of the second class against the estate of such person.

13 Sec. 17. The commission may, from its appropriation allo-
14 cated to providing other rehabilitative services to alcoholics
15 and any federal funds available, do any of the following:

16 1. Carry on a statewide program of education, prevention,
17 treatment, and rehabilitation to combat alcoholism and alcohol.

18 2. Provide a system of coordination and interagency cooper-
19 ation at all levels of government to achieve the goals and
20 duties of the commission.

21 3. Stimulate the development and refinement of services for
22 alcoholics and create a system for providing and expanding
23 services to alcoholics.

24 4. Provide, insofar as feasible, for a community based
25 staff in local service centers to act as catalysts for local
26 planning, programming, and coordination. The service centers
27 shall provide direct services to alcoholics through assessment,
28 referral, intensive follow-through, personal or social support,
29 guidance, and other actions as necessary within budgetary limi-
30 tations.

31 5. Operate or cooperate, insofar as feasible, with local
32 agencies to develop transitional residential or day protective
33 environmental settings which provide for an orderly transition
34 of alcoholics from the various phases of treatment and rehabil-
35 itation to the time of reentry into productive community life.

1 The residential or day treatment for individuals may consist
2 of, but shall not be limited to, counseling, psychological
3 and social assistance, prevocational training, sheltered social
4 situations, or semicustodial services operated and conducted
5 in cooperation with other agencies. The treatment shall not
6 duplicate services of existing facilities which have been
7 determined adequate by the commission.

8 6. Cause to be established local commissions on alcohol,
9 when practical and desirable, to perform duties similar to
10 those of the commission.

11 7. Assist and cooperate in programs of funding assistance
12 for local commissions and establish program priorities, and
13 promulgate rules and regulations, to assure orderly coordina-
14 tion and conduct of the duties of the local commissions and
15 their personnel.

16 8. Develop, finance, and conduct programs of public educa-
17 tion through all media or by any methods to promote public
18 understanding and aid in the prevention of problems associated
19 with the use of alcohol.

20 9. Provide specialized training experiences designed to
21 create a corps of alcoholism specialists and provide in-service,
22 short term or refresher courses about alcohol for commission
23 personnel, educators, social services personnel, law enforce-
24 ment personnel, lawyers, judges, clergymen, and others.

25 10. Encourage and coordinate uniform record keeping among
26 public and private agencies in order to improve collaboration
27 and referral, aid program continuity, and make information
28 available for planning and evaluation.

29 11. Conduct research projects designed to assist in the
30 orderly development of the work of the commission and enhance
31 the knowledge of alcoholism and alcohol abuse.

32 Sec. 18. Section four hundred forty-four point twelve
33 (444.12), Code 1966, as amended by chapter two hundred two
34 (202), section two (2), Acts of the Sixty-second General
35 Assembly, is hereby further amended by inserting in line

1 twenty-one (21) after the comma the words "care, maintenance,
2 and treatment for alcoholism while a voluntary patient in a
3 facility as defined in section one (1) of this Act,".
4 Sec. 19. Chapter two hundred nine (209), sections thirty-
5 five (35) and thirty-six (36), Acts of the Sixty-second Gen-
6 eral Assembly, amending sections one hundred twenty-three A
7 point three (123A.3) and one hundred twenty-three A point five
8 (123A.5), Code 1966, are hereby repealed.

EXPLANATION OF SENATE FILE 525

The governor has recommended that the Commission on Alcoholism be the primary state agency to administer the various programs for alcoholics. This would include the present I.S.A.P. programs and state participation with local governments in operating detoxification centers. This bill allows the Commission on Alcoholism from its appropriation to share the costs of local detoxification centers equally with local governments and to continue those programs of I.C.A.P. found worthy and meaningful.

1 Amend Senate File 525 as follows:

- 2 1. By striking page 7, lines 4 through 8, inclusive, and
3 inserting in lieu thereof the following: "Section one hundred
4 twenty-three A point three (123A.3), Code 1966, as amended by
5 chapter two hundred nine (209), section thirty-five ((35), Acts
6 of the Sixty-second General Assembly, is amended by striking
7 lines thirteen (13) through twenty-six (26), inclusive."
8 2. By adding the following new sections:
9 "Section one hundred twenty-three A point five (123A.5),
10 Code 1966, as amended by chapter two hundred nine (209), section
11 thirty-six (36), Acts of the Sixty-second General Assembly is
12 hereby repealed."
13 "Section one hundred twenty-three A point eight (123A.8),
14 Code 1966, is hereby amended by striking from line three (3)
15 the words "and institutions" and inserting in lieu thereof the
16 words ", institutions, hospitals and local alcoholism units".

Filed - *adopted* 3-27
March 24, 1969

By KYHL

HOUSE AMENDMENT TO SENATE FILE 525

- 1 Amend Senate File 525 as follows:
2 1. By inserting in line seven (7) of page one (1)
3 after the word "alcoholics" the words "; however, a
4 facility shall not include a mental health institute
5 under the control of the department of social services".
6 2. By inserting in line thirty-four (34) of
7 page two (2) after the period the following:
8 "A facility may, upon approval of the board of
9 supervisors, submit to a county a billing for the
10 aggregate amount of all care, maintenance, and treatment
11 of alcoholics for each month. The board of supervisors
12 may demand an itemization of such billings at any time
13 or may audit the same."
14 3. By inserting in line twenty-six (26) of page
15 four (4) after the period the following:
16 "The county attorney, with the consent of the board
17 of supervisors, may execute an agreement providing for
18 the acceptance of a lesser amount owed by an alcoholic,
19 his spouse, or estate to the county. The execution
20 of such agreement may provide that the same is in
21 satisfaction of all moneys owed the county. In such
22 case any lien against the property of the alcoholic,
23 his spouse, or estate shall be released."
24 4. By adding thereto the following new section:
25 "Sec. 22. It is hereby deemed a lawful municipal
26 purpose for cities and towns to allocate a portion of
27 the liquor-control tax funds for the purpose of financing
28 or aiding in the financing of an alcoholic facility or
29 detoxification center. The facility or center may use
30 any funds so allocated for the treatment, rehabilitation
31 and education of alcoholics in this state."

*Senate
concerned
4-25*

- 1 Amend Senate File 525, page 4, section 12, by striking
2 all following the word "county" in line 25 and inserting
3 in lieu thereof the following:
4 "shall retain one-half of all such claims collected
5 and remit to the state general fund the remaining one-half."

Filed - *Lost* 3-27
March 27, 1969

By GLENN

- 1 Amend Senate File 525 by adding thereto the following
2 new section:
3 "It is hereby deemed a lawful municipal purpose
4 for cities and towns to allocate a portion of the
5 liquor-control tax funds for the purpose of financing
6 or aiding in the financing of an alcoholic facility
7 or detoxification center. The facility or center
8 may use any funds so allocated for the treatment,
9 rehabilitation and education of alcoholics in this
10 state."

Filed - *Adopted* 4-22
April 4, 1969

MAYBERRY of Webster

1 Amend Senate File 525 as follows:

2 1. By inserting in line seven (7) of page one (1) after
3 the word "alcoholics" the words "; however, a facility shall
4 not include a mental health institute under the control of
5 the department of social services".

*adopted
4-14*

*adopted
4-14*

6 2. By inserting in line thirty-four (34) of page two (2)
7 after the period the following:

8 "A facility may, upon approval of the board of supervisors,
9 submit to a county a billing for the aggregate amount of all
10 care, maintenance, and treatment of alcoholics for each
11 month. The board of supervisors may demand an itemization
12 of such billings at any time or may audit the same."

13 3. By inserting in line twenty-six (26) of page four (4)
14 after the period the following:

15 "The county attorney, with the consent of the board of
16 supervisors, may execute an agreement providing for the
17 acceptance of a lesser amount owed by an alcoholic, his spouse,
18 or estate to the county. The execution of such agreement
19 may provide that the same is in satisfaction of all moneys
20 owed the county. In such cases any lien against the property
21 of the alcoholic, his spouse, or estate shall be released."

Filed - *adopted 4-14*
April 2, 1969

MAYBERRY of Webster

1 Amend Senate File 525 as follows:

Page 1

2 1. Page two (2) by striking lines twenty-five (25) through
3 thirty-four (34), inclusive, and inserting in lieu thereof the
4 following:

*Withdrawn
4-22*

5 "Sec. 5. Counties shall pay for the remaining one-half of
6 the cost of the care, maintenance, and treatment of an alco-
7 holic from its state institution fund as provided in section
8 four hundred forty-four point twelve (444.12) of the Code;
9 however, where such alcoholic is a resident of a city or town
10 within the county, the county shall pay one-quarter of such
11 costs and the city or town of residence shall pay the remain-
12 ing one-quarter of such costs from its general fund. The
13 facility shall certify to the county, and city or town,
14 of the alcoholic's legal settlement once each month an
15 amount equal to either one-half or one-quarter, as the case
16 may be, of the unpaid cost of the care, maintenance, and treat-
17 ment of an alcoholic who has been confined as a voluntary
18 patient. Such county, and city or town, shall pay the cost so
19 certified to the facility from the funds designated herein."

Cont'd

20 2. Page three (3), line five (5), by inserting after the
21 word "unknown" the words ", and shall also determine the city
22 or town of legal settlement, if any".

23 3. Page three (3), line six (6), by inserting after the
24 word "county" the words "or city or town".

25 4. Page three (3), line nine (9), by inserting after the
26 word "county" the words "or city or town".

*Withdrawn
4-22*

27 5. Page three (3), line eleven (11), by inserting after
28 the word "county" the words ", and city or town, if any,".

29 6. Page three (3), line thirteen (13), by inserting after
30 the word "county" the words ", and city or town, if any,".

31 7. Page three (3), line fourteen (14), by inserting after
32 the word "county" the words ", and city or town, if any,".

33 8. Page three (3), line nineteen (19), by inserting after
34 the word "county" the words ", and city or town, if any,".

35 9. Page three (3), line twenty-nine (29), by inserting
36 after the word "county" the words ", and city or town, if any,".

37 10. Page three (3), line thirty (30), by inserting after
38 the word "county" the words "or city or town".

39 11. Page three (3), line thirty-one (31), by striking the
40 word "one-half" and inserting in lieu thereof the words "either
41 one-half or one-quarter".

42 12. Page three (3) by striking lines thirty-two (32)
43 through thirty-five (35), inclusive.

44 13. Page four (4) by striking lines one (1) through four
45 (4), inclusive, and inserting in lieu thereof the following:

46 "Sec. 9. The county auditor and the proper city or town
47 officer, upon receipt of such certification by the facility,
48 shall enter the same to the credit of the facility and issue
49 a notice to the county or city or town treasurer, as the case
50 may be, authorizing him to transfer the amount from the proper
51 funds designated herein to the state general fund, which notice
52 shall be filed by the treasurer as his authority for making
53 such transfer, and shall include the amount transferred in his
54 next remittance to the facility."

55 13. Page four (4), line ten (10), by inserting after the
56 word "auditor" the words "or the proper city or town officer,
57 as the case may be".

*Withdrawn
4-22*

58 14. Page four (4), line fourteen (14), by inserting after
59 the word "county" the words ", and the proper officer of each
60 city or town,".

61 15. Page four (4), line seventeen (17), by inserting after
62 the word "county" the words "and city or town".

63 16. Page four (4), line nineteen (19), by inserting after
64 the word "auditor" the words ", and in the office of the proper
65 city or town officer,".

66 17. Page four (4), line twenty-two (22), by inserting
67 after the word "supervisors" the words ", and the city or town
68 governing body,".

69 18. Page four (4), line twenty-three (23), by inserting
70 after the word "county" the words "or city or town, as the
71 case may be,".

72 19. Page four (4), line twenty-five (25), by inserting
73 after the word "county" the words ", and city or town,".

74 20. Page four (4), line twenty-nine (29), by inserting
75 after the word "auditor" the words ", or to the proper city or
76 town officer,".

77 21. Page five (5), line three (3), by inserting after the
78 word "county" the words ", and the governing body of the city
79 or town,".

80 22. Page five (5), line six (6), by inserting after the
81 word "board" the words "or governing body".

Filed - *Withdrawn 4-22*
April 14, 1969

MAYBERRY of Webster
MILLER of Des Moines
CAFFREY of Polk
