

FEB 12 1976

HOUSE FILE 1277

Place On Calendar

BY COMMITTEE ON COUNTY GOVERNMENT

House File 1277  
County Government  
Heying, Chairperson  
Ramsey  
Taylor

Passed House, Date 2-27-76 (p. 725) Passed Senate, Date 3-30-76 (1100)

Vote: Ayes 28 Nays 0 Vote: Ayes 41 Nays 4

Approved June 26, 1976

### A BILL FOR

1 An Act relating to the definition of "residency" for purposes  
2 of the funding of the care, maintenance and treatment of  
3 persons suffering the effects of alcohol.

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

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1st Conference Committee  
Representatives: Hutchins, Baker, Cussack, Hansen, West 5/12 (2659)  
Senators: Miller of Des Moines, Robinson, Scott, Ramsey, Taylor 5/10 (p. 1826)

Second Conference Committee  
Representatives: Same as above  
Senators: Same as above 5/20 (p. 2128)

Passed per Conference Committee Report  
House 5-25-76 (3139) Senate 5-26-76 (2287)  
81-6 44-0

1 Section 1. Section one hundred twenty-five point two  
2 (125.2), Code 1975, is amended by adding the following new  
3 subsection:

4 NEW SUBSECTION. "Residence" means the place where a person  
5 resides. For the purpose of determining the county where  
6 a person resides, the following rules shall apply:

7 a. If a person claims an Iowa homestead, then the person's  
8 residence shall be in the county where that homestead is  
9 claimed, irrespective of any other factors.

10 b. If paragraph a does not apply, and the person is pro-  
11 vided or has obtained living quarters within this state in  
12 a house, apartment, or room other than one owned or operated  
13 as a transient facility, including but not limited to a hotel  
14 or motel, then the person's residence shall be in the county  
15 where those living quarters are located, irrespective of any  
16 other factors.

17 c. If paragraphs a and b do not apply, and the person,  
18 at the time treatment is given or commitment is made under  
19 sections one hundred twenty-five point eighteen (125.18) or  
20 one hundred twenty-five point nineteen (125.19) of the Code,  
21 has obtained or is provided living quarters in a transient  
22 facility, including but not limited to a hotel or motel, then  
23 the person's residence shall be in the county where that  
24 transient facility is located, irrespective of any other  
25 factors.

26 d. If none of the preceding paragraphs apply, or, if the  
27 person is under eighteen years of age, is unemancipated, and  
28 is a ward of this state, then the person shall be non-  
29 classified with respect to county of residence.

30 e. An unemancipated person under eighteen years of age  
31 who is not a ward of the state shall be deemed to reside in  
32 the Iowa county of residence, if any, and as determined  
33 according to this subsection, of the parents, legal guardian,  
34 or legal custodian of that person.

35 Sec. 2. Section one hundred twenty-five point twenty-seven

1 (125.27), unnumbered paragraph two (2), Code 1975, is amended  
2 to read as follows:

3 The contract may be in such form and contain provisions  
4 as agreed upon by the parties. Such contract shall provide  
5 that the facility shall admit and treat alcoholics ~~whose legal~~  
6 ~~settlement is in counties other than the contracting county~~  
7 regardless of where they have residence. If one payment for  
8 care, maintenance, and treatment is not made by the patient  
9 or those legally liable therefor within thirty days after  
10 discharge the payment shall be made by the division directly  
11 to the facility. Payments shall be made each month and shall  
12 be based upon the facility's average daily per patient charge.  
13 Provisions of this section shall not pertain to patients  
14 treated at the mental health institutes.

15 Sec. 3. Section one hundred twenty-five point twenty-eight  
16 (125.28), Code 1975, is amended to read as follows:

17 125.28 COUNTIES TO SHARE COST. Except as provided in  
18 section 125.26, ~~counties~~ each county shall pay for the  
19 remaining twenty-five percent of the cost of the care, main-  
20 tenance, and treatment under this chapter of an alcoholic  
21 residents of that county from the county mental health and  
22 institutions fund as provided in section 444.12. However,  
23 a county shall not expend from the county general fund or  
24 the county mental health and institutions fund, for programs  
25 implemented pursuant to sections 125.1 to 125.26, an amount  
26 in excess of the total amount spent from these funds by the  
27 county on alcoholism programs for the calendar year ending  
28 December 31, 1973, without the approval of the board of  
29 supervisors. The commission shall establish guidelines for  
30 use by the counties in estimating the amount of expense which  
31 the county will incur each year. The facility shall certify  
32 to the county of the ~~alcoholic's legal settlement~~ person's  
33 residence once each month twenty-five percent of the unpaid  
34 cost of the care, maintenance, and treatment of an alcoholic.  
35 Such county shall pay the cost so certified to the facility

1 from its county mental health and institutions fund. However,  
2 the approval of the board of supervisors shall be required  
3 before payment is made by a county for costs incurred which  
4 exceed a total of five hundred dollars for one year for  
5 treatment provided to any one alcoholic or intoxicated person,  
6 except that such approval is not required for the cost of  
7 treatment provided to an alcoholic or intoxicated person who  
8 is committed pursuant to sections 125.18 and 125.19. A  
9 facility may, upon approval of the board of supervisors,  
10 submit to a county a billing for the aggregate amount of all  
11 care, maintenance, and treatment of alcoholics who are  
12 residents of that county for each month. The board of super-  
13 visors may demand an itemization of such billings at any time  
14 or may audit the same.

15 Sec. 4. Section one hundred twenty-five point twenty-nine  
16 (125.29), Code 1975, is amended to read as follows:

17 125.29 ~~LEGAL-SETTLEMENT~~ COUNTY OF RESIDENCE DETERMINED.  
18 The facility shall, when an alcoholic is admitted, or as soon  
19 thereafter as it receives the proper information, determine  
20 and enter upon its records ~~whether that the legal-settlement~~  
21 county of residence of such alcoholic is in the county where  
22 the facility is located, or in some other county, ~~state, or~~  
23 ~~country, or is unknown~~ or that the person is nonclassified  
24 with respect to residence.

25 Sec. 5. Section one hundred twenty-five point thirty  
26 (125.30), Code 1975, is amended to read as follows:

27 125.30 ~~DISPUTED-SETTLEMENT~~ DISPUTES OVER PAYMENT. In  
28 the event any county to which certification of the cost of  
29 care, maintenance, and treatment of an alcoholic is made,  
30 disputes that such alcoholic has his ~~legal-settlement~~ residence  
31 in that county, it shall immediately notify the facility that  
32 such dispute exists. The director shall immediately  
33 investigate the facts and determine in which county the patient  
34 has ~~legal-settlement~~ residence. The director shall certify  
35 his determination to the county, if any, wherein it is found

1 the patient has ~~legal-settlement~~ residence and to the facility.  
2 The A county certified by the director to be the county of  
3 ~~legal-settlement~~ residence shall reimburse the facility as  
4 provided in this chapter. If the director finds that the  
5 ~~legal-settlement~~ residence of an alcoholic at the time of  
6 admission was in another state or country or ~~was-unknown~~ that  
7 the person otherwise is nonclassified with respect to  
8 residence, then the division shall pay for that portion of  
9 his care, maintenance, and treatment that his county of ~~legal~~  
10 ~~settlement~~ residence would have been liable to pay. For  
11 purposes of this section, a "facility" does not include a  
12 mental health institute under the control of the department  
13 of social services.

14 Sec. 6. Section one hundred twenty-five point thirty-one  
15 (125.31), Code 1975, is amended to read as follows:

16 125.31 LEGAL LIABILITY FOR CARE. The alcoholic and any  
17 person, firm, corporation, or insurance company bound by  
18 contract to provide support, hospitalization, or medical ser-  
19 vices for the alcoholic shall be legally liable to the county  
20 of the alcoholic's ~~legal-settlement~~ residence for twenty-  
21 five percent of the total amount and to the division for  
22 seventy-five percent of the total amount of the cost of pro-  
23 viding care, maintenance, and treatment for the alcoholic  
24 while a voluntary or committed patient in a facility, except  
25 when the state pays the total cost of care in which case  
26 liability of one hundred percent shall be to the state.  
27 Nothing in this section shall prohibit any individual from  
28 paying any portion of the cost of treatment.

29 Sec. 7. Section one hundred twenty-five point thirty-three  
30 (125.33), Code 1975, is amended to read as follows:

31 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of  
32 each county shall keep an accurate account of the total cost  
33 to the county of the care, maintenance, and treatment of any  
34 alcoholic and shall keep an index of the names of the  
35 alcoholics admitted-from-such-county for whose benefit county

1 funds are expended for those services.

2 EXPLANATION

3 This bill removes from chapter 125 of the Code, relating  
4 to the treatment of alcoholics and persons suffering from  
5 the effects of alcohol, the use of "county of legal settlement"  
6 to determine which county is liable for the 25% of the costs  
7 of care, maintenance and treatment of those persons. The  
8 term "legal settlement" is not defined, and the vagueness  
9 causes problems for the counties and for the director of the  
10 alcoholism division of the department of health in determining  
11 which county shall pay.

12 This bill replaces "county of legal settlement" with a  
13 "county of residence" concept, and defines residence in a  
14 fashion to make residency determinable in every case with-  
15 out a lengthy dispute. Basically, residence means, as  
16 applicable, the Iowa county (1) where a homestead is claimed,  
17 or (2) where nontransient living quarters are maintained,  
18 or (3) where transient quarters are maintained. If none of  
19 those tests apply, or if the person is an unemancipated minor  
20 in the custody of the state, then the division will pay the  
21 full 100% of the cost of care, maintenance and treatment.

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FISCAL NOTE  
HOUSE FILE 1227

Date Prepared April 1, 1976

Requested by Representative Lipsky

Prepared in regard to H.F. 1227, An Act to provide limited tax incentives for the improvement of certain property by allowing a four-year tax moratorium for improvements to buildings and to provide a one-year state income tax deduction for the actual amount paid for an improvement made in 1976 to a building up to a maximum of two thousand dollars retroactive to January 1, 1976. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

This proposal would provide a four year property tax moratorium upon improvements made to buildings designed for human occupancy, excluding apartment buildings and mobile homes. The bill would also provide for an income tax deduction of up to \$2,000 for the 1976 tax year on improvements made to these same residential units during 1976.

The effect of this proposal would be a reduction in the growth of local property tax valuations and a shift in the property tax burden to those classes of property not affected by this bill. However, in the absence of sufficient data relating to the amount of expenditures for home improvements currently being made and the effect of these expenditures on property valuations, an estimate of the effect of this proposal on local property values cannot be made.

It is also not possible at this time to estimate the fiscal effect of the proposed 1976 income tax deduction for up to \$2,000 of improvements made to residential units in 1976. In addition to the absence of data on the level of current expenditures made for residential improvements, there is an absence of information concerning the current incomes and amounts of other deductions claimed by the taxpayers who would be eligible for this deduction. As a result, it is not possible to submit an estimate of the decline in the amount of 1976 income taxes due which would result from the adoption of this proposal.

Source: Dept. of Revenue

FILED  
APRIL 5, 1976

GERRY D. RANKIN  
Legislative Fiscal Director

H-5355

- 1 Amend House File 1277, page 4, line 26, by in-
- 2 serting after the word "state." the words "Section
- 3 two hundred thirty point nineteen (230.19) of the
- 4 Code shall be applicable to liability to the state
- 5 arising under this section."

H-5355 FILED - *Adopted 2/27*  
FEBRUARY 26, 1976

BY BAKER of Buena Vista  
DANKER of Pottawattamie  
PELLETT of Cass  
BORTELL of Madison  
HUTCHINS of Guthrie

FISCAL NOTE  
HOUSE FILE 1277

Date Prepared February 27, 1976

Requested by Representative Cusack

Prepared in regard to H.F. 1277, An Act relating to the definition of "residency" for purposes of funding of the care, maintenance and treatment of persons suffering the effects of alcohol. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

The fiscal effect of LSB 3223 is estimated not to exceed \$50,000 per year in cost to the Iowa Division On Alcoholism. In the current fiscal years inquiries were made, but no center requested funds.

Source: Iowa Division on Alcoholism

FILED GERRY D. RANKIN  
APRIL 5, 1976 Legislative Fiscal Director

H-6096

- 1 Amend Senate amendment H-6095 to House File
- 2 1277 as follows:
- 3 1. Page 3, line 5 by inserting after the
- 4 numerals "1975," the following: "as amended by
- 5 Acts of the Sixty-sixth General Assembly,
- 6 1975 Session, chapter ten (10), section four (4),".

H-6096 FILED - *Adopted* BY HUTCHINS of Guthrie  
APRIL 1, 1976 *4/15 (1965)*

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1277

S-5567

- 1 Amend Senate amendment H-6095 to House File
- 2 1277 as follows:
- 3 1. Page 3, line 5 by inserting after the
- 4 numerals "1975," the following: "as amended by
- 5 Acts of the Sixty-sixth General Assembly,
- 6 1975 Session, chapter ten (10), section four (4),".

S-5567 FILED  
APRIL 26, 1976

RECEIVED FROM THE HOUSE

*Senate refused to concur 4/30 (p. 1657)*

H-6095

1 Amend House File 1277 as amended and passed by  
2 the House by striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section one hundred twenty-five point  
5 two (125.2), Code 1975, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. "Residence" means the place where  
8 a person resides. For the purpose of determining  
9 which Iowa county, if any, is liable pursuant to this  
10 chapter for payment of costs attributable to its  
11 residents, the following rules shall apply:

12 a. If a person claims an Iowa homestead, then  
13 the person's residence shall be in the county where  
14 that homestead is claimed, irrespective of any other  
15 factors.

16 b. If paragraph a does not apply, and the person  
17 is provided or has obtained living quarters within  
18 this state in a house, apartment, or room other than  
19 one owned or operated as a transient facility,  
20 including but not limited to a hotel or motel, then  
21 the person's residence shall be in the county where  
22 those living quarters are located, irrespective of  
23 any other factors: However, this paragraph shall  
24 not apply to unemancipated persons under eighteen  
25 years of age who are wards of this state.

26 c. If paragraphs a and b do not apply, or, if  
27 the person is under eighteen years of age, is  
28 unemancipated, and is a ward of this state, then the  
29 person shall be unclassified with respect to county  
30 of residence, and payment of all costs shall be made  
31 by the division as provided in this chapter.

32 d. An unemancipated person under eighteen years  
33 of age who is not a ward of the state shall be deemed  
34 to reside where the parent having legal custody, or  
35 the legal guardian, or legal custodian of that person  
36 has residence as determined according to this  
37 subsection.

38 e. The provisions of this subsection shall not  
39 be used in any case to which section one hundred  
40 twenty-five point twenty-six (125.26) of the Code  
41 is applicable.

42 Sec. 2. Section one hundred twenty-five point  
43 thirteen (125.13), subsection four (4), Code 1975,  
44 is amended by adding the following new unnumbered  
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. The director may adopt,  
47 amend and repeal rules pursuant to chapter seventeen  
48 A (17A) of the Code prescribing record-keeping  
49 requirements and accounting procedures to be used  
50 by facilities. The director shall not approve any

1 facility, and shall not contract with any facility  
2 pursuant to section one hundred twenty-five point  
3 twenty-seven (125.27) of the Code, unless that facility  
4 agrees as a condition of such approval or such contract  
5 to comply with rules issued pursuant to this paragraph.  
6 However, rules issued pursuant to this paragraph shall  
7 not apply to any facility referred to in sections  
8 one hundred twenty-five point fourteen (125.14) or  
9 one hundred twenty-five point twenty-six (125.26)  
10 of the Code.

11 Sec. 3. Section one hundred twenty-five point  
12 twenty-seven (125.27), unnumbered paragraph two (2),  
13 Code 1975, is amended to read as follows:

14 The contract may be in such form and contain  
15 provisions as agreed upon by the parties. Such  
16 contract shall provide that the facility shall admit  
17 and treat alcoholics ~~whose legal settlement is in~~  
18 ~~counties other than the contracting county~~ regardless  
19 of where they have residence. If one payment for  
20 care, maintenance, and treatment is not made by the  
21 patient or those legally liable therefor within thirty  
22 days after discharge the payment shall be made by  
23 the division directly to the facility. Payments shall  
24 be made each month and shall be based upon the  
25 facility's average daily per patient charge.  
26 Provisions of this section shall not pertain to  
27 patients treated at the mental health institutes.

28 Sec. 4. Section one hundred twenty-five point  
29 twenty-seven (125.27), Code 1975, is amended by adding  
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. Contracting facilities  
32 shall deliver to each patient upon discharge a  
33 statement of the costs of the care, maintenance and  
34 treatment for which that patient is liable, and shall  
35 retain a carbon copy or other similar copy of that  
36 statement for a period of not less than one year after  
37 the date of discharge of the patient to whom the  
38 statement refers. Every payment received by a  
39 contracting facility from or on behalf of a patient,  
40 whether received before or after costs have been  
41 billed to the division or to a county, shall be  
42 identified by the facility as to patient and invoice  
43 or statement, and shall be reported to the division.  
44 A contracting facility shall allow as a credit against  
45 a future billing to the division or to a county,  
46 payments received during each month from or on behalf  
47 of a patient whose care, maintenance and treatment  
48 theretofore has been billed to and paid by the division  
49 or a county. Failure by a contracting facility to  
50 comply with this paragraph, or with rules promulgated

1 pursuant to subsection four (4) of section one hundred  
2 twenty-five point thirteen (125.13) of the Code shall  
3 constitute grounds for nonrenewal of the contract.

4 Sec. 5. Section one hundred twenty-five point  
5 twenty-eight (125.28), Code 1975, is amended to read  
6 as follows:

7 125.28 COUNTIES TO SHARE COST. Except as provided  
8 in section 125.26, counties each county shall pay  
9 for the remaining twenty-five percent of the cost  
10 of the care, maintenance, and treatment under this  
11 chapter of an-alcoholic residents of that county from  
12 the county mental health and institutions fund as  
13 provided in section 444.12. The commission shall  
14 establish guidelines for use by the counties in  
15 estimating the amount of expense which the county  
16 will incur each year. The facility shall certify  
17 to the county of ~~the-alcoholic's-legal-settlement~~  
18 residence once each month twenty-five percent of the  
19 unpaid cost of the care, maintenance, and treatment  
20 of an alcoholic. Such county shall pay the cost so  
21 certified to the facility from its county mental  
22 health and institutions fund. However, the approval  
23 of the board of supervisors shall be required before  
24 payment is made by a county for costs incurred which  
25 exceed a total of five hundred dollars for one year  
26 for treatment provided to any one alcoholic or  
27 intoxicated person, except that such approval is not  
28 required for the cost of treatment provided to an  
29 alcoholic or intoxicated person who is committed  
30 pursuant to sections 125.18 and 125.19. A facility  
31 may, upon approval of the board of supervisors, submit  
32 to a county a billing for the aggregate amount of  
33 all care, maintenance, and treatment of alcoholics  
34 who are residents of that county for each month.  
35 The board of supervisors may demand an itemization  
36 of such billings at any time or may audit the same.

37 Sec. 6. Section one hundred twenty-five point  
38 twenty-nine (125.29), Code 1975, is amended to read  
39 as follows:

40 125.29 ~~LEGAL-SETTLEMENT~~ COUNTY OF RESIDENCE  
41 DETERMINED. The facility shall, when an alcoholic  
42 is admitted, or as soon thereafter as it receives  
43 the proper information, determine and enter upon its  
44 records whether the legal-settlement Iowa county of  
45 residence of such alcoholic is-in-the-county-where  
46 the-facility-is-located,-or-in-some-other-county,  
47 state,-or-country,-or-is-unknown, or that the person  
48 resides in some other state or country, or that the  
49 person is unclassified with respect to residence.

50 Sec. 7. Section one hundred twenty-five point

thirty (125.30), Code 1975, is amended to read as follows:

125.30 ~~DISPUTED-SETTLEMENT~~ DISPUTES OVER PAYMENT.

In the event any county to which certification of the cost of care, maintenance, and treatment of an alcoholic is made, disputes that such alcoholic has his legal-settlement residence in that county, it shall immediately notify the facility that such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has legal-settlement residence. The director shall certify his determination to the county, if any, wherein it is found the patient has legal-settlement residence and to the facility. ~~The A county certified by the director to be the county of legal-settlement residence shall reimburse the facility as provided in this chapter.~~ If the director finds that the legal settlement residence of an alcoholic at the time of admission was in another state or country or was unknown that the person is unclassified with respect to residence, then the division shall pay for that portion of his care, maintenance, and treatment that his county of legal-settlement residence would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of social services.

Sec. 8. Section one hundred twenty-five point thirty-one (125.31), Code 1975, is amended to read as follows:

125.31 LEGAL LIABILITY FOR CARE. The alcoholic and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic shall be legally liable to the county of the alcoholic's legal settlement residence for twenty-five percent of the total amount and to the division for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall prohibit any individual from paying any portion of the cost of treatment.

Sec. 9. Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost to the county of the care,

1 maintenance, and treatment of any alcoholic and shall  
2 keep an index of the names of the alcoholics admitted  
3 from such county for whose benefit county funds are  
4 expended pursuant to section one hundred twenty-five  
5 point twenty-eight (125.28) of the Code for those  
6 services."

H-6095 FILED  
RECEIVED FROM SENATE  
APRIL 1, 1976

*Have amended and referred to committee 4/15 (1965)  
Senate inserts 4/30 (1965)*

S-5322

1 Amend House File 1277 as amended and passed by  
2 the House by striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section one hundred twenty-five point  
5 two (125.2), Code 1975, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. "Residence" means the place where  
8 a person resides. For the purpose of determining  
9 which Iowa county, if any, is liable pursuant to this  
10 chapter for payment of costs attributable to its  
11 residents, the following rules shall apply:

12 a. If a person claims an Iowa homestead, then  
13 the person's residence shall be in the county where  
14 that homestead is claimed, irrespective of any other  
15 factors.

16 b. If paragraph a does not apply, and the person  
17 is provided or has obtained living quarters within  
18 this state in a house, apartment, or room other than  
19 one owned or operated as a transient facility,  
20 including but not limited to a hotel or motel, then  
21 the person's residence shall be in the county where  
22 those living quarters are located, irrespective of  
23 any other factors: However, this paragraph shall  
24 not apply to unemancipated persons under eighteen  
25 years of age who are wards of this state.

26 c. If paragraphs a and b do not apply, or, if  
27 the person is under eighteen years of age, is  
28 unemancipated, and is a ward of this state, then the  
29 person shall be unclassified with respect to county  
30 of residence, and payment of all costs shall be made  
31 by the division as provided in this chapter.

32 d. An unemancipated person under eighteen years  
33 of age who is not a ward of the state shall be deemed  
34 to reside where the parent having legal custody, or  
35 the legal guardian, or legal custodian of that person  
36 has residence as determined according to this  
37 subsection.

38 e. The provisions of this subsection shall not  
39 be used in any case to which section one hundred  
40 twenty-five point twenty-six (125.26) of the Code  
41 is applicable.

42 Sec. 2. Section one hundred twenty-five point  
43 thirteen (125.13), subsection four (4), Code 1975,  
44 is amended by adding the following new unnumbered  
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. The director may adopt,  
47 amend and repeal rules pursuant to chapter seventeen  
48 A (17A) of the Code prescribing record-keeping  
49 requirements and accounting procedures to be used  
50 by facilities. The director shall not approve any

1 facility, and shall not contract with any facility  
2 pursuant to section one hundred twenty-five point  
3 twenty-seven (125.27) of the Code, unless that facility  
4 agrees as a condition of such approval or such contract  
5 to comply with rules issued pursuant to this paragraph.  
6 However, rules issued pursuant to this paragraph shall  
7 not apply to any facility referred to in sections  
8 one hundred twenty-five point fourteen (125.14) or  
9 one hundred twenty-five point twenty-six (125.26)  
10 of the Code.

11 Sec. 3. Section one hundred twenty-five point  
12 twenty-seven (125.27), unnumbered paragraph two (2),  
13 Code 1975, is amended to read as follows:

14 The contract may be in such form and contain  
15 provisions as agreed upon by the parties. Such  
16 contract shall provide that the facility shall admit  
17 and treat alcoholics ~~whose legal settlement is in~~  
18 ~~counties other than the contracting county~~ regardless  
19 of where they have residence. If one payment for  
20 care, maintenance, and treatment is not made by the  
21 patient or those legally liable therefor within thirty  
22 days after discharge the payment shall be made by  
23 the division directly to the facility. Payments shall  
24 be made each month and shall be based upon the  
25 facility's average daily per patient charge.  
26 Provisions of this section shall not pertain to  
27 patients treated at the mental health institutes.

28 Sec. 4. Section one hundred twenty-five point  
29 twenty-seven (125.27), Code 1975, is amended by adding  
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31 NEW UNNUMBERED PARAGRAPH. Contracting facilities  
32 shall deliver to each patient upon discharge a  
33 statement of the costs of the care, maintenance and  
34 treatment for which that patient is liable, and shall  
35 retain a carbon copy or other similar copy of that  
36 statement for a period of not less than one year after  
37 the date of discharge of the patient to whom the  
38 statement refers. Every payment received by a  
39 contracting facility from or on behalf of a patient,  
40 whether received before or after costs have been  
41 billed to the division or to a county, shall be  
42 identified by the facility as to patient and invoice  
43 or statement, and shall be reported to the division.  
44 A contracting facility shall allow as a credit against  
45 a future billing to the division or to a county,  
46 payments received during each month from or on behalf  
47 of a patient whose care, maintenance and treatment  
48 theretofore has been billed to and paid by the division  
49 or a county. Failure by a contracting facility to  
50 comply with this paragraph, or with rules promulgated

1 pursuant to subsection four (4) of section one hundred  
2 twenty-five point thirteen (125.13) of the Code shall  
3 constitute grounds for nonrenewal of the contract.

4 Sec. 5. Section one hundred twenty-five point  
5 twenty-eight (125.28), Code 1975, is amended to read  
6 as follows:

7 125.28 COUNTIES TO SHARE COST. Except as provided  
8 in section 125.26, ~~counties~~ each county shall pay  
9 for the remaining twenty-five percent of the cost  
10 of the care, maintenance, and treatment under this  
11 chapter of an-alcoholic residents of that county from  
12 the county mental health and institutions fund as  
13 provided in section 444.12. The commission shall  
14 establish guidelines for use by the counties in  
15 estimating the amount of expense which the county  
16 will incur each year. The facility shall certify  
17 to the county of the-alcoholic's-legal-settlement  
18 residence once each month twenty-five percent of the  
19 unpaid cost of the care, maintenance, and treatment  
20 of an alcoholic. Such county shall pay the cost so  
21 certified to the facility from its county mental  
22 health and institutions fund. However, the approval  
23 of the board of supervisors shall be required before  
24 payment is made by a county for costs incurred which  
25 exceed a total of five hundred dollars for one year  
26 for treatment provided to any one alcoholic or  
27 intoxicated person, except that such approval is not  
28 required for the cost of treatment provided to an  
29 alcoholic or intoxicated person who is committed  
30 pursuant to sections 125.18 and 125.19. A facility  
31 may, upon approval of the board of supervisors, submit  
32 to a county a billing for the aggregate amount of  
33 all care, maintenance, and treatment of alcoholics  
34 who are residents of that county for each month.  
35 The board of supervisors may demand an itemization  
36 of such billings at any time or may audit the same.

37 Sec. 6. Section one hundred twenty-five point  
38 twenty-nine (125.29), Code 1975, is amended to read  
39 as follows:

40 125.29 ~~LEGAL-SETTLEMENT~~ COUNTY OF RESIDENCE  
41 DETERMINED. The facility shall, when an alcoholic  
42 is admitted, or as soon thereafter as it receives  
43 the proper information, determine and enter upon its  
44 records whether the legal-settlement Iowa county of  
45 residence of such alcoholic is-in-the-county-where  
46 the-facility-is-located,-or-in-some-other-county,  
47 state,-or-country,-or-is-unknown, or that the person  
48 resides in some other state or country, or that the  
49 person is unclassified with respect to residence.

50 Sec. 7. Section one hundred twenty-five point

1 thirty (125.30), Code 1975, is amended to read as  
2 follows:

3 125.30 ~~DISPUTED-SETTLEMENT~~ DISPUTES OVER PAYMENT.

4 In the event any county to which certification of  
5 the cost of care, maintenance, and treatment of an  
6 alcoholic is made, disputes that such alcoholic has  
7 his ~~legal-settlement~~ residence in that county, it  
8 shall immediately notify the facility that such dispute  
9 exists. The director shall immediately investigate  
10 the facts and determine in which county the patient  
11 has ~~legal-settlement~~ residence. The director shall  
12 certify his determination to the county, if any,  
13 wherein it is found the patient has legal-settlement  
14 residence and to the facility. The A county certified  
15 by the director to be the county of legal-settlement  
16 residence shall reimburse the facility as provided  
17 in this chapter. If the director finds that the legal  
18 settlement residence of an alcoholic at the time of  
19 admission was in another state or country or was  
20 unknown that the person is unclassified with respect  
21 to residence, then the division shall pay for that  
22 portion of his care, maintenance, and treatment that  
23 his county of legal-settlement residence would have  
24 been liable to pay. For purposes of this section,  
25 a "facility" does not include a mental health institute  
26 under the control of the department of social services.

27 Sec. 8. Section one hundred twenty-five point  
28 thirty-one (125.31), Code 1975, is amended to read  
29 as follows:

30 125.31 LEGAL LIABILITY FOR CARE. The alcoholic  
31 and any person, firm, corporation, or insurance company  
32 bound by contract to provide support, hospitalization,  
33 or medical services for the alcoholic shall be legally  
34 liable to the county of the alcoholic's ~~legal~~  
35 settlement residence for twenty-five percent of the  
36 total amount and to the division for seventy-five  
37 percent of the total amount of the cost of providing  
38 care, maintenance, and treatment for the alcoholic  
39 while a voluntary or committed patient in a facility,  
40 except when the state pays the total cost of care  
41 in which case liability of one hundred percent shall  
42 be to the state. Nothing in this section shall  
43 prohibit any individual from paying any portion of  
44 the cost of treatment.

45 Sec. 9. Section one hundred twenty-five point  
46 thirty-three (125.33), Code 1975, is amended to read  
47 as follows:

48 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The  
49 auditor of each county shall keep an accurate account  
50 of the total cost to the county of the care,

1 maintenance, and treatment of any alcoholic and shall  
2 keep an index of the names of the alcoholics admitted  
3 from such county for whose benefit county funds are  
4 expended pursuant to section one hundred twenty-five  
5 point twenty-eight (125.28) of the Code for those  
6 services."

REPORT OF THE CONFERENCE COMMITTEE

ON HOUSE FILE 1277

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1277, a bill for an Act relating to treatment of alcoholics and to the division of alcoholism of the department of health, respectfully make the following report:

1. That the Senate and House recede from their respective amendments;

2. That House File 1277 be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred twenty-five point two (125.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Residence" means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payment of costs attributable to its residents, the following rules shall apply:

a. If a person claims an Iowa homestead, then the person's residence shall be in the county where that homestead is claimed, irrespective of any other factors.

b. If paragraph a does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person's residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of

age who are wards of this state.

c. If paragraphs a and b do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the division as provided in this chapter.

d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.

e. The provisions of this subsection shall not be used in any case to which section one hundred twenty-five point twenty-six (125.26) of the Code is applicable.

Sec. 2. Section one hundred twenty-five point two (125.2), Code 1975, is amended by striking subsection eight (8).

Sec. 3. Section one hundred twenty-five point seven (125.7), subsection two (2), Code 1975, is amended to read as follows:

2. Approve the comprehensive alcoholism program, and the funding therefor, developed by the division pursuant to sections 125.1 to 125.26.

Sec. 4. Section one hundred twenty-five point nine (125.9), subsection one (1), Code 1975, is amended to read as follows:

1. Plan, establish and maintain treatment programs as necessary or desirable ~~with the approval of the commission~~ in accordance with the comprehensive alcoholism program.

Sec. 5. Section one hundred twenty-five point ten (125.10), subsections eight (8), nine (9), and eleven (11), Code 1975, are amended to read as follows:

8. Organize and ~~foster~~ implement, in cooperation with local treatment programs, training programs for all persons engaged in treatment of alcoholics and intoxicated persons.

9. Sponsor and ~~encourage~~ implement, in cooperation with local treatment programs, research into the causes and nature

of alcoholism and treatment of alcoholics and intoxicated persons, and serve as a clearing house for information relating to alcoholism.

~~11. Advise-the-commission-and-the-governor-in-the-preparation-of~~ Develop and implement, with the counsel and approval of the Commission, a comprehensive plan for treatment of alcoholics and intoxicated persons ~~for-inclusion-in-the-state's comprehensive-health,~~ said plan to be coordinated with health systems agencies.

Sec. 6. Section one hundred twenty-five point ten (125.10), subsection fifteen (15), Code 1975, is amended to read as follows:

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment, and may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.

Sec. 7. Section one hundred twenty-five point thirteen (125.13), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The commission shall establish rules pursuant to chapter seventeen A (17A) of the Code requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for alcoholism patients. No facility shall be approved nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the division, and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the division deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in sections one hundred twenty-five

point fourteen (125.14) or one hundred twenty-five point twenty-six (125.26) of the Code.

Sec. 8. Section one hundred twenty-five point seventeen (125.17), subsections one (1), two (2), and six (6), Code 1975, are amended to read as follows:

1. An intoxicated person may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by alcohol in a public place and in need of help may be taken to a facility by a peace officer ~~or-the-alcoholism-service-unit~~. If the person refuses the proffered help, he may be arrested and charged with intoxication.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer ~~or-the-alcoholism-service-unit~~, in detaining the person and in taking him to a facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. A taking into protective custody under this section is not an arrest and no entry or other record shall be made to indicate that the person who is taken into protective custody has been arrested or charged with a crime.

6. A peace officer ~~or-member-of-the-alcoholism-service-unit~~ who acts in compliance with this section is acting in the course of his official duty and is not criminally or civilly liable therefor, unless such acts constitute willful malice or abuse.

Sec. 9. Section one hundred twenty-five point eighteen (125.18), subsection three (3), Code 1975, is amended to read as follows:

3. Upon approval of the application by the administrator in charge of the facility, the person shall be brought to the facility by a peace officer, health officer, ~~alcoholism~~

~~service-unit~~, the applicant for commitment, the patient's spouse, the patient's guardian or any other interested person. The person shall be retained at the facility to which he was admitted, or transferred to another facility, until discharged under subsection 5.

Sec. 10. Section one hundred twenty-five point nineteen (125.19), subsection five (5), Code 1975, is amended to read as follows:

5. A person committed under this section shall remain in the custody of the division for treatment for a period of thirty days unless sooner discharged. This section shall not be construed to require the division to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of alcoholism.

At the end of the thirty-day period, he shall be discharged automatically unless the director before expiration of the period petitions the court for an order for his recommitment upon the grounds set forth in subsection 1 for a further period not to exceed ninety days.

Sec. 11. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

125.22 COMPOSITION OF FACILITIES' BOARDS--TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, no facility shall be approved pursuant to section one hundred twenty-five point thirteen (125.13) of the Code unless it is either a licensed hospital or a community mental health center operating under chapter two hundred thirty A (230A) of the Code, or it is organized under the Iowa nonprofit corporation Act appearing as chapter five hundred four A (504A) of the Code. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment

of alcoholism.

2. A local governmental unit which is providing funds to a facility for treatment of alcoholism may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section one hundred twenty-five point twenty-eight (125.28) of the Code.

Sec. 12. Section one hundred twenty-five point twenty-seven (125.27), unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

The director ~~shall~~ may, consistent with the comprehensive alcoholism program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of an alcoholic. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide that the facility shall admit and treat alcoholics ~~whose legal settlement is in counties other than the contracting county~~ regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after discharge the payment shall be made by the division directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge. Provisions of this section shall not pertain to patients treated at the mental health institutes.

Sec. 13. Section one hundred twenty-five point twenty-seven (125.27), Code 1975, is amended by adding the follow-

ing new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the division or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the division. A contracting facility shall allow as a credit against a future billing to the division or to a county, payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the division or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated pursuant to subsection four (4) of section one hundred twenty-five point thirteen (125.13) of the Code shall constitute grounds for nonrenewal of the contract.

Sec. 14. Section one hundred twenty-five point twenty-eight (125.28), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4), is amended to read as follows:

125.28 COUNTIES TO SHARE COST. Except as provided in section 125.26, counties each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of ~~an alcoholic~~ residents of that county from the county mental health and institutions fund as provided in section 444.12. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the

county of ~~the-alcoholic's-legal-settlement~~ residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of an alcoholic. Such county shall pay the cost so certified to the facility from its county mental health and institutions fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one alcoholic or intoxicated person, except that such approval is not required for the cost of treatment provided to an alcoholic or intoxicated person who is committed pursuant to sections 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of alcoholics who are residents of that county for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same.

Sec. 15. Section one hundred twenty-five point twenty-nine (125.29), Code 1975, is amended to read as follows:

125.29 ~~BEGAL-SETTLEMENT~~ COUNTY OF RESIDENCE DETERMINED. The facility shall, when an alcoholic is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records whether the ~~legal-settlement Iowa county of residence of such alcoholic is-in-the-county-where the-facility-is-located,-or-in-some-other-county,-state,-or country,-or-is-unknown,~~ or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 16. Section one hundred twenty-five point thirty (125.30), Code 1975, is amended to read as follows:

125.30 ~~DISPUTED-SETTLEMENT~~ DISPUTES OVER PAYMENT. In the event any county to which certification of the cost of care, maintenance, and treatment of an alcoholic is made, disputes that such alcoholic has his ~~legal-settlement~~ residence in that county, it shall immediately notify the facility that

such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has ~~legal-settlement~~ residence. The director shall certify his determination to the county, if any, wherein it is found the patient has ~~legal-settlement~~ residence and to the facility. ~~The~~ A county certified by the director to be the county of ~~legal-settlement~~ residence shall reimburse the facility as provided in this chapter. If the director finds that the ~~legal-settlement~~ residence of an alcoholic at the time of admission was in another state or country or ~~was-unknown~~ that the person is unclassified with respect to residence, then the division shall pay for that portion of his care, maintenance, and treatment that his county of ~~legal-settlement~~ residence would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of social services.

Sec. 17. Section one hundred twenty-five point thirty-one (125.31), Code 1975, is amended to read as follows:

125.31 LEGAL LIABILITY FOR CARE. The alcoholic and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic shall be legally liable to the county of the alcoholic's ~~legal-settlement~~ residence for twenty-five percent of the total amount and to the division for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall prohibit any individual from paying any portion of the cost of treatment.

The estate of each nonresident person provided care, maintenance or treatment while a voluntary or committed patient in a facility, and all persons legally bound for the support

of such a person, shall be legally liable to the state for reasonable costs paid by the division under this chapter for the care, maintenance and treatment of the person in a facility. The certificate of the director of the division showing the amounts paid or due to be paid by the division for such care, maintenance and treatment shall be presumptive evidence of the reasonableness of the costs of the care, maintenance and treatment provided.

Sec. 18. Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost to the county of the care, maintenance, and treatment of any alcoholic and shall keep an index of the names of the alcoholics admitted from such county for whose benefit county funds are expended pursuant to section one hundred twenty-five point twenty-eight (125.28) of the Code for those services.

Sec. 19. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1975, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.26 and designated by the division on alcoholism. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section shall be considered a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state.

Sec. 20. Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new

subsection:

NEW SUBSECTION. To require that any person, agency or organization which is not a part of the county government, but which is receiving funds from the county to pay in whole or in part for services furnished to third parties, must submit to audit by auditors assigned or employed for the purpose by the board. Upon request by the board, the person, agency or organization to be audited under this subsection shall make available all pertinent books, records and documents needed for the audit.

Sec. 21. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is repealed."

3. That the title be amended by striking lines 1 through 3 and inserting in lieu thereof the words "An Act relating to the care, maintenance and treatment pursuant to chapter one hundred twenty-five (125) of the Code of persons suffering the effects of alcohol, and providing standards for the approval and funding of programs, the approval and oversight of facilities, the procedures for assisting intoxicated persons, and the assessment, acceptance and payment, by the state and counties, of certain charges imposed by facilities for providing care, maintenance and treatment services."

ON THE PART OF THE HOUSE:

C. W. Hutchins, Chair  
Gregory D. Cusack  
Ingwer L. Hansen  
James C. West

ON THE PART OF THE SENATE:

Charles P. Miller, Chair  
Cloyd E. Robinson  
Kenneth D. Scott  
Richard R. Ramsey  
Ray Taylor

FILED, ADOPTED  
MAY 25, 1976

*Senate adopted 5/25*  
*House " 5/25 (3138)*

REPORT OF THE CONFERENCE COMMITTEE ON  
HOUSE FILE 1277.

To the President of the Senate and the Speaker of the  
House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1277, an Act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

ON THE PART OF THE HOUSE:      ON THE PART OF THE SENATE:

C. W. Hutchins, Chair  
Keith Baker  
Gregory Cusack  
I. Hansen  
James C. West

Charles P. Miller, Chair  
Cloyd Robinson  
Kenneth Scott  
Richard Ramsey  
Ray Taylor

FILED  
MAY 20, 1976

HOUSE FILE 1277

AN ACT

RELATING TO THE CARE, MAINTENANCE AND TREATMENT PURSUANT TO CHAPTER ONE HUNDRED TWENTY-FIVE (125) OF THE CODE OF PERSONS SUFFERING THE EFFECTS OF ALCOHOL, AND PROVIDING STANDARDS FOR THE APPROVAL AND FUNDING OF PROGRAMS, THE APPROVAL AND OVERSIGHT OF FACILITIES, THE PROCEDURES FOR ASSISTING INTOXICATED PERSONS, AND THE ASSESSMENT, ACCEPTANCE AND PAYMENT, BY THE STATE AND COUNTIES, OF CERTAIN CHARGES IMPOSED BY FACILITIES FOR PROVIDING CARE, MAINTENANCE AND TREATMENT SERVICES.

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

Section 1. Section one hundred twenty-five point two (125.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Residence" means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payment of costs attributable to its residents, the following rules shall apply:

a. If a person claims an Iowa homestead, then the person's residence shall be in the county where that homestead is claimed, irrespective of any other factors.

b. If paragraph a does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person's residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of age who are wards of this state.

c. If paragraphs a and b do not apply, or, if the person

is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the division as provided in this chapter.

d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.

e. The provisions of this subsection shall not be used in any case to which section one hundred twenty-five point twenty-six (125.26) of the Code is applicable.

Sec. 2. Section one hundred twenty-five point two (125.2), Code 1975, is amended by striking subsection eight (8).

Sec. 3. Section one hundred twenty-five point seven (125.7), subsection two (2), Code 1975, is amended to read as follows:

2. Approve the comprehensive alcoholism program, and the funding therefor, developed by the division pursuant to sections 125.1 to 125.26.

Sec. 4. Section one hundred twenty-five point nine (125.9), subsection one (1), Code 1975, is amended to read as follows:

1. Plan, establish and maintain treatment programs as necessary or desirable ~~with the approval of the commission~~ in accordance with the comprehensive alcoholism program.

Sec. 5. Section one hundred twenty-five point ten (125.10), subsections eight (8), nine (9), and eleven (11), Code 1975, are amended to read as follows:

8. Organize and ~~foster~~ implement, in cooperation with local treatment programs, training programs for all persons engaged in treatment of alcoholics and intoxicated persons.

9. Sponsor and ~~encourage~~ implement, in cooperation with local treatment programs, research into the causes and nature of alcoholism and treatment of alcoholics and intoxicated persons, and serve as a clearing house for information relating

to alcoholism.

11. ~~Advise the commission and the governor in the preparation of~~ Develop and implement, with the counsel and approval of the Commission, a comprehensive plan for treatment of alcoholics and intoxicated persons ~~for inclusion in the state's comprehensive health, said plan to be coordinated with health systems agencies.~~

Sec. 6. Section one hundred twenty-five point ten (125.10), subsection fifteen (15), Code 1975, is amended to read as follows:

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment, and may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.

Sec. 7. Section one hundred twenty-five point thirteen (125.13), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The commission shall establish rules pursuant to chapter seventeen A (17A) of the Code requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for alcoholism patients. No facility shall be approved nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the division, and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the division deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in sections one hundred twenty-five point fourteen (125.14) or one hundred twenty-five point twenty-six (125.26) of the Code.

Sec. 8. Section one hundred twenty-five point seventeen (125.17), subsections one (1), two (2), and six (6), Code 1975, are amended to read as follows:

1. An intoxicated person may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by alcohol in a public place and in need of help may be taken to a facility by a peace officer ~~or the alcoholism service unit.~~ If the person refuses the proffered help, he may be arrested and charged with intoxication.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer ~~or the alcoholism service unit,~~ in detaining the person and in taking him to a facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. A taking into protective custody under this section is not an arrest and no entry or other record shall be made to indicate that the person who is taken into protective custody has been arrested or charged with a crime.

6. A peace officer ~~or member of the alcoholism service unit~~ who acts in compliance with this section is acting in the course of his official duty and is not criminally or civilly liable therefor, unless such acts constitute willful malice or abuse.

Sec. 9. Section one hundred twenty-five point eighteen (125.18), subsection three (3), Code 1975, is amended to read as follows:

3. Upon approval of the application by the administrator in charge of the facility, the person shall be brought to the facility by a peace officer, health officer, ~~alcoholism service unit,~~ the applicant for commitment, the patient's spouse, the patient's guardian or any other interested person.

The person shall be retained at the facility to which he was admitted, or transferred to another facility, until discharged under subsection 5.

Sec. 10. Section one hundred twenty-five point nineteen (125.19), subsection five (5), Code 1975, is amended to read as follows:

5. A person committed under this section shall remain in the custody of the division for treatment for a period of thirty days unless sooner discharged. This section shall not be construed to require the division to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of alcoholism. At the end of the thirty-day period, he shall be discharged automatically unless the director before expiration of the period petitions the court for an order for his recommitment upon the grounds set forth in subsection 1 for a further period not to exceed ninety days.

Sec. 11. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

125.22 COMPOSITION OF FACILITIES' BOARDS--TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, no facility shall be approved pursuant to section one hundred twenty-five point thirteen (125.13) of the Code unless it is either a licensed hospital or a community mental health center operating under chapter two hundred thirty A (230A) of the Code, or it is organized under the Iowa nonprofit corporation Act appearing as chapter five hundred four A (504A) of the Code. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment of alcoholism.

2. A local governmental unit which is providing funds

to a facility for treatment of alcoholism may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section one hundred twenty-five point twenty-eight (125.28) of the Code.

Sec. 12. Section one hundred twenty-five point twenty-seven (125.27), unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

The director ~~shall~~ may, consistent with the comprehensive alcoholism program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of an alcoholic. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide that the facility shall admit and treat alcoholics ~~whose legal settlement is in counties other than the contracting county regardless of where they have residence.~~ If one payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after discharge the payment shall be made by the division directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge. Provisions of this section shall not pertain to patients treated at the mental health institutes.

Sec. 13. Section one hundred twenty-five point twenty-seven (125.27), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Contracting facilities shall

deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the division or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the division. A contracting facility shall allow as a credit against a future billing to the division or to a county, payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the division or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated pursuant to subsection four (4) of section one hundred twenty-five point thirteen (125.13) of the Code shall constitute grounds for nonrenewal of the contract.

Sec. 14. Section one hundred twenty-five point twenty-eight (125.28), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4), is amended to read as follows:

125.28 COUNTRIES TO SHARE COST. Except as provided in section 125.26, counties each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of an alcoholic residents of that county from the county mental health and institutions fund as provided in section 444.12. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of the alcoholic's legal settlement residence once each month twenty-five percent of the unpaid cost of the care,

maintenance, and treatment of an alcoholic. Such county shall pay the cost so certified to the facility from its county mental health and institutions fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one alcoholic or intoxicated person, except that such approval is not required for the cost of treatment provided to an alcoholic or intoxicated person who is committed pursuant to sections 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of alcoholics who are residents of that county for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same.

Sec. 15. Section one hundred twenty-five point twenty-nine (125.29), Code 1975, is amended to read as follows:

125.29 ~~LEGAL SETTLEMENT~~ COUNTY OF RESIDENCE DETERMINED. The facility shall, when an alcoholic is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records whether the legal settlement Iowa county of residence of such alcoholic is in the county where the facility is located, or in some other county, state, or country, or is unknown, or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 16. Section one hundred twenty-five point thirty (125.30), Code 1975, is amended to read as follows:

125.30 ~~DISPUTED SETTLEMENT~~ DISPUTES OVER PAYMENT. In the event any county to which certification of the cost of care, maintenance, and treatment of an alcoholic is made, disputes that such alcoholic has his legal settlement residence in that county, it shall immediately notify the facility that such dispute exists. The director shall immediately investigate the facts and determine in which county the patient

has legal-settlement residence. The director shall certify his determination to the county, if any, wherein it is found the patient has legal-settlement residence and to the facility. ~~The~~ A county certified by the director to be the county of legal-settlement residence shall reimburse the facility as provided in this chapter. If the director finds that the legal-settlement residence of an alcoholic at the time of admission was in another state or country or ~~was-unknown that~~ the person is unclassified with respect to residence, then the division shall pay for that portion of his care, maintenance, and treatment that his county of legal-settlement residence would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of social services.

Sec. 17. Section one hundred twenty-five point thirty-one (125.31), Code 1975, is amended to read as follows:

125.31 LEGAL LIABILITY FOR CARE. The alcoholic and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic shall be legally liable to the county of the alcoholic's legal-settlement residence for twenty-five percent of the total amount and to the division for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall prohibit any individual from paying any portion of the cost of treatment.

The estate of each nonresident person provided care, maintenance or treatment while a voluntary or committed patient in a facility, and all persons legally bound for the support of such a person, shall be legally liable to the state for reasonable costs paid by the division under this chapter for

the care, maintenance and treatment of the person in a facility. The certificate of the director of the division showing the amounts paid or due to be paid by the division for such care, maintenance and treatment shall be presumptive evidence of the reasonableness of the costs of the care, maintenance and treatment provided.

Sec. 18. Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost to the county of the care, maintenance, and treatment of any alcoholic and shall keep an index of the names of the alcoholics ~~admitted-from-such-county~~ for whose benefit county funds are expended pursuant to section one hundred twenty-five point twenty-eight (125.28) of the Code for those services.

Sec. 19. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1975, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.26 and designated by the division on alcoholism. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section shall be considered a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state.

Sec. 20. Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. To require that any person, agency or

organization which is not a part of the county government, but which is receiving funds from the county to pay in whole or in part for services furnished to third parties, must submit to audit by auditors assigned or employed for the purpose by the board. Upon request by the board, the person, agency or organization to be audited under this subsection shall make available all pertinent books, records and documents needed for the audit.

Sec. 21. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is repealed.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1277, Sixty-sixth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved June 26, 1976

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ROBERT D. RAY  
Governor