

H, Pass 4/c

FEB 27 1976

HOUSE FILE 1436

Place On Calendar

BY COMMITTEE ON EDUCATION

Passed House, Date 3-11-76 (7117) Passed Senate, Date 4-8-76 (1240)

Vote: Ayes 79 Nays 4 Vote: Ayes 44 Nays 0

Approved 5-20-76

Motion to reconsider filed 3/11 (1123) w. 2 3/20 (1476) Re-passed Senate 4-21-76 (1233) +7-0

A BILL FOR

- 1 An Act relating to the state psychopathic hospital.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3

H-5781

- 1 Amend House File 1436 as follows:
- 2 1. Page 9, line 30, by striking the words
- 3 "~~medical-director-of-the~~" and inserting in lieu
- 4 thereof the words "medical director of the".
- 5 2. Page 9, line 33, by striking the words
- 6 "~~director hospital~~" and inserting in lieu
- 7 thereof the word "director".
- 8 3. Page 9, line 35, by striking the words
- 9 "~~by-the-director~~" and inserting in lieu thereof
- 10 the words "by the director".

H-5781 FILED BY LIPSKY of Linn
MARCH 16, 1976

S-5483

- 1 Amend House File 1436 as passed by the House as
- 2 follows:
- 3 1. Page 9, line 30, by striking the words
- 4 "~~medical-director-of-the~~" and inserting in lieu
- 5 thereof the words "medical director of the".
- 6 2. Page 9, line 33, by striking the words
- 7 "~~director hospital~~" and inserting in lieu thereof
- 8 the word "director".
- 9 3. Page 9, line 35, by striking the words
- 10 "~~by-the-director~~" and inserting in lieu thereof the
- 11 words "by the director".

S-5483 FILED & ADOPTED (1245)
APRIL 8, 1976 *as amended by 5490*

BY ELIZABETH SHAW

1 Section 1. Section two hundred twenty-five point one
2 (225.1), Code 1975, is amended to read as follows:

3 225.1 ESTABLISHMENT. There shall be established a state
4 ~~psychopathic~~ psychiatric hospital, especially designed, kept,
5 and administered for the care, observation, and treatment
6 of those persons who are afflicted with abnormal mental
7 conditions.

8 Sec. 2. Section two hundred twenty-five point two (225.2),
9 Code 1975, is amended to read as follows:

10 225.2 NAME--LOCATION. It shall be known as the state
11 ~~psychopathic~~ psychiatric hospital, and shall be located at
12 Iowa City, and integrated with the college of medicine and
13 hospital of the state University of Iowa.

14 Sec. 3. Section two hundred twenty-five point five (225.5),
15 Code 1975, is amended to read as follows:

16 225.5 CO-OPERATION OF HOSPITALS. The medical director
17 of the ~~said~~ state psychiatric hospital shall seek to bring
18 about systematic co-operation between the several state
19 hospitals for the mentally ill and the ~~said~~ state ~~psychopathic~~
20 psychiatric hospital.

21 Sec. 4. Section two hundred twenty-five point seven
22 (225.7), Code 1975, is amended to read as follows:

23 225.7 CLASSES OF PATIENTS. Patients admitted to the ~~said~~
24 state ~~psychopathic~~ psychiatric hospital shall be divided into
25 four classes:

- 26 1. Voluntary private patients.
- 27 2. Committed private patients.
- 28 3. Voluntary public patients.
- 29 4. Committed public patients.

30 Sec. 5. Section two hundred twenty-five point ten (225.10),
31 Code 1975, as amended by Acts of the Sixty-sixth General
32 Assembly, 1975 Session, chapter one hundred thirty-nine (139),
33 section forty-two (42), is amended to read as follows:

34 225.10 VOLUNTARY PUBLIC PATIENTS. Persons suffering from
35 mental diseases may be admitted as voluntary public patients

1 as follows: Any physician authorized to practice medicine,
2 osteopathy or osteopathic medicine in the state of Iowa may
3 file information with any district court of the state or with
4 any judge thereof, stating that the physician has examined
5 the person named therein and finds that the person is suffer-
6 ing from some abnormal mental condition that can probably
7 be remedied by observation, treatment, and hospital care;
8 that the physician believes it would be appropriate for the
9 person to enter the state psychopathic psychiatric hospital
10 for that purpose and that the person is willing to do so;
11 and that neither the person nor those legally responsible
12 for the person are able to provide the means for such
13 observation and hospital care.

14 Sec. 6. Section two hundred twenty-five point eleven
15 (225.11), Code 1975, as amended by Acts of the Sixty-sixth
16 General Assembly, 1975 Session, chapter one hundred thirty-
17 nine (139), section forty-three (43), is amended to read as
18 follows:

19 225.11 INITIATING COMMITMENT PROCEDURES. When a court
20 finds upon completion of a hearing held pursuant to section
21 twelve (12) of this Act that the contention that a respondent
22 is seriously mentally impaired has been sustained by clear
23 and convincing evidence, and the application filed under sec-
24 tion six (6) of this Act also contends or the court otherwise
25 concludes that it would be appropriate to refer the respon-
26 dent to the state psychopathic psychiatric hospital for a
27 complete psychiatric evaluation and appropriate treatment
28 pursuant to section thirteen (13) of this Act, the judge may
29 order that a financial investigation be made in the manner
30 prescribed by section two hundred twenty-five point thirteen
31 (225.13) of the Code.

32 Sec. 7. Section two hundred twenty-five point fourteen
33 (225.14), Code 1975, as amended by Acts of the Sixty-sixth
34 General Assembly, 1975 Session, chapter one hundred thirty-
35 nine (139), section forty-six (46), is amended to read as

1 follows:

2 225.14 FINDING AND ORDER. Upon the filing of the report
3 of a financial investigation made pursuant to an order issued
4 under section two hundred twenty-five point eleven (225.11)
5 of the Code, the judge of the district court as aforesaid
6 shall review it and make a determination in the matter. If
7 the judge finds that the respondent is an appropriate subject
8 for referral to the state psychopathic psychiatric hospital,
9 and that the respondent and those legally responsible for
10 him or her are unable to pay the expenses thereof, the judge
11 shall enter an order directing that the respondent shall be
12 sent to the state psychopathic psychiatric hospital at the
13 state University of Iowa for observation, treatment, and
14 hospital care as a committed public patient.

15 Sec. 8. Section two hundred twenty-five point fifteen
16 (225.15), Code 1975, as amended by Acts of the Sixty-sixth
17 General Assembly, 1975 Session, chapter one hundred thirty-
18 nine (139), section forty-seven (47), is amended to read as
19 follows:

20 225.15 EXAMINATION AND TREATMENT. When the respondent
21 arrives at the state psychopathic psychiatric hospital it
22 shall be the duty of the ~~director, or of some physician acting~~
23 ~~for him, admitting physician~~ to examine the respondent and
24 determine whether or not, in the physician's judgment, the
25 patient is a fit subject for such observation, treatment,
26 and hospital care. If, upon examination, the physician decides
27 that such patient should be admitted to the hospital, ~~the~~
28 ~~medical director shall provide the patient with~~ the patient
29 shall be provided a proper bed in the hospital; and the
30 physician ~~or surgeon~~ who shall have charge of the patient
31 shall proceed with such observation, medical ~~or surgical~~
32 treatment, and hospital care as in the physician's judgment
33 are proper and necessary, in compliance with sections thirteen
34 (13) through sixteen (16) of this Act.

35 Sec. 9. Section two hundred twenty-five point sixteen

1 (225.16), unnumbered paragraph one (1), Code 1975, as amended
2 by Acts of the Sixty-sixth General Assembly, 1975 Session,
3 chapter one hundred thirty-nine (139), section forty-eight
4 (48), is amended to read as follows:

5 If the judge of the district court, or the clerk of the
6 court, as aforesaid, finds from the physician's information
7 which was filed under the provisions of section two hundred
8 twenty-five point ten (225.10) of the Code, that it would
9 be appropriate for the person to enter the state ~~psychopathic~~
10 psychiatric hospital, and the report of the county attorney
11 shows that neither the person nor those legally responsible
12 for him or her are able to pay the expenses thereof, or are
13 able to pay only a part of the expenses, the judge or clerk
14 shall enter an order directing that the person shall be sent
15 to the state ~~psychopathic~~ psychiatric hospital at the state
16 University of Iowa for observation, treatment, and hospital
17 care as a voluntary public patient.

18 Sec. 10. Section two hundred twenty-five point seventeen
19 (225.17), unnumbered paragraph one (1), Code 1975, as amended
20 by Acts of the Sixty-sixth General Assembly, 1975 Session,
21 chapter one hundred thirty-nine (139), section forty-nine
22 (49), is amended to read as follows:

23 If the judge of the district court finds upon the review
24 and determination made under the provisions of section 225.14
25 that the respondent is an appropriate subject for placement
26 at the state ~~psychopathic~~ psychiatric hospital, and that the
27 respondent or those legally responsible for him or her are
28 able to pay the expenses thereof, the judge shall enter an
29 order directing that the respondent shall be sent to the state
30 ~~psychopathic~~ psychiatric hospital at the state University
31 of Iowa for observation, treatment, and hospital care as a
32 committed private patient.

33 Sec. 11. Section two hundred twenty-five point eighteen
34 (225.18), Code 1975, is amended to read as follows:

35 225.18 ATTENDANTS. The court or clerk may, in his or

1 her discretion, appoint some person to accompany said the
2 committed public patient or said the voluntary public patient
3 or said the committed private patient from the place where
4 he the patient may be to the state psychopathic psychiatric
5 hospital of the state University at Iowa City, or to accompany
6 such patient from the said hospital to such place as may be
7 designated by the court or clerk. If the patient be is a
8 female, the person appointed to accompany her must be a woman.

9 Sec. 12. Section two hundred twenty-five point twenty
10 (225.20), Code 1975, as amended by Acts of the Sixty-sixth
11 General Assembly, 1975 Session, chapter one hundred thirty-
12 nine (139), section fifty (50), is amended to read as follows:

13 225.20 COMPENSATION FOR PHYSICIAN. The physician making
14 the examination on which is based any information filed under
15 section two hundred twenty-five point ten (225.10) of the
16 Code shall receive such sum as the court may direct for each
17 and every examination information so made, and his the actual
18 necessary expenses incurred by the physician in making such
19 examination, in conformity with the requirements of this
20 chapter, if the person named in the information is referred
21 to the state psychopathic psychiatric hospital.

22 Sec. 13. Section two hundred twenty-five point twenty-
23 two (225.22), Code 1975, is amended to read as follows:

24 225.22 LIABILITY OF PRIVATE PATIENTS--PAYMENT. Every
25 committed private patient, if he the patient has an estate
26 sufficient for that purpose, or if those legally responsible
27 for his the patient's support are financially able, shall
28 be liable to the county and state for all expenses paid by
29 them in behalf of such patient. All bills for the care,
30 nursing, observation, treatment, medicine, and maintenance
31 of such patients shall be paid by the state comptroller in
32 the same manner as those of committed and voluntary public
33 patients as hereinafter provided in this chapter, unless said
34 the patient or those legally responsible for him the patient
35 make such settlement with the ~~medical-director-of-said~~ state

1 ~~psychopathic~~ psychiatric hospital.

2 Sec. 14. Section two hundred twenty-five point twenty-
3 three (225.23), Code 1975, is amended to read as follows:

4 225.23 COLLECTION FOR TREATMENT. If the bills for such
5 patient are paid by the state, it shall be the duty of the
6 ~~medical-director-of-the-said~~ state ~~psychopathic~~ psychiatric
7 hospital to file a certified copy of the claim which has been
8 so paid, with the auditor of the proper county, who shall
9 proceed to collect the same by action, if necessary, in the
10 name of the state ~~psychopathic~~ psychiatric hospital, and when
11 collected pay the same to the state comptroller. The ~~said~~
12 ~~medical-director~~ hospital shall also, at the same time, forward
13 a duplicate of the account to the state comptroller.

14 Sec. 15. Section two hundred twenty-five point twenty-
15 five (225.25), Code 1975, is amended to read as follows:

16 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC. If any
17 patient be is admitted to the state ~~psychopathic~~ psychiatric
18 hospital and thereafter an order of commitment of ~~said the~~
19 patient as a public patient be is made by the court or judge
20 or clerk having jurisdiction thereof, the expense of keeping
21 and maintaining ~~said the~~ patient from the date of the filing
22 of the information upon which ~~said the~~ order is made shall
23 be paid by the state.

24 Sec. 16. Section two hundred twenty-five point twenty-
25 seven (225.27), Code 1975, as amended by Acts of the Sixty-
26 sixth General Assembly, 1975 Session, chapter one hundred
27 thirty-nine (139), section fifty-one (51), is amended to read
28 as follows:

29 225.27 DISCHARGE--TRANSFER. The ~~medical-director-of-the~~
30 state ~~psychopathic~~ psychiatric hospital may, at any time,
31 discharge any patient as recovered, as improved, or as not
32 likely to be benefited by further treatment. If the patient
33 being so discharged was involuntarily hospitalized, the
34 ~~director~~ hospital shall notify the committing judge or court
35 thereof as required by section fourteen (14), subsection three

1 (3), or section sixteen (16) of this Act, whichever is
2 applicable. The court or judge shall, if necessary, appoint
3 some person to accompany the discharged patient from the state
4 ~~psychopathic~~ psychiatric hospital to such place as the ~~director~~
5 hospital or the court may designate, or authorize the ~~medical~~
6 ~~director~~ hospital to appoint such attendant.

7 Sec. 17. Section two hundred twenty-five point twenty-
8 eight (225.28), Code 1975, is amended to read as follows:

9 225.28 APPROPRIATION. The state shall pay to the state
10 ~~psychopathic~~ psychiatric hospital, out of any money in the
11 state treasury not otherwise appropriated, all expenses for
12 the administration of ~~said~~ the hospital, and for the care,
13 treatment, and maintenance of committed and voluntary public
14 patients therein, including their clothing and all other
15 expenses of ~~said~~ the hospital for ~~said~~ the public patients.
16 The bills for ~~said~~ the expenses shall be rendered monthly
17 in accordance with rules agreed upon by the state comptroller
18 and the state board of regents.

19 Sec. 18. Section two hundred twenty-five point thirty
20 (225.30), Code 1975, as amended by Acts of the Sixty-sixth
21 General Assembly, 1975 Session, chapter one hundred thirty-
22 nine (139), section fifty-two (52), is amended to read as
23 follows:

24 225.30 BLANKS--AUDIT. The medical faculty of the hospital
25 of the college of medicine of the state University of Iowa
26 shall prepare blanks containing such questions and requiring
27 such information as may be necessary and proper to be obtained
28 by the physician who examines a person or respondent whose
29 referral to the state ~~psychopathic~~ psychiatric hospital is
30 contemplated. A judge may request that a physician who
31 examines a respondent as required by section ten (10) of this
32 Act complete such blanks in duplicate in the course of the
33 examination. A physician who proposes to file an information
34 under section two hundred twenty-five point ten (225.10) of
35 the Code shall obtain and complete such blanks in duplicate

1 and file them with the information. The blanks shall be
2 printed by the state and a supply thereof shall be sent to
3 the clerk of each district court of the state. The state
4 comptroller shall audit, allow, and pay the cost of the blanks
5 as other bills for public printing are allowed and paid.

6 Sec. 19. Section two hundred twenty-five point thirty-
7 two (225.32), Code 1975, is amended to read as follows:

8 225.32 REPORT AND ORDER TO ACCOMPANY PATIENT. One of
9 said the duplicate reports shall be sent to the state
10 ~~psychopathic~~ psychiatric hospital with the patient, together
11 with a certified copy of the order of the court.

12 Sec. 20. Section two hundred twenty-five point thirty-
13 three (225.33), Code 1975, is amended to read as follows:

14 225.33 DEATH OF PATIENT--DISPOSAL OF BODY. In the event
15 that a committed public patient or a voluntary public patient
16 or a committed private patient should die while at the state
17 ~~psychopathic~~ psychiatric hospital or at the general hospital
18 of the college of medicine of the state University of Iowa,
19 ~~the medical-director-of-the-said~~ state ~~psychopathic~~ psychiatric
20 ~~hospital is-hereby-authorized-and-directed-to~~ shall have the
21 body prepared for shipment in accordance with the rules and
22 ~~regulations~~ prescribed by the state board of health for
23 shipping such bodies; and it shall be the duty of the state
24 board of regents to make arrangements for the embalming and
25 such other preparation as may be necessary to comply with
26 said the ~~rules and-regulations,~~ and for the purchase of
27 suitable caskets.

28 Sec. 21. Section two hundred twenty-five point thirty-
29 four (225.34), Code 1975, is amended to read as follows:

30 225.34 APPROPRIATION. The state shall pay, to the state
31 ~~psychopathic~~ psychiatric hospital, out of any money in the
32 state treasury not otherwise appropriated, the cost of the
33 casket, the embalming, and all other expenses incurred in
34 preparing the body for shipment, and, in addition thereto,
35 the cost of transportation from Iowa City to the place where

1 the ~~said~~ patient lived at the time when he the patient was
2 committed or taken to the ~~said~~ state psychopathic psychiatric
3 hospital, ~~said-expenses-to-be-paid-in-accordance-with-the~~
4 ~~provisions-of-section-225-28.~~

5 Sec. 22. Section two hundred twenty-five point forty-three
6 (225.43), Code 1975, is amended to read as follows:

7 225.43 MENTAL HEALTH RESEARCH FUND. There is hereby
8 created as a permanent fund in the office of the treasurer
9 of state to be known as the mental health research fund, and
10 for the purpose of establishing and maintaining ~~said~~ the fund
11 for each fiscal year ~~beginning-July-1-1957~~, there is
12 appropriated thereto from funds in the general fund, not
13 otherwise appropriated, the sum of seventy-five thousand
14 dollars. Any balance in ~~said~~ the fund on June 30 of ~~the~~
15 ~~second~~ each fiscal year shall revert to the general fund.

16 Sec. 23. Section two hundred twenty-five point forty-four
17 (225.44), Code 1975, is amended to read as follows:

18 225.44 PURPOSE OF FUND. The purpose of the ~~said~~ mental
19 health research fund is to provide for improvement in the
20 care, diagnosis and treatment of adults and children afflicted
21 with mental or emotional illness or mental retardation, and
22 for the prevention thereof, through research and study at
23 the state psychopathic psychiatric hospital, the mental health
24 institutes, hospital for epileptics and schools for mentally
25 retarded.

26 Sec. 24. Section two hundred twenty-five point forty-five
27 (225.45), Code 1975, is amended to read as follows:

28 225.45 APPROVAL OF USE BY BOARD OF REGENTS. Money from
29 the mental health research fund shall be requisitioned for
30 research projects by the ~~medical-director-of-the~~ state
31 psychopathic psychiatric hospital after consultation with
32 the professional co-ordination board and any special research
33 study committee that the ~~said-director~~ hospital appoints or
34 employs to evaluate any given research project or activity.
35 Such requisitions shall be filed ~~by-the-director~~ with the

1 state board of regents. Approval of such requisitions by
2 the state board of regents shall be authority for the state
3 comptroller to issue a warrant upon the mental health research
4 fund payable to the agency or agencies conducting the research.

5 Sec. 25. Acts of the Sixty-sixth General Assembly, 1975
6 Session, chapter one hundred thirty-nine (139), section one
7 (1), subsection eight (8), paragraph b, is amended to read
8 as follows:

9 b. The state psychopathic psychiatric hospital established
10 by chapter two hundred twenty-five (225) of the Code; or

11 Sec. 26. Sections two hundred twenty-five point four
12 (225.4), two hundred twenty-five point six (225.6), and two
13 hundred twenty-five point twenty-nine (225.29), Code 1975,
14 are repealed.

15 EXPLANATION

16 This bill changes the name of the state psychopathic hos-
17 pital to the state psychiatric hospital. References to the
18 medical director of the hospital are deleted to allow the
19 state board of regents to designate and determine the duties
20 of its employees. References to the mental health research
21 fund are updated to reflect actual practice. A standing
22 appropriation to the hospital of \$9,000 a month until such
23 time as the hospital is caring for one hundred persons is
24 repealed.

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LSB 4069L
dd/jw/5

S-5490

1 Amend amendment S-5483 to House File 1436, page
2 1, by inserting after line 11 the following amendment:
3 "_____. Page 10, lines 11 and 12, by striking the
4 words and numerals "two hundred twenty-five point
5 four (225.4),".

S-5490 FILED & ADOPTED (1240)
APRIL 8, 1976

BY ELIZABETH SHAW

SENATE AMENDMENT TO HOUSE FILE 1436

H-6267

1 Amend House File 1436 as passed by the House as
2 follows:
3 1. Page 9, line 30, by striking the words
4 "~~medical-director-of-the~~" and inserting in lieu
5 thereof the words "medical director of the".
6 2. Page 9, line 33, by striking the words
7 "~~director hospital~~" and inserting in lieu thereof
8 the word "director".
9 3. Page 9, line 35 by striking the words
10 "~~by-the-director~~" and inserting in lieu thereof the
11 words "by the director".
12 4. Page 10, lines 11 and 12, by striking the
13 words and numerals "two hundred twenty-five point
14 four (225.4),".

H-6267 FILED
RECEIVED FROM SENATE
APRIL 13, 1976

*House referred to committee 4/15 (1971)
Senate receded 4/21 (1982)*