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Place On Calendar

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HOUSE FILE 594
BY COMMITTEE ON STATE GOVERNMENT
(Formerly Study Bill 259)

Passed House, Date 5-13-77 (p. 2211) Passed Senate, Date _____
Vote: Ayes 83 Nays 6 Vote: Ayes _____ Nays _____
Approved 7/10/77

A BILL FOR

1 An Act relating to substance abuse by changing the name of
2 the division on alcoholism of the state department of
3 health to the division on substance abuse, expanding
4 the powers and duties of the division to reflect juris-
5 diction over programs relating to all forms of substance
6 abuse, applying the funding formula for alcoholism in
7 chapter one hundred twenty-five (125) of the Code to all
8 substance abuse programs, providing for the licensing of
9 treatment facilities by the division, making provisions
10 of chapter one hundred twenty-five (125) of the Code
11 relating to the treatment and commitment of alcoholics,
12 and persons incapacitated by alcohol applicable to persons
13 who abuse any chemical substance; and repealing chapter
14 two hundred twenty-four B (224B) of the Code.
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 594

H-4104

- 1 Amend House File 594 as follows:
2 1. Page 10, by striking lines 29 through 35.
3 2. By striking pages 11 and 12
4 3. Page 13, by striking lines 1 through 32.

H-4104 FILED - *Out of order with* BY WELDEN of Hardin
MAY 10, 1977 *adoption of 4/47*

HOUSE FILE 594

H-4088

- 1 Amend House File 594 as follows:
2 1. Page 10, by striking lines 29 through 35.
3 2. By striking pages 11 and 12
4 3. Page 13, by striking lines 1 through 32.

H-4088 FILED - *Out of order* BY WELDEN of Hardin
MAY 10, 1977 *with adoption*
of 4/47

1 Section 1. Section one hundred twenty-five point two
2 (125.2), Code 1977, is amended by adding the following new
3 subsections:

4 NEW SUBSECTION. "Chemical dependency" means an addic-
5 tion or dependency, either physical or psychological, on a
6 chemical substance. Persons who take medically prescribed
7 drugs shall not be considered chemically dependent if the
8 drug is medically necessary and the intake is proportionate
9 to the medical need.

10 NEW SUBSECTION. "Chemical substance" means drugs, as
11 defined in section two hundred three A point two (203A.2),
12 subsection three (3) of the Code, which when used improperly
13 could result in chemical dependency.

14 NEW SUBSECTION. "Commission" means the commission on sub-
15 stance abuse within the division.

16 NEW SUBSECTION. "Director" means the director of the divi-
17 sion on substance abuse.

18 NEW SUBSECTION. "Division" means the division on sub-
19 stance abuse within the department of health established
20 pursuant to section three (3) of this Act.

21 NEW SUBSECTION. "Incapacitated by a chemical substance"
22 means that a person as the result of the use of a chemical
23 substance is unconscious or has his or her judgment other-
24 wise so impaired that he or she is incapable of realizing
25 and making a rational decision with respect to the need for
26 treatment.

27 NEW SUBSECTION. "Incompetent person" means a person who
28 has been adjudged incompetent by a court of law.

29 NEW SUBSECTION. "Intoxicated person" means a person whose
30 mental or physical functioning is substantially impaired as
31 a result of the use of a chemical substance.

32 NEW SUBSECTION. "Substance abuser" means a person who
33 habitually lacks self-control as to the use of chemical sub-
34 stances or uses chemical substances to the extent that his
35 or her health is substantially impaired or endangered or that

1 his or her social or economic function is substantially dis-
2 rupted.

3 Sec. 2. Section one hundred twenty-five point two (125.2),
4 Code 1977, is amended by striking subsections one (1), five
5 (5), six (6), seven (7), eight (8), nine (9), ten (10) and
6 eleven (11).

7 Sec. 3. Section one hundred twenty-five point three
8 (125.3), Code 1977, is amended to read as follows:

9 125.3 ESTABLISHED. There is established within the state
10 department of health a division on ~~alcoholism~~ substance abuse
11 which shall develop, implement and administer a comprehensive
12 alcoholism substance abuse program pursuant to sections 125.1
13 to 125.26. There is established within the division a
14 commission on ~~alcoholism~~ substance abuse to establish policies
15 governing the performance of the division in the discharge
16 of duties imposed on it by this chapter. The commission shall
17 consist of ~~nine~~ fifteen members appointed by the governor.
18 Appointments shall be made on the basis of ~~interest-in-and~~
19 knowledge of ~~alcoholism~~ substance abuse. All members shall
20 be electors of the state of Iowa ~~and-no-more-than-five-members~~
21 ~~shall-belong-to-the-same-political-party---No-member-shall~~
22 ~~be-a-director-of-a-local-or-regional-alcoholism-center.~~

23 Sec. 4. Section one hundred twenty-five point four (125.4),
24 Code 1977, is amended to read as follows:

25 125.4 TERMS OF OFFICE. Commission members shall be
26 appointed to terms of four years, except that initial
27 appointments to the membership of the commission shall be
28 staggered so that ~~four~~ seven members shall be appointed to
29 terms of two years and ~~five~~ eight members shall be appointed
30 to terms of four years. Terms of office shall commence on
31 the first day of July of the year of appointment. Vacancies
32 which occur during a term of office shall be filled for the
33 balance of the unexpired term in the manner of original
34 appointment. No member shall be appointed to serve more than
35 two consecutive four-year terms.

1 Sec. 5. Section one hundred twenty-five point five (125.5),
2 Code 1977, is amended to read as follows:

3 125.5 MEETINGS. The commission shall organize annually
4 and shall select from its membership a chairman and a vice
5 chairman. The commission shall meet at least six times a
6 year. Other meetings shall be called by the chairman or upon
7 written request of a majority of the members of the commission.
8 The chairman shall preside at all meetings or in ~~his~~ the
9 chairman's absence the vice chairman shall preside. ~~Five~~
10 Eight members of the commission shall constitute a quorum
11 but the concurrence of a majority of the commission shall
12 be required to determine any matter relating to its duties.

13 Sec. 6. Section one hundred twenty-five point six (125.6),
14 Code 1977, is amended to read as follows:

15 125.6 COMPENSATION. Each member of the Iowa commission
16 on ~~alcoholism~~ substance abuse shall receive forty dollars
17 per day for each day spent in performance of the duties of
18 the commission. Each member shall also receive ~~his~~ actual
19 necessary expenses incurred in the performance of his or her
20 duties.

21 Sec. 7. Section one hundred twenty-five point seven
22 (125.7), Code 1977, is amended by adding the following new
23 subsection:

24 NEW SUBSECTION. Consider and approve or disapprove all
25 applications for a license and all cases involving the renewal,
26 denial, suspension or revocation of a license.

27 Sec. 8. Section one hundred twenty-five point seven
28 (125.7), subsections two (2), four (4), five (5) and eight
29 (8), Code 1977, are amended to read as follows:

30 2. Approve the comprehensive ~~alcoholism~~ substance abuse
31 program, and the funding therefore, developed by the division
32 pursuant to sections 125.1 to 125.26.

33 4. Establish policies governing the performance of the
34 director in the discharge of ~~his~~ the director's duties.

35 5. Advise or make recommendations to the governor and

1 the general assembly relative to ~~alcoholism~~ substance abuse
2 treatment programs in this state.

3 8. Submit to the governor and the general assembly an
4 annual report covering the activities of the division.

5 Sec. 9. Section one hundred twenty-five point eight
6 (125.8), Code 1977, is amended to read as follows:

7 125.8 DIRECTOR--~~APPOINTMENT~~ EMPLOYED. A director shall
8 be ~~appointed~~ employed by the commission ~~with the approval~~
9 ~~of the commissioner.--Notwithstanding the provisions of section~~
10 ~~49A.37, the director of the division who~~ shall be ~~subject to~~
11 exempt from the state merit system. The director shall be
12 a qualified person who has training or experience in handling
13 ~~alcohol~~ substance abuse problems and the ability to organize
14 and otherwise supervise delivery systems providing treatment
15 services to persons suffering from ~~alcoholism~~ substance abuse
16 problems. The director shall represent the department at
17 meetings of the commission and shall serve as secretary to
18 the commission.

19 Sec. 10. Section one hundred twenty-five point nine
20 (125.9), subsections one (1), two (2), four (4) and six (6),
21 Code 1977, are amended to read as follows:

22 1. Plan, establish and maintain treatment programs as
23 necessary or desirable in accordance with the comprehensive
24 ~~alcoholism~~ substance abuse program.

25 2. Make contracts necessary or incidental to the
26 performance of ~~his~~ the duties and the execution of ~~his~~ the
27 powers of the director, including contracts with public and
28 private agencies, organizations and individuals to pay them
29 for services rendered or furnished to ~~alcoholics~~ substance
30 abusers or intoxicated persons.

31 4. Co-ordinate the activities of the division and co-
32 operate with ~~alcoholism~~ substance abuse programs in this and
33 other states, and make contracts and other joint or co-
34 operative arrangements with state, local or private agencies
35 in this and other states for the treatment of ~~alcoholics~~

1 substance abusers and intoxicated persons and for the common
2 advancement of ~~alcoholism~~ substance abuse programs.

3 6. Employ a deputy director who shall be exempt from the
4 merit system and shall serve at the pleasure of the director.
5 The director may employ other staff necessary to carry out
6 the duties assigned to him the director.

7 Sec. 11. Section one hundred twenty-five point nine
8 (125.9), Code 1977, is amended by adding the following new
9 subsections after subsection four (4):

10 NEW SUBSECTION. Require that a written report, in
11 reasonable detail, be submitted to the director at any time
12 by any agency of this state or of any of its political
13 subdivisions in respect to any substance abuse prevention
14 function, or program for the benefit of persons who are or
15 have been involved in substance abuse, which is being conducted
16 by the agency.

17 NEW SUBSECTION. Submit to the governor a written report
18 of the pertinent facts at any time the director concludes
19 that any agency of this state or of any of its political
20 subdivisions is conducting any substance abuse prevention
21 function, or program for the benefit of persons who are or
22 have been involved in substance abuse in a manner not
23 consistent with or which impairs achievement of the objectives
24 of the state plan to combat substance abuse, and has failed
25 to effect appropriate changes in the function or program.

26 Sec. 12. Section one hundred twenty-five point ten
27 (125.10), Code 1977, is amended to read as follows:

28 125.10 DUTIES OF DIRECTOR. The director shall:

29 1. Prepare and submit a state plan subject to approval
30 by the commission and in accordance with the provisions of
31 title XLII, United States Code, section 4573. The state plan
32 shall designate the division as the sole agency for supervision
33 of the administration of the plan and ~~may~~ shall provide for
34 the appointment of a citizens advisory council on ~~alcoholism~~
35 substance abuse.

1 2. Develop, encourage, and foster state-wide, regional
2 and local plans and programs for the prevention of ~~alcoholism~~
3 substance abuse and the treatment of ~~alcoholics~~ substance
4 abusers and intoxicated persons in co-operation with public
5 and private agencies, organizations and individuals, and
6 provide technical assistance and consultation services for
7 these purposes.

8 3. Co-ordinate the efforts and enlist the assistance of
9 all public and private agencies, organizations and individuals
10 interested in the prevention of ~~alcoholism~~ substance abuse
11 and the treatment of ~~alcoholics~~ substance abusers and
12 intoxicated persons.

13 4. Co-operate with the department of social services in
14 establishing and conducting programs to provide treatment
15 for ~~alcoholics~~ substance abusers and intoxicated persons.

16 5. Co-operate with the department of public instruction,
17 boards of education, schools, police departments, courts and
18 other public and private agencies, organizations and
19 individuals in establishing programs for the prevention of
20 ~~alcoholism~~ substance abuse and the treatment of ~~alcoholics~~
21 substance abusers and intoxicated persons, and in preparing
22 curriculum materials thereon for use at all levels of school
23 education.

24 6. Prepare, publish, evaluate and disseminate educational
25 material dealing with the nature and effects of ~~alcohol~~
26 chemical substances.

27 7. Develop and implement, as an integral part of treatment
28 programs, an educational program for use in the treatment
29 of ~~alcoholics~~ substance abusers and intoxicated persons, which
30 program shall include the dissemination of information
31 concerning the nature and effects of ~~alcohol~~ chemical
32 substances.

33 8. Organize and implement, in co-operation with local
34 treatment programs, training programs for all persons engaged
35 in treatment of ~~alcoholics~~ substance abusers and intoxicated

1 persons.

2 9. Sponsor and implement, ~~in co-operation with local~~
3 ~~treatment programs~~, research in cooperation with local
4 treatment programs into the causes and nature of ~~alcoholism~~
5 substance abuse and treatment of ~~alcoholics~~ substance abusers
6 and intoxicated persons, and serve as a clearing house for
7 information relating to ~~alcoholism~~ substance abuse.

8 10. Specify uniform methods for keeping statistical
9 information by public and private agencies, organizations
10 and individuals, and collect and make available relevant
11 statistical information, including number of persons treated,
12 frequency of admission and readmission, and frequency and
13 duration of treatment.

14 11. Develop and implement, with the counsel and approval
15 of the commission, a comprehensive plan for treatment of
16 ~~alcoholics~~ substance abusers and intoxicated persons, said
17 plan to be co-ordinated with health systems agencies.

18 12. Assist in the development of, and co-operate with,
19 ~~alcohol~~ substance abuse education and treatment programs for
20 employees of state and local governments and businesses and
21 industries in the state.

22 13. Utilize the support and assistance of interested
23 persons in the community, particularly recovered ~~alcoholics~~
24 substance abusers, to encourage ~~alcoholics~~ substance abusers
25 to voluntarily undergo treatment.

26 14. Co-operate with the commissioner of public safety
27 in establishing and conducting programs designed to deal with
28 the problem of persons operating motor vehicles while
29 intoxicated.

30 15. Encourage general hospitals and other appropriate
31 health facilities to admit without discrimination ~~alcoholics~~
32 substance abusers and intoxicated persons and to provide them
33 with adequate and appropriate treatment, and may negotiate
34 and implement contracts with hospitals and other appropriate
35 health facilities with adequate detoxification facilities.

1 16. Encourage all health and disability insurance programs
2 to include ~~alcoholism~~ substance abuse as a covered illness.

3 17. Review all state health, welfare and treatment plans
4 to be submitted for federal funding under federal legislation,
5 and advise the governor on provisions to be included relating
6 to ~~alcoholism~~ substance abuse and substance abusers and
7 intoxicated persons.

8 Sec. 13. Section one hundred twenty-five point eleven
9 (125.11), Code 1977, is amended by striking the section and
10 inserting in lieu thereof the following:

11 125.11 STATE ADVISORY COUNCIL--MEMBERSHIP.

12 1. There is established within the division a state
13 advisory council to advise the director in administering this
14 chapter. The governor shall name the appointive members of
15 the advisory council, who shall serve at the pleasure of the
16 governor, and shall designate the chairman of the advisory
17 council. The director or a designee shall serve as the
18 advisory council's secretary. The advisory council shall
19 be entirely advisory in character and may not exercise
20 administrative authority.

21 2. The members of the advisory council shall be as follows:

22 a. Not more than eleven voting members shall be appointed
23 by the governor to represent:

24 (1) Public and private groups and agencies concerned with
25 substance abuse prevention and control, including not less
26 than four representatives of agencies or programs licensed
27 under section fourteen (14) of this Act.

28 (2) Representatives of agencies or individuals whose work
29 is not primarily concerned with substance abuse but does place
30 them in frequent contact with persons who are or have been
31 involved in substance abuse.

32 (3) City and county government.

33 (4) The criminal justice system, including corrections
34 personnel.

35 (5) The general public.

1 b. The following nonvoting members or their respective
2 designees:

- 3 (1) The commissioner of social services.
- 4 (2) The superintendent of public instruction.
- 5 (3) The commissioner of public safety.
- 6 (4) The attorney general.
- 7 (5) The director of office for planning and programming.
- 8 (6) The executive director of the Iowa crime commission.
- 9 (7) The commissioner of public health.
- 10 (8) The secretary of the state board of pharmacy examiners.
- 11 (9) The president of the Iowa medical society.
- 12 (10) The president of the Iowa osteopathic society.
- 13 (11) The president of the Iowa pharmaceutical association.
- 14 (12) The president of the Iowa state education association.
- 15 (13) The director of the Iowa mental health authority.
- 16 (14) The associate superintendent of the vocational
17 rehabilitation education and services branch of the department
18 of public instruction.

19 3. Members of the council shall serve without compen-
20 sation but voting members shall receive reimbursement for
21 travel and other necessary expenses actually incurred in the
22 performance of their duties.

23 Sec. 14. Section one hundred twenty-five point twelve
24 (125.12), Code 1977, is amended to read as follows:

25 125.12 COMPREHENSIVE PROGRAM FOR TREATMENT--REGIONAL
26 FACILITIES.

27 1. The commission shall establish a comprehensive and
28 co-ordinated program for the treatment of ~~alcoholics~~ substance
29 abusers and intoxicated persons. Subject to the approval
30 of the commissioner, the director shall divide the state into
31 appropriate regions for the conduct of the program and
32 establish standards for the development of the program on
33 the regional level. In establishing the regions, consideration
34 shall be given to city and county lines, population
35 concentrations and existing ~~alcoholism~~ substance abuse

1 treatment services. In determining the regions, the director
2 shall not be required to follow the regional map as prepared
3 by the office for planning and programming.

4 2. The program of the commission shall include:

- 5 a. Emergency treatment provided by a facility affiliated
6 with or part of the medical service of a general hospital.
7 b. Inpatient treatment.
8 c. Intermediate treatment.
9 d. Outpatient and follow-up treatment.
10 e. Prevention.

11 3. The director shall provide for adequate and appropriate
12 treatment for ~~alcoholics~~ substance abusers and intoxicated
13 persons admitted under sections 125.16 to 125.19. Treatment
14 shall not be provided at a correctional institution except
15 for inmates.

16 4. The director shall maintain, supervise and control
17 all facilities operated by ~~him~~ the director pursuant to this
18 chapter. The administrator of each facility shall make an
19 annual report of the activities of the facility to the director
20 in the form and manner the director specifies.

21 5. All appropriate public and private resources shall
22 be co-ordinated with and utilized in the program if possible.

23 6. The director shall prepare, publish and distribute
24 annually a list of all facilities.

25 7. The director may contract for the use of a facility
26 if the director, subject to the policies of the commission
27 and pursuant to section 125.27, considers this to be an
28 effective and economical course to follow.

29 Sec. 15. Section one hundred twenty-five point thirteen
30 (125.13), Code 1977, is amended by striking the section and
31 inserting in lieu thereof the following:

32 125.13 PROGRAMS LICENSED--EXCEPTIONS.

33 1. Except as provided in subsection two (2) of this
34 section, a person may not maintain or conduct any chemical
35 substitutes or antagonists program, residential program or

1 nonresidential outpatient program, the primary purpose of
2 which is the treatment and rehabilitation of substance abusers
3 without having first obtained a written license for the program
4 from the division.

5 2. The licensing requirements of this Act, except the
6 requirements imposed by section twenty-four (24) of this Act,
7 shall not apply to any of the following:

8 a. Hospitals providing any service of care, treatment,
9 counseling or rehabilitation to substance abusers required
10 on August 15, 1973, by other provisions of law to be licensed.

11 b. Any practitioner of medicine and surgery or osteopathic
12 medicine and surgery, in his or her private practice. However,
13 no program shall be exempted from licensing by the authority
14 by virtue of its utilization of the services of a medical
15 practitioner in its operation.

16 c. Private institutions conducted by and for persons who
17 adhere to the faith of any well recognized church or religious
18 denomination for the purpose of providing care, treatment,
19 counseling, or rehabilitation to drug dependent persons and
20 who rely solely on prayer or other spiritual means for healing
21 in the practice of religion of such church or denomination.

22 d. Facilities, institutions, or programs which, in the
23 discretion of the authority, provide services which are only
24 informational or educational in nature.

25 Sec. 16. Chapter one hundred twenty-five (125), Code 1977,
26 is amended by adding sections sixteen (16) through twenty-
27 four (24) of this Act after section one hundred twenty-five
28 point thirteen (125.13) of the Code.

29 Sec. 17. NEW SECTION. LICENSES--RENEWAL--FEES. The
30 commission shall meet to consider all cases involving issuance,
31 denial, suspension, or revocation of a license. Upon approval
32 of an application for licensing by the commission, a license
33 shall be issued by the division. Licenses shall expire one
34 year from the date of issuance and shall be renewed upon
35 timely application made in the same manner as for original

1 issuance of a license unless notice of non-renewal is given
2 to the licensee at least thirty days prior to the expiration
3 of the license. The division shall charge a fee for licensing
4 and renewal adequate to cover the cost of processing each
5 application and conducting inspection and investigations as
6 required or deemed necessary to properly enforce this chapter.

7 Sec. 18. NEW SECTION. INSPECTION OF LICENSEES. The
8 division shall at least annually inspect the facilities and
9 review the procedures utilized by each licensed program.
10 The examination and review may include case record audits
11 and interviews with staff and patients, consistent with the
12 confidentiality safeguards of state and federal law.

13 Sec. 19. NEW SECTION. TRANSFER OF LICENSE OR CHANGE OF
14 LOCATION PROHIBITED. A license issued under this chapter
15 may not be transferred, and the location of the physical
16 facilities occupied or utilized by any program licensed under
17 this chapter shall not be changed without the prior written
18 consent of the division.

19 Sec. 20. NEW SECTION. LICENSE SUSPENSION OR REVOCATION.
20 Violation of any of the requirements or restrictions of this
21 chapter or of any of the rules properly established pursuant
22 to this chapter is cause for suspension, revocation or refusal
23 to renew a license. The director shall at the earliest time
24 feasible notify a licensee whose license the division is
25 considering suspending or revoking and shall inform the
26 licensee what changes must be made in the licensee's operation
27 to avoid such action. The licensee shall be given a reasonable
28 time for compliance, as determined by the director, after
29 receiving such notice or a notice that the division does not
30 intend to renew the license. When the licensee believes
31 compliance has been achieved, or if the licensee considers
32 the proposed suspension, revocation or refusal to renew
33 unjustified, the licensee may submit pertinent information
34 to the director who shall expeditiously make a decision in
35 the matter and notify the licensee of the decision.

1 Sec. 21. NEW SECTION. HEARING BEFORE LICENSING BOARD.
2 If a licensee under this chapter makes a written request for
3 a hearing within thirty days of suspension, revocation or
4 refusal to renew a license, a hearing before the commission
5 shall be expeditiously arranged. If the role of a commission
6 member is inconsistent with the member's job role or function,
7 or if any commission member feels unable for any reason to
8 disinterestedly weigh the merits of the case before the board,
9 the member shall not participate in the hearing and shall
10 not be entitled to vote on the case. The commission shall
11 issue a written statement of its findings within thirty days
12 after conclusion of the hearing upholding or reversing the
13 proposed suspension, revocation or refusal to renew a license.
14 No action involving suspension, revocation or refusal to renew
15 a license shall be taken by the commission unless a quorum
16 of eight of the fifteen members are present at the meeting.
17 A copy of the decision shall be promptly transmitted to the
18 affected licensee who may, if aggrieved by the decision,
19 request a second hearing before the commission in the manner
20 provided by this section. Judicial review of the actions
21 of the commission may be sought in accordance with the terms
22 of the Iowa administrative procedure Act.

23 Sec. 22. NEW SECTION. REISSUANCE OR REINSTATEMENT. After
24 suspension, revocation or refusal to renew a license pursuant
25 to this chapter, the affected licensee shall not have the
26 license reissued or reinstated within one year of the effective
27 date of the suspension, revocation or expiration upon refusal
28 to renew, unless by order of the substance abuse licensing
29 commission. After that time, proof of compliance with the
30 requirements and restrictions of this chapter and the rules
31 established pursuant to this chapter must be presented to
32 the director prior to reinstatement or reissuance of a license.

33 Sec. 23. NEW SECTION. RULES. The commission shall
34 establish rules pursuant to chapter seventeen A (17A) of the
35 Code requiring facilities to use reasonable accounting and

1 reimbursement systems which recognize relevant cost-related
2 factors for substance abuse patients. No facility shall be
3 approved nor shall any payment be made under this chapter
4 to a facility which fails to comply with those rules or which
5 does not permit inspection by the division or examination
6 of all records, including financial records, methods of
7 administration, general and special dietary programs, the
8 disbursement of drugs and methods of supply, and any other
9 records the division deems relevant to the establishment of
10 such a system. However, rules issued pursuant to this
11 paragraph shall not apply to any facility referred to in
12 section fourteen (14), subsection two (2) or section thirty-
13 four (34) of this Act.

14 Sec. 24. NEW SECTION. CHEMICAL SUBSTITUTES AND ANTAGONISTS
15 PROGRAMS. The division shall have exclusive power in this
16 state to approve and license chemical substitutes and
17 antagonists programs, and monitor chemical substitutes and
18 antagonists programs in this state to insure that the programs
19 are operating within the rules established pursuant to this
20 chapter.

21 The division may:

22 1. Continuously study and evaluate chemical substitutes
23 and antagonists programs in this state and annually report
24 to the governor and the general assembly on the effectiveness
25 and needs of the programs.

26 2. Provide advice, consultation, and technical assistance
27 to chemical substitutes and antagonists programs.

28 3. In its discretion, approve local agencies or bodies
29 to assist it in carrying out the provisions of this chapter.

30 Sec. 25. Section one hundred twenty-five point fifteen
31 (125.15), Code 1977, is amended to read as follows:

32 125.15 ACCEPTANCE FOR TREATMENT--RULES. The commission
33 shall adopt and may amend and repeal rules for acceptance
34 of persons into the treatment program, subject to the
35 provisions of chapter 17A, considering available treatment

1 resources and facilities, for the purpose of early and
2 effective treatment of ~~alcoholics~~ substance abusers and
3 intoxicated persons. In establishing the rules the commission
4 shall be guided by the following standards:

5 1. If possible a patient shall be treated on a voluntary
6 rather than an involuntary basis.

7 2. A patient shall be initially assigned or transferred
8 to outpatient or intermediate treatment, unless ~~he~~ the patient
9 is found to require inpatient treatment.

10 3. A person shall not be denied treatment solely because
11 ~~he~~ the person has withdrawn from treatment against medical
12 advice on a prior occasion or because ~~he~~ the person has
13 relapsed after earlier treatment.

14 4. An individualized treatment plan shall be prepared
15 and maintained on a current basis for each patient.

16 5. Provision shall be made for a continuum of co-ordinated
17 treatment services, so that a person who leaves a facility
18 or a form of treatment will have available and may utilize
19 other appropriate treatment.

20 Sec. 26. Section one hundred twenty-five point sixteen
21 (125.16), Code 1977, is amended to read as follows:

22 125.16 VOLUNTARY TREATMENT OF ~~ALCOHOLICS~~ SUBSTANCE ABUSERS.

23 1. ~~An-alcoholic~~ A substance abuser may apply for voluntary
24 treatment directly to a facility. If the proposed patient
25 is a minor or an incompetent person, ~~he~~, a parent, a legal
26 guardian or other legal representative may make the
27 application.

28 2. Subject to rules adopted by the commission, the
29 administrator in charge of a facility may determine who shall
30 be admitted for treatment. If a person is refused admission,
31 the administrator, subject to rules adopted by the commission,
32 shall refer the person to another facility for treatment if
33 possible and appropriate.

34 3. If a patient receiving inpatient care leaves a facility,
35 ~~he~~ the patient shall be encouraged to consent to appropriate

1 outpatient or intermediate treatment. If it appears to the
2 administrator in charge of the facility that the patient is
3 ~~an-alcoholic~~ a substance abuser who requires help, the director
4 may arrange for assistance in obtaining supportive services
5 and residential facilities.

6 4. If a patient leaves a facility, with or against the
7 advice of the administrator in charge of the facility, the
8 director may make reasonable provisions for ~~his~~ the patient's
9 transportation to another facility or to ~~his~~ the patient's
10 home. If ~~he~~ the patient has no home ~~he~~ the patient shall
11 be assisted in obtaining shelter. If ~~he~~ the patient is a
12 minor or an incompetent person the request for discharge from
13 an inpatient facility shall be made by a parent, legal guardian
14 or other legal representative or by the minor or incompetent
15 if ~~he~~ the patient was the original applicant.

16 Sec. 27. Section one hundred twenty-five point seven-
17 teen (125.17), subsections one (1), two (2) and four (4),
18 Code 1977, are amended to read as follows:

19 1. An intoxicated person may come voluntarily to a facility
20 for emergency treatment. A person who appears to be
21 intoxicated or incapacitated by ~~alcohol~~ a chemical substance
22 in a public place and in need of help ~~may~~ shall be taken to
23 a facility by a peace officer. If the person refuses the
24 proffered help, ~~he~~ the person may be arrested and charged
25 with intoxication.

26 2. If no facility is readily available the person may
27 be taken to an emergency medical service customarily used
28 for incapacitated persons. The peace officer in detaining
29 the person and in taking ~~him~~ the person to a facility, is
30 taking ~~him~~ the person into protective custody and shall make
31 every reasonable effort to protect ~~his~~ the person's health
32 and safety. In taking the person into protective custody,
33 the detaining officer may take reasonable steps to protect
34 himself or herself. A taking into protective custody under
35 this section is not an arrest and no entry or other record

1 shall be made to indicate that the person who is taken into
2 protective custody has been arrested or charged with a crime.

3 4. A person who by medical examination is found to be
4 intoxicated or incapacitated by ~~alcohol~~ a chemical substance
5 at the time of ~~his~~ admission or is found to have become
6 incapacitated at any time after ~~his~~ admission, shall be
7 required to remain at the facility until he or she is no
8 longer intoxicated or incapacitated by ~~alcohol~~ a chemical
9 substance, but no longer than three days from the time of
10 ~~his~~ admission as a patient unless ~~he~~ the person is committed
11 under section 125.18. A person may consent to remain in the
12 facility as long as the physician in charge believes
13 appropriate.

14 Sec. 28. Section one hundred twenty-five point eighteen
15 (125.18), subsection one (1), Code 1977, is amended to read
16 as follows:

17 1. An intoxicated person who has threatened, attempted,
18 or inflicted physical harm on himself or herself or another
19 and is likely to inflict physical harm on himself or herself
20 or another unless committed, or who is incapacitated by ~~alcohol~~
21 a chemical substance, may be committed to a facility for
22 emergency treatment. A refusal to undergo treatment does
23 not constitute evidence of lack of judgment as to the need
24 for treatment.

25 Sec. 29. Section one hundred twenty-five point nineteen
26 (125.19), subsections one (1) and five (5) and subsection
27 nine (9), paragraphs a and b, Code 1977, are amended to read
28 as follows:

29 1. A person may be committed to the custody of the division
30 by the district court upon the petition of ~~his~~ the person's
31 spouse or guardian, a relative, the certifying physician,
32 or the administrator in charge of a facility. The petition
33 shall allege that the person is ~~an-alcoholic~~ a substance
34 abuser who habitually lacks self-control as to the use of
35 ~~alcoholic-beverages~~ chemical substances, and (a) that he the

1 person has threatened, attempted or inflicted physical harm
2 on another and that ~~he~~ the person is likely to inflict physical
3 harm on himself or herself or another unless committed; or
4 (b) that ~~he~~ the person is incapacitated by ~~alcohol~~ a chemical
5 substance. A refusal to undergo treatment does not constitute
6 evidence of lack of judgment as to the need for treatment.
7 The petition shall be accompanied by a certificate of a
8 licensed physician who has examined the person within two
9 days before submission of the petition, unless the person
10 whose commitment is sought has refused to submit to a medical
11 examination or was unavailable for examination, in which case
12 the fact of refusal or unavailability shall be alleged in
13 the petition. The certificate shall set forth the physician's
14 findings in support of the allegations of the petition. A
15 physician employed by the admitting facility or the division
16 is not eligible to be the certifying physician.

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

30 a. In case of ~~an-alcoholic~~ a substance abuser committed
31 under subsection 1, paragraph "a", that ~~he~~ the person is no
32 longer ~~an-alcoholic~~ a substance abuser or the likelihood no
33 longer exists.

34 b. In case of ~~an-alcoholic~~ a substance abuser committed
35 under subsection 1, paragraph "b", that the incapacity no

1 longer exists, that further treatment will not be likely to
2 bring about significant improvement in the person's condition,
3 or that treatment is no longer adequate or appropriate.

4 Sec. 30. Section one hundred twenty-five point twenty
5 (125.20), subsection two (2), Code 1977, is amended to read
6 as follows:

7 2. Notwithstanding subsection 1, the director may make
8 available information from patients' records for purposes
9 of research into the causes and treatment of ~~alcoholism~~
10 substance abuse. Information under this subsection shall
11 not be published in a way that discloses patients' names or
12 other identifying information.

13 Sec. 31. Section one hundred twenty-five point twenty-
14 one (125.21), subsection two (2), Code 1977, is amended to
15 read as follows:

16 2. Neither mail nor other communication to or from a
17 patient in a facility may be intercepted, read or censored,
18 except that the commission may adopt reasonable rules regarding
19 the use of telephones by patients in facilities and the
20 delivery of ~~controlled~~ chemical substances and ~~other~~
21 intoxicants.

22 Sec. 32. Section one hundred twenty-five point twenty-
23 two (125.22), Code 1977, is amended to read as follows:

24 125.22 COMPOSITION OF FACILITIES BOARDS--TREATMENT PLANS
25 FURNISHED.

26 1. In addition to other requirements established by this
27 chapter, ~~no~~ a facility shall not be approved pursuant to
28 section ~~425.43~~ fourteen (14) of this Act unless it is either
29 a licensed hospital or a community mental health center
30 operating under chapter 230A, or it is organized under the
31 Iowa nonprofit corporation Act appearing as chapter 504A.
32 In the latter case, one-third of the membership of the board
33 of directors shall be representatives of such government units
34 providing funds to the facility for treatment of ~~alcoholism~~
35 substance abuse.

1 2. A local governmental unit which is providing funds
2 to a facility for treatment of ~~alcoholism~~ substance abuse
3 may request from the facility a treatment program plan prior
4 to authorizing payment of any claims filed by the facility.
5 The governing body of the local governmental unit may review
6 the plan, but shall not impose on the facility any requirement
7 conflicting with the comprehensive treatment program require-
8 ments of section 125.28.

9 Sec. 33. Section one hundred twenty-five point twenty-
10 three (125.23), subsection three (3), Code 1977, is amended
11 to read as follows:

12 3. Nothing in this chapter affects any law, ordinance,
13 resolution or rule against drunken driving, driving under
14 the influence of alcohol or other chemical substance, or other
15 similar offense involving the operation of a vehicle, aircraft,
16 boat, machinery or other equipment, or regarding the sale,
17 purchase, dispensing, possessing or use of alcoholic beverages
18 or beer at stated times and places or by a particular class
19 of persons or regarding the sale, purchase, possession or
20 use of another chemical substance.

21 Sec. 34. Section one hundred twenty-five point twenty-
22 six (125.26), Code 1977, is amended to read as follows:

23 125.26 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230
24 shall govern the determination of the costs and payment for
25 treatment provided to ~~alcoholics~~ substance abusers in a mental
26 health institute under the department of social services,
27 except that the charges shall not constitute a lien on any
28 real estate owned by persons legally liable for support of
29 the ~~alcoholic~~ substance abuser and the daily per diem shall
30 be billed at twenty-five percent. Beginning July 1, 1976
31 1977, the superintendent of a state hospital shall total only
32 those expenditures which can be attributed to the cost of
33 providing inpatient treatment to ~~alcoholics-and-intoxicated~~
34 persons substance abusers for purposes of determining the
35 daily per diem. The provisions of section 125.31 shall govern

1 the determination of who is legally liable for the cost of
2 care, maintenance, and treatment of ~~an-alcoholic~~ a substance
3 abuser and of the amount for which the person is liable.

4 Sec. 35. Section one hundred twenty-five point twenty-
5 seven (125.27), Code 1977, is amended to read as follows:

6 125.27 CONTRACT FOR CARE--RULES ADOPTED. The director
7 may, consistent with the comprehensive ~~alcoholism~~ substance
8 abuse program, enter into written agreements with a facility
9 as defined in section 125.2 to pay for seventy-five percent
10 of the cost of the care, maintenance and treatment of an
11 ~~alcoholic~~ a substance abuser. Such contracts shall be for
12 a period of no more than one year. The commission shall
13 review and evaluate at least once each year all such agreements
14 and determine whether or not they shall be continued.

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

26 If the appropriation to the commission is insufficient
27 to meet the requirements of this section, the commission shall
28 request a transfer of funds and section 8.39 shall apply.

29 Contracting facilities shall deliver to each patient upon
30 discharge a statement of the costs of the care, maintenance
31 and treatment for which that patient is liable, and shall
32 retain a carbon copy or other similar copy of that statement
33 for a period of not less than one year after the date of
34 discharge of the patient to whom the statement refers. Every
35 payment received by a contracting facility from or on behalf

1 of a patient, whether received before or after costs have
2 been billed to the division or to a county, shall be identified
3 by the facility as to patient and invoice or statement, and
4 shall be reported to the division. A contracting facility
5 shall allow as a credit against a future billing to the
6 division or to a county, payments received during each month
7 from or on behalf of a patient whose care, maintenance and
8 treatment theretofore has been billed to and paid by the
9 division or a county. Failure by a contracting facility to
10 comply with this paragraph, or with rules promulgated pursuant
11 to section ~~425.437~~-~~subsection-47~~, twenty-three (23) of this
12 Act shall constitute grounds for nonrenewal of the contract.

13 Sec. 36. Section one hundred twenty-five point twenty-
14 eight (125.28), subsection one (1), Code 1977, is amended
15 to read as follows:

16 1. Except as provided in section 125.26, each county shall
17 pay for the remaining twenty-five percent of the cost of the
18 care, maintenance, and treatment under this chapter of
19 residents of that county from the county mental health and
20 institutions fund as provided in section 444.12. The
21 commission shall establish guidelines for use by the counties
22 in estimating the amount of expense which the county will
23 incur each year. The facility shall certify to the county
24 of residence once each month twenty-five percent of the unpaid
25 cost of the care, maintenance, and treatment of ~~an-alcoholic~~
26 a substance abuser. Such county shall pay the cost so
27 certified to the facility from its county mental health and
28 institutions fund. However, the approval of the board of
29 supervisors shall be required before payment is made by a
30 county for costs incurred which exceed a total of five hundred
31 dollars for one year for treatment provided to any one
32 ~~alcoholic-or-intoxicated-person~~ substance abuser, except
33 that such approval is not required for the cost of treat-
34 ment provided to ~~an-alcoholic-or-intoxicated-person~~ a substance
35 abuser who is committed pursuant to section 125.18 and 125.19.

1 A facility may, upon approval of the board of supervisors,
2 submit to a county a billing for the aggregate amount of all
3 care, maintenance, and treatment of ~~alcoholic~~ substance
4 abusers who are residents of that county for each month.
5 The board of supervisors may demand an itemization of such
6 billings at any time or may audit the same.

7 Sec. 37. Section one hundred twenty-five point twenty-
8 nine (125.29), Code 1977, is amended to read as follows:

9 125.29 COUNTY OF RESIDENCE DETERMINED. The facility
10 shall, when ~~an-alcoholic~~ a substance abuser is admitted, or
11 as soon thereafter as it receives the proper information,
12 determine and enter upon its records the Iowa county of
13 residence of ~~such-alcoholic~~ the substance abuser, or that
14 the person resides in some other state or country, or that
15 the person is unclassified with respect to residence.

16 Sec. 38. Section one hundred twenty-five point thirty
17 (125.30), Code 1977, is amended to read as follows:

18 125.30 DISPUTES OVER PAYMENT. In the event any county
19 to which certification of the cost of care, maintenance, and
20 treatment of ~~an-alcoholic~~ a substance abuser is made, disputes
21 that such ~~alcoholic~~ substance abuser has ~~his~~ residence in
22 that county, it shall immediately notify the facility that
23 such dispute exists. The director shall immediately
24 investigate the facts and determine in which county the patient
25 has residence. The director shall certify ~~his~~ the
26 determination to the county, if any, wherein it is found the
27 patient has residence and to the facility. A county certified
28 by the director to be the county of residence shall reimburse
29 the facility as provided in this chapter. If the director
30 finds that the residence of ~~an-alcoholic~~ a substance abuser
31 at the time of admission was in another state or country or
32 that the person is unclassified with respect to residence,
33 then the division shall pay for that portion of ~~his~~ the
34 patient's care, maintenance, and treatment that ~~his~~ the
35 patient's county of residence would have been liable to pay.

1 For purposes of this section, a "facility" does not include
2 a mental health institute under the control of the department
3 of social services.

4 Sec. 39. Section one hundred twenty-five point thirty-
5 one (125.31), unnumbered paragraph one (1), Code 1977, is
6 amended to read as follows:

7 The ~~alcoholic~~ substance abuser and any person, firm,
8 corporaton, or insurance company bound by contract to provide
9 support, hospitalization, or medical services for the ~~alcoholic~~
10 substance abuser shall be legally liable to the county of
11 the ~~alcoholic's~~ substance abuser's residence for twenty-five
12 percent of the total amount and to the division for seventy-
13 five percent of the total amount of the cost of providing
14 care, maintenance, and treatment for the ~~alcoholic~~ substance
15 abuser while a voluntary or committed patient in a facility,
16 except when the state pays the total cost of care in which
17 case liability of one hundred percent shall be to the state.
18 Nothing in this section shall prohibit any individual from
19 paying any portion of the cost of treatment.

20 Sec. 40. Section one hundred twenty-five point thirty-
21 three (125.33), Code 1977, is amended to read as follows:

22 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of
23 each county shall keep an accurate account of the total cost
24 to the county of the care, maintenance, and treatment of any
25 ~~alcoholic~~ substance abuser and shall keep an index of the
26 names of the ~~alcoholics~~ substance abusers for whose benefit
27 county funds are expended pursuant to section 125.28 for those
28 services.

29 Sec. 41. Section one hundred twenty-five point thirty-
30 four (125.34), Code 1977, is amended to read as follows:

31 125.34 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS.
32 The board of supervisors shall collect the total amount of
33 all such liabilities as they become due, from those persons
34 whom the board has found, under section 125.28, subsection
35 2, are able to pay. The board shall direct the county attorney

1 to proceed with the collection of such liabilities as a part
2 of the duties of that office. The county shall be entitled
3 to keep the total amount of all such liabilities collected.
4 The county attorney, with the consent of the board of
5 supervisors, may execute an agreement providing for the
6 acceptance of a lesser amount owed by ~~an alcoholic~~ a substance
7 abuser, his or her spouse, or estate to the county. The
8 execution of such agreement may provide that the same is in
9 satisfaction of all moneys owed the county.

10 Sec. 42. Sections one hundred twenty-five point one (125.1)
11 and one hundred twenty-five point fourteen (125.14), Code
12 1977, are repealed.

13 Sec. 43. Sections one hundred twenty-five point thirty-
14 seven (125.37) through one hundred twenty-five point forty-
15 two (125.42), Code 1977, are repealed. Notwithstanding
16 subsection one (1) of section four point one (4.1) of the
17 Code, the repeal of section one hundred twenty-five point
18 forty-two (125.42) of the Code shall not operate to repeal
19 the provisions of chapter one hundred twenty-five (125) of
20 the Code as they existed before the effective date of this
21 section and as they are amended by this Act.

22 Sec. 44.

23 1. Sections one (1) through forty-two (42) and section
24 forty-five (45) of this Act are effective January 1, 1978.

25 2. Section forty-three (43) of this Act is effective July
26 1, 1977.

27 Sec. 45. The Code editor shall place sections sixteen
28 (16) through twenty-four (24) of this Act following section
29 one hundred twenty-five point thirteen (125.13) of the Code
30 and shall renumber all sections in chapter one hundred twenty-
31 five (125) of the Code and correct internal references in
32 chapter one hundred twenty-five (125) of the Code in ac-
33 cordance with this Act.

34 EXPLANATION

35 This bill merges the division on alcoholism of the de-

1 partment of health and the Iowa drug abuse authority into
2 a single division on substance abuse of the department of
3 health.

4 This merger is achieved by repealing chapter 224B of the
5 Code (drug abuse authority) and amending chapter 125 of the
6 Code (division on alcoholism) to reflect the responsibilities
7 of the new division in dealing with all types of substance
8 abuse. Thus many provisions concerning the administration
9 and duties of the former division on alcoholism and the
10 treatment and voluntary and involuntary commitment of
11 alcoholics will apply to the division on substance abuse and
12 to substance abusers.

13 The division would be headed by a director appointed by
14 a commission on substance abuse. Members of the commission
15 are appointed by the governor. The commission would have
16 the authority to allocate program funds, promulgate rules
17 and formulate the policies of the division. An advisory
18 council on substance abuse consisting of eleven voting members
19 appointed by the governor and thirteen ex officio members
20 is provided for.

21 The bill incorporates provisions concerning the licensing
22 of drug treatment programs and makes such provisions appli-
23 cable to all substance abuse treatment and rehabilitation
24 programs. The commission would have the authority to issue,
25 deny, suspend or revoke licenses. In addition, standards
26 would be established for facilities, with periodic inspec-
27 tions required.

28 Provisions of chapter 125 of the Code relating to the
29 treatment, voluntary commitment and involuntary commitment
30 of alcoholics are extended to apply to all substance abusers.

31 Funding for substance abuse treatment is the same as funding
32 for present alcoholism treatment. The director may contract
33 with a facility to pay 75 percent of the cost of care, with
34 the county in which the patient resides paying the remaining
35 25 percent from the mental health and institutions fund.

1 The cost of treatment received in a state mental health
2 institute would be paid according to the provisions of chapter
3 203 of the Code.

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1 Amend amendment H-4147 to House File 594 as follows:

2 1. Page 2, by striking lines 45 through 50.

3 2. Page 3, by striking line 1.

4 3. Page 9, by inserting after line 6 the following:

5 "Sec. 15. Chapter one hundred twenty-five (125),

6 Code 1977, is amended by adding the following new

7 section:

8 NEW SECTION. BOARD CREATED--MEMBERSHIP. There
9 is created within the department a substance abuse
10 licensing board which shall be composed of nine mem-
11 bers appointed by the governor for three-year terms
12 commencing on July first as follows:

13 1. One member shall be chosen from among the
14 membership of the commission.

15 2. Three members shall be chosen from among com-
16 munity workers in treatment, rehabilitation, educa-
17 tion or intervention programs, two of whom shall be
18 counselors in the area of substance abuse.

19 3. Three members shall be from professional groups,
20 one shall be a physician licensed pursuant to chapters
21 one hundred forty-eight (148), one hundred fifty (150)
22 and one hundred fifty A (150A) of the Code, one shall
23 be a pharmacist licensed under chapter one hundred
24 fifty-five (155) of the Code and one shall be a psy-
25 chologist licensed under chapter one hundred fifty-
26 four B (154B) of the Code, all of whom shall have
27 demonstrated an interest in substance abuse programs.

28 4. Two members shall be lay persons who have
29 demonstrated an interest in substance abuse programs.

30 The director shall serve as executive secretary
31 to the board. The governor shall annually appoint
32 the chairperson of the board. Members of the board
33 shall receive forty dollars per diem and actual and
34 necessary expenses incurred during the performance
35 of their official duties."

36 8. Page 9, line 50, by striking the word
37 "commission" and inserting in lieu thereof the words
38 "licensing board".

39 9. Page 10, line 6, by striking the word
40 "commission" and inserting in lieu thereof the words
41 "licensing board".

42 10. Page 10, line 8, by striking the word
43 "COMMISSION" and inserting in lieu thereof the words
44 "LICENSING BOARD".

45 11. Page 10, line 12, by striking the word
46 "commision" and inserting in lieu thereof the words
47 "licensing board".

48 12. Page 10, line 13, by striking the word
49 "commission" and inserting in lieu thereof the words
50 "licensing board".

- 1 13. Page 10, line 15, by striking the word
- 2 "commission" and inserting in lieu thereof the words
- 3 "licensing board".
- 4 14. Page 10, line 17, by striking the word
- 5 "commission" and inserting in lieu thereof the words
- 6 "licensing board".
- 7 15. Page 10, line 19, by striking the word
- 8 "commission" and inserting in lieu thereof the words
- 9 "licensing board".
- 10 16. Page 10, line 24, by striking the word
- 11 "commission" and inserting in lieu thereof the words
- 12 "licensing board".
- 13 17. Page 10, line 29, by striking the word
- 14 "commission" and inserting in lieu thereof the words
- 15 "licensing board".
- 16 18. Page 10, line 38, by striking the word
- 17 "commission" and inserting in lieu thereof the words
- 18 "licensing board".
- 19 19. Page 10, line 42, by striking the word
- 20 "commission" and inserting in lieu thereof the words
- 21 "licensing board".
- 22 20. Page 10, line 44, by striking the word
- 23 "commission" and inserting in lieu thereof the words
- 24 "licensing board".
- 25 21. Page 11, line 6, by striking the word
- 26 "commission" and inserting in lieu thereof the words
- 27 "licensing board".
- 28 22. Page 11, line 13, by striking the word
- 29 "commission" and inserting in lieu thereof the words
- 30 "licensing board".
- 31 23. Page 22, by inserting after line 24 the
- 32 following section:
- 33 "Sec. ____ . Four of the initial appointments to
- 34 the board shall be for terms ending July 1, 1979.
- 35 Five of the initial appointments to the board shall
- 36 be for terms ending July 1, 1980. The provisions
- 37 of section fifteen (15) of this Act shall apply to
- 38 the initial appointments and payment of per diem and
- 39 expenses to board members as if the provisions of
- 40 section fifteen (15) of this Act were in effect on
- 41 July 1, 1977. The provisions of this section are
- 42 effective July 1, 1977.
- 43 24. By renumbering as necessary.

H-4166 FILED, LOST (8-210) BY LIPSKY of Linn
MAY 13, 1977

HOUSE FILE 594

H-4168

- 1 Amend amendment H-4147 to House File 594 as
- 2 follows:
- 3 1. Page 9, by striking all of line 23 and
- 4 inserting in lieu thereof the following:
- 5 "shall not charge a fee for licensing or renewal."

H-4168 FILED, ADOPTED BY HARGRAVE of Johnson
MAY 13, 1977 (8-216) SCHROEDER of Pottawattamie

HOUSE FILE 594

H-4165

- 1 Amend amendment H-4147 to House File 594 as
- 2 follows:
- 3 1. Page 11, line 18, by adding after the word
- 4 "chapter" the following: "and the commission shall
- 5 be obliged to grant such approval and license if
- 6 the requirements of the rules are met and no state
- 7 funding is requested".

H-4165 FILED, ADOPTED BY WELDEN of Hardin
MAY 13, 1977 (p. 2208)

HOUSE FILE 594

H-4167

- 1 Amend amendment H-4147 to House File 594 as follows:
- 2 1. Page 22, by inserting after line 24 the
- 3 following section:
- 4 "Sec. _____. The governor shall make the initial
- 5 appointments to the commission and the advisory council
- 6 for terms for commencing July 1, 1977. The provisions
- 7 of sections five (5) and twelve (12) of this Act shall
- 8 apply to the payment of per diem and expenses to
- 9 commission and advisory council members as if the
- 10 provisions of sections five (5) and twelve (12) of
- 11 this Act were in effect on July 1, 1977. The
- 12 provisions of this section shall be effective July
- 13 1, 1977."

H-4167 FILED, ADOPTED BY HANSEN of O'Brien
MAY 13, 1977 (p. 2211) MONROE of Des Moines

1 Amend amendment H-4147 to House File 594 as follows:

2 1. Page 9, line 9, by striking the words and
3 numeral "twenty-four (24)" and inserting in lieu
4 thereof the words and numeral "twenty-nine (29)".

5 2. Page 11, by inserting after line 30, the
6 following:

7 "Sec. 25. NEW SECTION. PROGRAM ORGANIZATION.

8 A substance abuse program may apply to a county for
9 financial assistance to provide services to residents
10 of the county. The service area of the program may
11 include one or more counties provided that the service
12 area shall not conflict with the regions established
13 by the commission in section one hundred twenty-five
14 point twelve (125.12) of the Code. Upon the granting
15 of financial aid by the county board of supervisors,
16 the program may be eligible to receive state funds
17 under subsection three (3) of section twenty-seven
18 (27) of this Act.

19 Sec. 26. NEW SECTION. APPLICATION FOR FUNDING.

20 A substance abuse program may apply to the commission
21 for state funding. The application shall be submitted
22 to the commission on such forms and in such manner
23 as the commission may prescribe and the state
24 comptroller shall approve. The application shall
25 include a program budget which shall contain a
26 certification by the fiscal officer of each county
27 in the program service area attesting the following:

28 1. That the program will provide services in the
29 county.

30 2. That the amount of local financial participa-
31 tion specified by the commission for programs
32 requesting assistance under subsection three (3) of
33 section twenty-seven (27) of this Act has been obtained
34 and is being held in reserve.

35 3. That the county will provide to the commission
36 such reports and information as the commission may
37 require.

38 Sec. 27. NEW SECTION. BUDGET PROCESS.

39 1. On or before July first of each year, or as
40 soon thereafter as practical, the commission shall
41 determine the total amount of state and federal funds
42 available to the department for the purpose of
43 assisting counties in financing substance abuse
44 programs. The commission shall determine a per capita
45 rate of state participation which shall be computed
46 by dividing fifty percent of the total amount of state
47 and federal funds available to the department for
48 assisting counties in financing substance abuse
49 programs by the total population of those counties
50 seeking to support or maintain a substance abuse

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1 program. The per capita rate of state participation
2 shall be approved by the state comptroller.

3 2. Fifty percent of the total amount of state
4 and federal funds available to the department for
5 assisting counties in financing substance abuse
6 programs as determined under subsection one (1) of
7 this section shall be used to provide minimum level
8 of service funding for substance abuse programs and
9 shall be distributed to counties for substance abuse
10 programs whose application for minimum level of service
11 funding is approved by the commission. The amount
12 allocated to each substance abuse program shall be
13 determined by multiplying the per capita rate of state
14 participation by the total population of the counties
15 to be served by the program.

16 3. Forty percent of the total amount of state
17 and federal funds available to the department for
18 assisting counties in financing substance abuse
19 programs as determined under subsection one (1) of
20 this section shall be used to provide additional
21 services assistance to substance abuse programs and
22 shall be distributed to counties for programs whose
23 application for additional services assistance is
24 approved by the commission and which demonstrate
25 pursuant to subsection two (2) of section twenty-six
26 (26) of this Act that local financial participation
27 will be provided for the program in an amount equal
28 to the amount of state additional services assistance.

29 4. The remaining ten percent of the amount of
30 state and federal funds available to the department
31 for assisting counties in financing substance abuse
32 programs may be used by the director for contingencies
33 or special projects.

34 5. A county may within ten days of notification
35 by the director of a funding decision, appeal the
36 decision to the state appeal board. The state appeal
37 board pursuant to established procedure may hear an
38 appeal under this section and may affirm or modify
39 the local financial participation level specified
40 by the department. Pending the decision of the board,
41 the county shall budget the amount prescribed by the
42 director.

43 Sec. 28. NEW SECTION. USE OF FUNDS. The
44 commission shall not be required to distribute or
45 guarantee funds:

46 1. To any program for which the application does
47 not satisfy the requirements prescribed by this Act
48 or which has not been approved by the commission,

49 2. To any program providing unnecessary, duplica-
50 tive or overlapping services within the same

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1 geographical area, or
2 3. To any program which has adequate resources
3 at its disposal.
4 This Act shall not require a county to participate
5 in a program to an extent greater than one hundred
6 percent of the amount of funds allocated to the program
7 under subsection three (3) of section twenty-seven
8 (27) of this Act.

9 Sec. 29. NEW SECTION. AUDITS. All substance
10 abuse programs receiving funds from the commission
11 under this Act shall be subject to regular audit by
12 the auditor of state or to special audits requested
13 by the commission."

14 2. Page 18, by striking lines 6 through 50.

15 3. By striking pages 19, 20, and 21.

16 4. Page 22, by striking lines 1 through 3.

17 5. Page 22, line 27, by striking the words "and
18 one".

19 6. Page 22, by striking line 28 and inserting
20 in lieu thereof the words and numerals ", one hun-
21 dred twenty-five point fourteen (125.14), and sections
22 one hundred twenty-five point twenty-six (125.26)
23 through one hundred twenty-five point thirty-six
24 (125.36), Code".

25 7. Page 23, by striking lines 13 and 14 and insert-
26 ing in lieu thereof the words "prescribing a formula
27 for the funding".

28 8. Page 23, by inserting after line 14 the fol-
29 lowing:

30 "_____. Amend the title by striking line 7."

31 9. By renumbering and correcting internal
32 references in accordance with this amendment.

H-4159 FILED - *Lost 5/13* BY LIPSKY of Linn
MAY 12, 1977 *(p. 2207)*

HOUSE FILE 594

H-4155

1 Amend amendment H-4147, to House File 594,
2 as follows:

3 1. Page 8, by striking lines 21 through 50.

A 4 2. By striking page 9.

5 3. Page 10, by striking lines 1 through 43.

6 4. Page 10, line 49, by striking the word
7 "licensed" and inserting in lieu thereof the word
8 "approved".

B 9 5. Page 11, lines 3 and 4, by striking the
10 words "financial records,".

11 6. Page 11, line 14, by striking the words
12 "and license".

H-4155 FILED A. *Lost; B-* BY WELDEN of Hardin
MAY 12, 1977 *Withdrawn*
5/13 (p. 2203)

H-4147

Amend House File 594 as follows:

1. 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 1977, is amended by striking subsections one (1), three (3), five (5), and eleven (11) and inserting in lieu thereof the following:

1. "Chemical dependency" means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

3. "Chemical substance" means alcohol, wine, spirits and beer as defined in chapter one hundred twenty-three (123) of the Code and drugs as defined in section two hundred three A point two (203A.2), subsection three (3) of the Code, which when used improperly could result in chemical dependency.

5. "Substance abuser" means a person who habitually lacks self-control as to the use of chemical substances or uses chemical substances to the extent that his or her health is substantially impaired or endangered or that his or her social or economic function is substantially disrupted.

Sec. 2. Section one hundred twenty-five point two (125.2), subsections two (2), four (4), six (6), seven (7), eight (8), and ten (10), Code 1977, are amended to read as follows:

2. "Facility" means a hospital, institution, detoxification center, or installation providing care, maintenance and treatment for ~~alcoholics~~ substance abusers and approved licensed by the director department under section 125.13.

4. "Department" means the state Iowa department of health substance abuse.

6. "Director" means the director of the Iowa division-on-alcoholism department of substance abuse.

7. "Commission" means the Iowa commission on alcoholism substance abuse within the division department.

8. "Incapacitated by ~~alcohol~~ a chemical substance" means that a person, as a result of the use of ~~alcohol~~ a chemical substance, is unconscious or has his or her judgement otherwise so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~his~~ the need for treatment.

10. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of ~~alcohol~~ a chemical substance.

Sec. 3. Section one hundred twenty-five point

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1 three (125.3), Code 1977, is amended to read as
2 follows:

3 125.3 ESTABLISHED. There is established within
4 the state Iowa department of health-a-division-en
5 alcoholism substance abuse which shall develop,
6 implement and administer a comprehensive alcoholism
7 substance abuse program pursuant to sections 125.1
8 to 125.26. There is established within the division
9 department a commission on alcoholism substance abuse
10 to establish policies governing the performance of
11 the division department in the discharge of duties
12 imposed on it by this chapter. The commission shall
13 consist of nine members appointed by the governor.
14 Appointments shall be made on the basis of interest
15 in and knowledge of alcoholism substance abuse, however
16 two of the members shall be persons who, in their
17 regular work, have direct contact with substance abuse
18 clients. All members shall be eligible electors of
19 the state of Iowa and no more than five members shall
20 belong to the same political party. No member shall
21 be a director of a local or regional alcoholism center.

22 Sec. 4. Section one hundred twenty-five point
23 five (125.5), Code 1977, is amended to read as follows:

24 125.5 MEETINGS. The commission shall organize
25 annually and shall select from its membership a
26 chairman chairperson and a vice chairman chairperson.
27 The commission shall meet at least six times a year.
28 Other meetings shall be called by the chairman
29 chairperson or upon written request of a majority
30 of the members of the commission. The chairman
31 chairperson shall preside at all meetings or in his
32 the chairperson's absence the vice chairman chairperson
33 shall preside. Five members of the commission shall
34 constitute a quorum but the concurrence of a majority
35 of the commission shall be required to determine any
36 matter relating to its duties.

37 Sec. 5. Section one hundred twenty-five point
38 six (125.6), Code 1977, is amended to read as follows:

39 125.6 COMPENSATION. Each member of the Iowa
40 commission on alcoholism substance abuse shall receive
41 forty dollars per day for each day spent in performance
42 of the duties of the commission. Each member shall
43 also receive his actual necessary expenses incurred
44 in the performance of his or her duties.

45 Sec. 6. Section one hundred twenty-five point
46 seven (125.7), Code 1977, is amended by adding the
47 following new subsection:

48 NEW SUBSECTION. Consider and approve or disapprove
49 all applications for a license and all cases involving
50 the renewal, denial, suspension or revocation of a

1 license.

2 Sec. 7. Section one hundred twenty-five point
3 seven (125.7), subsections two (2), four (4), five
4 (5) and eight (8), Code 1977, are amended to read
5 as follows:

6 2. Approve the comprehensive ~~alcoholism~~ substance
7 abuse program, and the funding therefore, developed
8 by the ~~division~~ department pursuant to sections 125.1
9 to 125.26.

10 4. Establish policies governing the performance
11 of the director in the discharge of ~~his~~ the director's
12 duties.

13 5. Advise or make recommendations to the governor
14 and the general assembly relative to ~~alcoholism~~
15 substance abuse treatment, intervention and education
16 and prevention programs in this state.

17 8. Submit to the governor and the general assembly
18 an annual report covering the activities of the
19 ~~division~~ department.

20 Sec. 8. Section one hundred twenty-five point
21 eight (125.8), Code 1977, is amended by striking the
22 section and inserting in lieu thereof the following:

23 125.8 DIRECTOR APPOINTED. The director of the
24 department shall be appointed by the governor with
25 the approval of two-thirds of the members of the
26 senate. The director shall be a qualified person
27 who has training or experience in handling substance
28 abuse problems and the ability to organize and
29 otherwise supervise delivery systems providing
30 treatment, intervention and education and prevention
31 services to persons suffering from substance abuse
32 problems. The director shall serve as secretary to
33 the commission.

34 Sec. 9. Section one hundred twenty-five point
35 nine (125.9), subsections one (1), two (2), four (4)
36 and six (6), Code 1977, are amended to read as follows:

37 1. Plan, establish and maintain treatment,
38 intervention and education and prevention programs
39 as necessary or desirable in accordance with the
40 comprehensive ~~alcoholism~~ substance abuse program.

41 2. Make contracts necessary or incidental to the
42 performance of ~~his~~ the duties and the execution of
43 ~~his~~ the powers of the director, including contracts
44 with public and private agencies, organizations and
45 individuals to pay them for services rendered or
46 furnished to ~~alcoholics~~ substance abusers or
47 intoxicated persons.

48 4. Co-ordinate the activities of the ~~division~~
49 department and co-operate with ~~alcoholism~~ substance
50 abuse programs in this and other states, and make

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1 contracts and other joint or co-operative arrangements
 2 with state, local or private agencies in this and
 3 other states for the treatment of ~~alcoholics~~ substance
 4 abusers and intoxicated persons and for the common
 5 advancement of ~~alcoholism~~ substance abuse programs.

6 6. Employ a deputy director who shall be exempt
 7 from the merit system and shall serve at the pleasure
 8 of the director. The director may employ other staff
 9 necessary to carry out the duties assigned to him
 10 the director.

11 Sec. 10. Section one hundred twenty-five point
 12 nine (125.9), Code 1977, is amended by adding the
 13 following new subsections after subsection four (4):

14 NEW SUBSECTION. Require that a written report,
 15 in reasonable detail, be submitted to the director
 16 at any time by any agency of this state or of any
 17 of its political subdivisions in respect to any
 18 substance abuse prevention function, or program for
 19 the benefit of persons who are or have been involved
 20 in substance abuse, which is being conducted by the
 21 agency.

22 NEW SUBSECTION. Submit to the governor a written
 23 report of the pertinent facts at any time the director
 24 concludes that any agency of this state or of any
 25 of its political subdivisions is conducting any
 26 substance abuse prevention function, or program for
 27 the benefit of persons who are or have been involved
 28 in substance abuse in a manner not consistent with
 29 or which impairs achievement of the objectives of
 30 the state plan to combat substance abuse, and has
 31 failed to effect appropriate changes in the function
 32 or program.

33 Sec. 11. Section one hundred twenty-five point
 34 ten (125.10), Code 1977, is amended to read as follows:

35 125.10 DUTIES OF DIRECTOR. The director shall:

36 1. Prepare and submit a state plan subject to
 37 approval by the commission and in accordance with
 38 the provisions of title XLII, United States Code,
 39 section 4573. The state plan shall designate the
 40 ~~division~~ department as the sole agency for supervision
 41 of the administration of the plan and may shall provide
 42 for the appointment of a citizens advisory council
 43 on ~~alcoholism~~ substance abuse.

44 2. Develop, encourage, and foster state-wide,
 45 regional and local plans and programs for the
 46 prevention of ~~alcoholism~~ substance abuse and the
 47 treatment of ~~alcoholics~~ substance abusers and
 48 intoxicated persons in co-operation with public and
 49 private agencies, organizations and individuals, and
 50 provide technical assistance and consultation services

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- 1 for these purposes.
- 2 3. Co-ordinate the efforts and enlist the
3 assistance of all public and private agencies,
4 organizations and individuals interested in the
5 prevention of alcoholism substance abuse and the
6 treatment of alcoholics substance abusers and
7 intoxicated persons.
- 8 4. Co-operate with the department of social
9 services in establishing and conducting programs to
10 provide treatment for alcoholics substance abusers
11 and intoxicated persons.
- 12 5. Co-operate with the department of public
13 instruction, boards of education, schools, police
14 departments, courts and other public and private
15 agencies, organizations and individuals in establishing
16 programs for the prevention of alcoholism substance
17 abuse and the treatment of alcoholics substance abusers
18 and intoxicated persons, and in preparing curriculum
19 materials thereon for use at all levels of school
20 education.
- 21 6. Prepare, publish, evaluate and disseminate
22 educational material dealing with the nature and
23 effects of alcohol chemical substances.
- 24 7. Develop and implement, as an integral part
25 of treatment programs, an educational program for
26 use in the treatment of alcoholics substance abusers
27 and intoxicated persons, which program shall include
28 the dissemination of information concerning the nature
29 and effects of alcohol chemical substances.
- 30 8. Organize and implement, in co-operation with
31 local treatment programs, training programs for all
32 persons engaged in treatment of alcoholics substance
33 abusers and intoxicated persons.
- 34 9. Sponsor and implement, ~~in co-operation with~~
35 ~~local treatment programs,~~ research in cooperation
36 with local treatment programs into the causes and
37 nature of alcoholism substance abuse and treatment
38 of alcoholics substance abusers and intoxicated
39 persons, and serve as a clearing house for information
40 relating to alcoholism substance abuse.
- 41 10. Specify uniform methods for keeping statistical
42 information by public and private agencies,
43 organizations and individuals, and collect and make
44 available relevant statistical information, including
45 number of persons treated, frequency of admission
46 and readmission, and frequency and duration of
47 treatment.
- 48 11. Develop and implement, with the counsel and
49 approval of the commission, a comprehensive plan for
50 treatment of alcoholics substance abusers and

1 intoxicated persons, said plan to be co-ordinated
2 with health systems agencies.

3 12. Assist in the development of, and co-operate
4 with, ~~alcohol~~ substance abuse education and treatment
5 programs for employees of state and local governments
6 and businesses and industries in the state.

7 13. Utilize the support and assistance of
8 interested persons in the community, particularly
9 recovered ~~alcoholics~~ substance abusers, to encourage
10 ~~alcoholics~~ substance abusers to voluntarily undergo
11 treatment.

12 14. Co-operate with the commissioner of public
13 safety in establishing and conducting programs designed
14 to deal with the problem of persons operating motor
15 vehicles while intoxicated.

16 15. Encourage general hospitals and other
17 appropriate health facilities to admit without
18 discrimination ~~alcoholics~~ substance abusers and
19 intoxicated persons and to provide them with adequate
20 and appropriate treatment, and may negotiate and
21 implement contracts with hospitals and other
22 appropriate health facilities with adequate
23 detoxification facilities.

24 16. Encourage all health and disability insurance
25 programs to include ~~alcoholism~~ substance abuse as
26 a covered illness.

27 17. Review all state health, welfare, education
28 and treatment ~~plans~~ proposals to be submitted for
29 federal funding under federal legislation, and advise
30 the governor on provisions to be included relating
31 to ~~alcoholism~~ substance abuse and substance abusers
32 and intoxicated persons.

33 Sec. 12. Section one hundred twenty-five point
34 eleven (125.11), Code 1977, is amended by striking
35 the section and inserting in lieu thereof the
36 following:

37 125.11 STATE ADVISORY COUNCIL--MEMBERSHIP.

38 1. There is established within the department
39 a state advisory council which shall be composed of
40 nine members and which shall advise the director in
41 administering this chapter. The governor shall appoint
42 the members of the advisory council, who shall serve
43 at the pleasure of the governor, and shall designate
44 the chairperson of the advisory council. The director
45 or a designee shall serve as the advisory council's
46 secretary. The advisory council shall be entirely
47 advisory in character and may not exercise
48 administrative authority.

49 2. Members of the substance abuse advisory council
50 shall, to the extent practicable, be drawn from

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- 1 different geographical areas of the state, and shall
2 provide representation for:
- 3 a. Nongovernmental organizations concerned directly
4 or indirectly with substance abuse such as local
5 citizen groups, employee groups, national groups,
6 labor and mangement, and other provider, consumer,
7 and consumer advocate groups.
- 8 b. Public agencies concerned directly or indirectly
9 with substance abuse, such as local elected officials
10 or representatives of health and mental health
11 agencies, welfare agencies, and law enforcement
12 agencies.
- 13 c. The minority, proverty, and major population
14 groups which are significantly affected by the problems
15 of substance abuse.
- 16 d. At least one representative of the state health
17 coordinating council.

18 3. Members of the council shall serve without
19 compensation but shall receive reimbursement for
20 travel and other necessary expenses actually incurred
21 in the performance of their duties.

22 Sec. 13. Section one hundred twenty-five point
23 twelve (125.12), Code 1977, is amended to read as
24 follows:

25 125.12 COMPREHENSIVE PROGRAM FOR TREATMENT--
26 REGIONAL FACILITIES.

27 1. The commission shall establish a comprehensive
28 and co-ordinated program for the treatment of
29 ~~alcoholics~~ substance abusers and intoxicated persons.
30 Subject to the approval of the ~~commissioner~~ commission,
31 the director shall divide the state into appropriate
32 regions for the conduct of the program and establish
33 standards for the development of the program on the
34 regional level. In establishing the regions,
35 consideration shall be given to city and county lines,
36 population concentrations and existing ~~alcoholism~~
37 substance abuse treatment services. In determining
38 the regions, the director shall not be required to
39 follow the regional map as prepared by the office
40 for planning and programming.

41 2. The program of the commission shall include:

- 42 a. Emergency treatment provided by a facility
43 affiliated with or part of the medical service of
44 a general hospital.
- 45 b. Inpatient treatment.
- 46 c. Intermediate treatment.
- 47 d. Outpatient and follow-up treatment.
- 48 e. Prevention.

49 3. The director shall provide for adequate and
50 appropriate treatment for ~~alcoholics~~ substance abusers

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1 and intoxicated persons admitted under sections 125.16
2 to 125.19. Treatment shall not be provided at a
3 correctional institution except for inmates.

4 4. The director shall maintain, supervise and
5 control all facilities operated by ~~him~~ the director
6 pursuant to this chapter. The administrator of each
7 facility shall make ~~an annual~~ a report of the
8 activities of the facility to the ~~director~~ commission
9 in the form and manner the ~~director~~ commission
10 specifies.

11 5. All appropriate public and private resources
12 shall be co-ordinated with and utilized in the program
13 if possible.

14 6. The director shall prepare, publish and
15 distribute annually a list of all facilities.

16 7. The director may contract for the use of a
17 facility if the director, subject to the policies
18 of the commission and pursuant to section 125.27,
19 considers this to be an effective and economical
20 course to follow.

21 Sec. 14. Section one hundred twenty-five point
22 thirteen (125.13), Code 1977, is amended by striking
23 the section and inserting in lieu thereof the
24 following:

25 125.13 PROGRAMS LICENSED--EXCEPTIONS.

26 1. Except as provided in subsection two (2) of
27 this section, a person may not maintain or conduct
28 any chemical substitutes or antagonists program,
29 residential program or nonresidential outpatient
30 program, the primary purpose of which is the treatment
31 and rehabilitation of substance abusers without having
32 first obtained a written license for the program from
33 the department.

34 2. The licensing requirements of this Act, except
35 the requirements imposed by section twenty-four (24)
36 of this Act, shall not apply to any of the following:

37 a. Hospitals providing any care or treatment to
38 substance abusers required on January 1, 1978, by
39 other provisions of law to be licensed.

40 b. Any practitioner of medicine and surgery or
41 osteopathic medicine and surgery, in his or her private
42 practice. However, a program shall not be exempted
43 from licensing by the commission by virtue of its
44 utilization of the services of a medical practitioner
45 in its operation.

46 c. Private institutions conducted by and for
47 persons who adhere to the faith of any well recognized
48 church or religious denomination for the purpose of
49 providing care, treatment, counseling, or
50 rehabilitation to drug dependent persons and who rely

1 solely on prayer or other spiritual means for healing
2 in the practice of religion of such church or
3 denomination.

4 d. Facilities, institutions, or programs which,
5 in the discretion of the department, provide services
6 which are only informational or educational in nature.

7 Sec. 15. Chapter one hundred twenty-five (125),
8 Code 1977, is amended by adding sections sixteen (16)
9 through twenty-four (24) of this Act after section
10 one hundred twenty-five point thirteen (125.13) of
11 the Code.

12 Sec. 16. NEW SECTION. LICENSES--RENEWAL--FEES.
13 The commission shall meet to consider all cases
14 involving issuance, denial, suspension, or revocation
15 of a license. Upon approval of an application for
16 licensing by the commission, a license shall be issued
17 by the department. Licenses shall expire one year
18 from the date of issuance and shall be renewed upon
19 timely application made in the same manner as for
20 original issuance of a license unless notice of non-
21 renewal is given to the licensee at least thirty days
22 prior to the expiration of the license. The department
23 shall charge a fee for licensing and renewal.

24 Sec. 17. NEW SECTION. INSPECTION OF LICENSEES.
25 The department shall at least annually inspect the
26 facilities and review the procedures utilized by each
27 licensed program. The examination and review may
28 include case record audits and interviews with staff
29 and patients, consistent with the confidentiality
30 safeguards of state and federal law.

31 Sec. 18. NEW SECTION. TRANSFER OF LICENSE OR
32 CHANGE OF LOCATION PROHIBITED. A license issued under
33 this chapter may not be transferred, and the location
34 of the physical facilities occupied or utilized by
35 any program licensed under this chapter shall not
36 be changed without the prior written consent of the
37 commission.

38 Sec. 19. NEW SECTION. LICENSE SUSPENSION OR
39 REVOCAION. Violation of any of the requirements
40 or restrictions of this chapter or of any of the rules
41 properly established pursuant to this chapter is cause
42 for suspension, revocation or refusal to renew a
43 license. The director shall at the earliest time
44 feasible notify a licensee whose license the commission
45 is considering suspending or revoking and shall inform
46 the licensee what changes must be made in the
47 licensee's operation to avoid such action. The
48 licensee shall be given a reasonable time for
49 compliance, as determined by the director, after
50 receiving such notice or a notice that the commission

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1 does not intend to renew the license. When the
2 licensee believes compliance has been achieved, or
3 if the licensee considers the proposed suspension,
4 revocation or refusal to renew unjustified, the li-
5 censee may submit pertinent information to the
6 commission who shall expeditiously make a decision
7 in the matter and notify the licensee of the decision.

8 Sec. 20. NEW SECTION. HEARING BEFORE COMMISSION.

9 If a licensee under this chapter makes a written
10 request for a hearing within thirty days of suspension,
11 revocation or refusal to renew a license, a hearing
12 before the commission shall be expeditiously arranged.

13 If the role of a commission member is inconsistent
14 with the member's job role or function, or if any
15 commission member feels unable for any reason to
16 disinterestedly weigh the merits of the case before
17 the commission, the member shall not participate in
18 the hearing and shall not be entitled to vote on the
19 case. The commission shall issue a written statement

20 of its findings within thirty days after conclusion
21 of the hearing upholding or reversing the proposed
22 suspension, revocation or refusal to renew a license.

23 No action involving suspension, revocation or refusal
24 to renew a license shall be taken by the commission
25 unless a quorum of five of the nine members are present
26 at the meeting. A copy of the decision shall be
27 promptly transmitted to the affected licensee who
28 may, if aggrieved by the decision, seek judicial
29 review of the actions of the commission may be sought
30 in accordance with the terms of the Iowa administrative
31 procedure Act.

32 Sec. 21. NEW SECTION. REISSUANCE OR REINSTATEMENT.

33 After suspension, revocation or refusal to renew a
34 license pursuant to this chapter, the affected licensee
35 shall not have the license reissued or reinstated
36 within one year of the effective date of the
37 suspension, revocation or expiration upon refusal
38 to renew, unless by order of the commission. After
39 that time, proof of compliance with the requirements
40 and restrictions of this chapter and the rules
41 established pursuant to this chapter must be presented
42 to the commission prior to reinstatement or reissuance
43 of a license.

44 Sec. 22. NEW SECTION. RULES. The commission

45 shall establish rules pursuant to chapter seventeen
46 A (17A) of the Code requiring facilities to use
47 reasonable accounting and reimbursement systems which
48 recognize relevant cost-related factors for substance
49 abuse patients. A facility shall not be licensed
50 nor shall any payment be made under this chapter to

1 a facility which fails to comply with those rules
2 or which does not permit inspection by the department
3 or examination of all records, including financial
4 records, methods of administration, general and special
5 dietary programs, the disbursement of drugs and methods
6 of supply, and any other records the commission deems
7 relevant to the establishment of such a system.
8 However, rules issued pursuant to this paragraph shall
9 not apply to any facility referred to in section
10 fourteen (14), subsection two (2) or section thirty-
11 four (34) of this Act.

12 Sec. 23. NEW SECTION. CHEMICAL SUBSTITUTES AND
13 ANTAGONISTS PROGRAMS. The commission shall have
14 exclusive power in this state to approve and license
15 chemical substitutes and antagonists programs, and
16 monitor chemical substitutes and antagonists programs
17 in this state to insure that the programs are operating
18 within the rules established pursuant to this chapter.

19 The department may:

20 1. Continuously study and evaluate chemical
21 substitutes and antagonists programs in this state
22 and annually report to the governor and the general
23 assembly on the effectiveness and needs of the
24 programs.

25 2. Provide advice, consultation, and technical
26 assistance to chemical substitutes and antagonists
27 programs.

28 3. In its discretion, approve local agencies or
29 bodies to assist it in carrying out the provisions
30 of this chapter.

31 Sec. 24. Section one hundred twenty-five point
32 fifteen (125.15), Code 1977, is amended to read as
33 follows:

34 125.15 ACCEPTANCE FOR TREATMENT--RULES. The
35 commission shall adopt and may amend and repeal rules
36 for acceptance of persons into the treatment program,
37 subject to the provisions of chapter 17A, considering
38 available treatment resources and facilities, for
39 the purpose of early and effective treatment of
40 ~~alcoholics~~ substance abusers and intoxicated persons.
41 In establishing the rules the commission shall be
42 guided by the following standards:

43 1. If possible a patient shall be treated on a
44 voluntary rather than an involuntary basis.

45 2. A patient shall be initially assigned or
46 transferred to outpatient or intermediate treatment,
47 unless he the patient is found to require inpatient
48 treatment.

49 3. A person shall not be denied treatment solely
50 because he the person has withdrawn from treatment

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1 against medical advice on a prior occasion or because
2 ~~he~~ the person has relapsed after earlier treatment.

3 4. An individualized treatment plan shall be
4 prepared and maintained on a current basis for each
5 patient.

6 5. Provision shall be made for a continuum of
7 co-ordinated treatment services, so that a person
8 who leaves a facility or a form of treatment will
9 have available and may utilize other appropriate
10 treatment.

11 Sec. 25. Section one hundred twenty-five point
12 sixteen (125.16), Code 1977, is amended to read as
13 follows:

14 125.16 VOLUNTARY TREATMENT OF ~~ALCOHOLIC~~ SUBSTANCE
15 ABUSERS.

16 1. ~~An alcoholic~~ A substance abuser may apply for
17 voluntary treatment or rehabilitation services directly
18 to a facility or to a licensed physician and surgeon
19 or osteopathic physician and surgeon. If the proposed
20 patient is a minor or an incompetent person, ~~he,~~ a
21 parent, a legal guardian or other legal representative
22 may make the application. The licensed physician
23 and surgeon or osteopathic physician and surgeon or
24 any employee or person acting under his or her
25 direction or supervision, or the facility shall not
26 report or disclose the name of the person or the fact
27 that treatment was requested or has been undertaken
28 to any law enforcement officer or law enforcement
29 agency; nor shall such information be admissible as
30 evidence in any court, grand jury, or administrative
31 proceeding unless authorized by the person seeking
32 treatment. If the person seeking such treatment or
33 rehabilitation is a minor who has personally made
34 application for treatment, the fact that the minor
35 sought treatment or rehabilitation or is receiving
36 treatment or rehabilitation services shall not be
37 reported or disclosed to the parents or legal guardian
38 of such minor without the minor's consent, and the
39 minor may give legal consent to receive such treatment
40 and rehabilitation.

41 2. Subject to rules adopted by the commission,
42 the administrator in charge of a facility may determine
43 who shall be admitted for treatment or rehabilitation.
44 If a person is refused admission, the administrator,
45 subject to rules adopted by the commission, shall
46 refer the person to another facility for treatment
47 if possible and appropriate.

48 3. A substance abuser seeking treatment or
49 rehabilitation shall first be examined and evaluated
50 by a licensed physician and surgeon or osteopathic

1 physician and surgeon who shall prescribe a proper
2 course of treatment and medication, if needed. The
3 licensed physician and surgeon or osteopathic physician
4 and surgeon may further prescribe a course of treatment
5 or rehabilitation and authorize another licensed
6 physician and surgeon or osteopathic physician and
7 surgeon or facility to provide the prescribed treatment
8 or rehabilitation services. Treatment or
9 rehabilitation services may be provided to a person
10 individually or in a group. Any facility providing
11 or engaging in such treatment or rehabilitation shall
12 not report or disclose to a law enforcement officer
13 or law enforcement agency the name of any person
14 receiving or engaged in such treatment or
15 rehabilitation; nor shall any person receiving or
16 participating in such treatment or rehabilitation
17 report or disclose the name of any other person engaged
18 in or receiving such treatment or rehabilitation
19 or that such program is in existence, to a law enforce-
20 ment officer or law enforcement agency. Such
21 information shall not be admitted in evidence in any
22 court, grand jury, or administrative proceeding.
23 However, any person engaged in or receiving such
24 treatment or rehabilitation may authorize the
25 disclosure of his or her name and individual parti-
26 cipation.

27 3 4. If a patient receiving inpatient care leaves
28 a facility, he the patient shall be encouraged to
29 consent to appropriate outpatient or intermediate
30 treatment. If it appears to the administrator in
31 charge of the facility that the patient is an-alcoholic
32 a substance abuser who requires help, the director
33 may arrange for assistance in obtaining supportive
34 services and residential facilities.

35 4 5. If a patient leaves a facility, with or
36 against the advice of the administrator in charge
37 of the facility, the director may make reasonable
38 provisions for his the patient's transportation to
39 another facility or to his the patient's home. If
40 he the patient has no home he the patient shall be
41 assisted in obtaining shelter. If he the patient
42 is a minor or an incompetent person the request for
43 discharge from an inpatient facility shall be made
44 by a parent, legal guardian or other legal
45 representative or by the minor or incompetent if he
46 the patient was the original applicant.

47 6. Any person who reports or discloses the name
48 of a person receiving treatment or rehabilitation
49 services to a law enforcement officer or law
50 enforcement agency or any person receiving treatment

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1 or rehabilitation services who discloses the name
2 of any other person receiving treatment or
3 rehabilitation services without the written consent
4 of the person in violation of the provisions of this
5 section shall upon conviction be guilty of a simple
6 misdemeanor.

7 Sec. 26. Section one hundred twenty-five point
8 seventeen (125.17), subsections one (1) and two (2),
9 Code 1977, are amended to read as follows:

10 1. An intoxicated person may come voluntarily
11 to a facility for emergency treatment. A person who
12 appears to be intoxicated or incapacitated by ~~alcohol~~
13 a chemical substance in a public place and in need
14 of help may shall be taken to a facility by a peace
15 officer. If the person refuses the proffered help,
16 he the person may be arrested and charged with
17 intoxication.

18 2. If no facility is readily available the person
19 may be taken to an emergency medical service
20 customarily used for incapacitated persons. The peace
21 officer in detaining the person and in taking ~~him~~
22 the person to a facility, is taking ~~him~~ the person
23 into protective custody and shall make every reasonable
24 effort to protect ~~his~~ the person's health and safety.
25 In taking the person into protective custody, the
26 detaining officer may take reasonable steps to protect
27 himself or herself. A taking into protective custody
28 under this section is not an arrest and no entry or
29 other record shall be made to indicate that the person
30 who is taken into protective custody has been arrested
31 or charged with a crime.

32 Sec. 27. Section one hundred twenty-five point
33 seventeen (125.17), subsection four (4), is amended
34 by striking the section and inserting in lieu thereof
35 the following:

36 4. A person who is found to be intoxicated or
37 incapacitated by a chemical substance after examination
38 by a qualified health professional shall be required
39 to remain at the facility until the qualified health
40 professional determines that the person is not likely
41 to physically injure himself or herself or others.
42 If the person is detained longer than twenty-four
43 hours the qualified health professional shall examine
44 him or her at least once every twelve hours to
45 determine if further detention is necessary. The
46 qualified health professional shall enter a written
47 order for the person to be detained in custody. Such
48 order shall state the circumstances under which the
49 person was taken into custody and the grounds
50 supporting the finding or probable cause to believe

1 that he or she is sufficiently impaired or incapacitated
2 by a chemical substance to cause physical injury to
3 himself or herself or others if released. The order
4 shall be filed in the district court of the area in
5 which the person is detained.

6 Sec. 28. Section one hundred twenty-five point
7 eighteen (125.18), subsection one (1), Code 1977,
8 is amended to read as follows:

9 1. An intoxicated person who has threatened,
10 attempted, or inflicted physical harm on himself or
11 herself or another and is likely to inflict physical
12 harm on himself or herself or another unless committed,
13 or who is incapacitated by ~~alcohol~~ a chemical
14 substance, may be committed to a facility for emergency
15 treatment. A refusal to undergo treatment does not
16 constitute evidence of lack of judgment as to the
17 need for treatment.

18 Sec. 29. Section one hundred twenty-five point
19 nineteen (125.19), subsections one (1), two (2), and
20 five (5) and subsection nine (9), paragraphs a and
21 b, Code 1977, are amended to read as follows:

22 1. A person may be committed to the custody of
23 ~~the division~~ a facility by the district court upon
24 the petition of ~~his~~ the person's spouse or guardian,
25 a relative, the certifying physician, or the
26 administrator in charge of a facility. The petition
27 shall allege that the person is ~~an alcoholic~~ a
28 substance abuser who habitually lacks self-control
29 as to the use of ~~alcoholic-beverages~~ chemical
30 substances, and (a) that ~~he~~ the person has threatened,
31 attempted or inflicted physical harm on another and
32 that ~~he~~ the person is likely to inflict physical harm
33 on himself or herself or another unless committed;
34 or (b) that ~~he~~ the person is incapacitated by ~~alcohol~~
35 a chemical substance. A refusal to undergo treatment
36 does not constitute evidence of lack of judgment as
37 to the need for treatment. The petition shall be
38 accompanied by a certificate of a licensed physician
39 who has examined the person within two days before
40 submission of the petition, unless the person whose
41 commitment is sought has refused to submit to a medical
42 examination or was unavailable for examination, in
43 which case the fact of refusal or unavailability shall
44 be alleged in the petition. The certificate shall
45 set forth the physician's findings in support of the
46 allegations of the petition. A physician employed
47 by the admitting facility or the ~~division~~ department
48 is not eligible to be the certifying physician.

49 2. Upon the filing of the petition, the court
50 shall fix a date for a hearing no later than ten days

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1 after the date the petition was filed. If a judicial
 2 hospitalization referee has been appointed under
 3 section two hundred twenty-nine point twenty-one
 4 (229.21) of the Code for the county in which the
 5 petition is filed, the clerk of the district court
 6 shall immediately notify the referee of the filing
 7 of the petition and the referee shall thereupon
 8 discharge all of the duties imposed upon judges of
 9 the district court by this section. A copy of the
 10 petition and the notice of hearing shall be served
 11 in the manner of an original notice on the person
 12 whose commitment is sought and upon a parent or legal
 13 guardian if the person is a minor. A copy of the
 14 petition and the notice of hearing shall be mailed
 15 or delivered in the manner provided for motions in
 16 civil cases to the petitioner, the next of kin of
 17 the person other than the petitioner, the administrator
 18 of the facility to which the person has been committed
 19 for emergency care, and any other person the court
 20 believes should receive copies. A petition shall
 21 have attached a copy of the certificate specified
 22 in this section.

23 5. A person committed under this section shall
 24 remain in the custody of ~~the division~~ a facility for
 25 treatment for a period of thirty days unless sooner
 26 discharged. This section shall not be construed to
 27 require the ~~division~~ department to pay the cost of
 28 any medication or procedure provided the person during
 29 that period which is not necessary or appropriate
 30 to the specific objectives of detoxification and
 31 treatment of ~~alcoholism~~ substance abuse. At the end
 32 of the thirty-day period, ~~he~~ the person shall be
 33 discharged automatically unless the director before
 34 expiration of the period petitions the court for an
 35 order for ~~his~~ the person's recommitment upon the
 36 grounds set forth in subsection 1 for a further period
 37 not to exceed ninety days.

38 a. In case of ~~an alcoholic~~ a substance abuser
 39 committed under subsection 1, paragraph "a", that
 40 ~~he~~ the person is no longer ~~an alcoholic~~ a substance
 41 abuser or the likelihood no longer exists.

42 b. In case of ~~an alcoholic~~ a substance abuser
 43 committed under subsection 1, paragraph "b", that
 44 the incapacity no longer exists, that further treatment
 45 will not be likely to bring about significant
 46 improvement in the person's condition, or that
 47 treatment is no longer adequate or appropriate.

48 Sec. 30. Section one hundred twenty-five point
 49 twenty (125.20), subsection two (2), Code 1977, is
 50 amended to read as follows:

2. Notwithstanding subsection 1, the director may make available information from patients' records for purposes of research into the causes and treatment of ~~alcoholism~~ substance abuse. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

Sec. 31. Section one hundred twenty-five point twenty-one (125.21), subsection two (2), Code 1977, is amended to read as follows:

2. Neither mail nor other communication to or from a patient in a facility may be intercepted, read or censored, except that the commission may adopt reasonable rules regarding the use of telephones by patients in facilities and the delivery of ~~controlled~~ chemical substances and other intoxicants.

Sec. 32. Section one hundred twenty-five point twenty-two (125.22), Code 1977, is amended to read as follows:

125.22 COMPOSITION OF FACILITIES BOARDS--TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, ~~no~~ a facility shall not be approved licensed pursuant to section 425-43 fourteen (14) of this Act unless it is either a political subdivision, a licensed hospital or a community mental health center operating under chapter 230A, or it is organized under the Iowa nonprofit corporation Act appearing as chapter 504A. 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~~ substance abuse.

2. A local governmental unit which is providing funds to a facility for treatment of ~~alcoholism~~ substance abuse 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 125.28.

Sec. 33. Section one hundred twenty-five point twenty-three (125.23), subsection three (3), Code 1977, is amended to read as follows:

3. Nothing in this chapter affects any law, ordinance, resolution or rule against drunken driving, driving under the influence of alcohol or other chemical substance, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery

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1 or other equipment, or regarding the sale, purchase,
2 dispensing, possessing or use of alcoholic beverages
3 or beer at stated times and places or by a particular
4 class of persons or regarding the sale, purchase,
5 possession or use of another chemical substance.

6 Sec. 34. Section one hundred twenty-five point
7 twenty-six (125.26), Code 1977, is amended to read
8 as follows:

9 125.26 FUNDING AT MENTAL HEALTH INSTITUTES.
10 Chapter 230 shall govern the determination of the
11 costs and payment for treatment provided to ~~alcoholics~~
12 substance abusers in a mental health institute under
13 the department of social services, except that the
14 charges shall not constitute a lien on any real estate
15 owned by persons legally liable for support of the
16 ~~alcoholic~~ substance abuser and the daily per diem
17 shall be billed at twenty-five percent. Beginning
18 July 1, ~~1976~~ 1977, the superintendent of a state
19 hospital shall total only those expenditures which
20 can be attributed to the cost of providing inpatient
21 treatment to ~~alcoholics-and-intoxicated-persons~~
22 substance abusers for purposes of determining the
23 daily per diem. The provisions of section 125.31
24 shall govern the determination of who is legally
25 liable for the cost of care, maintenance, and treatment
26 of ~~an-alcoholic~~ a substance abuser and of the amount
27 for which the person is liable.

28 Sec. 35. Section one hundred twenty-five point
29 twenty-seven (125.27), Code 1977, is amended to read
30 as follows:

31 125.27 CONTRACT FOR CARE--RULES ADOPTED. The
32 director may, consistent with the comprehensive
33 ~~alcoholic~~ substance abuse program, enter into written
34 agreements with a facility as defined in section 125.2
35 to pay for seventy-five percent of the cost of the
36 care, maintenance and treatment of ~~an-alcoholic~~ a
37 substance abuser. Such contracts shall be for a
38 period of no more than one year. The commission shall
39 review and evaluate at least once each year all such
40 agreements and determine whether or not they shall
41 be continued.

42 The contract may be in such form and contain
43 provisions as agreed upon by the parties. Such
44 contract shall provide that the facility shall admit
45 and treat ~~alcoholics~~ substance abusers regardless
46 of where they have residence. If one payment for
47 care, maintenance, and treatment is not made by the
48 patient or those legally liable therefor within thirty
49 days after discharge the payment shall be made by
50 the ~~division~~ department directly to the facility.

1 Payments shall be made each month and shall be based
2 upon the facility's average daily per patient charge.
3 Provisions of this section shall not pertain to
4 patients treated at the mental health institutes.
5 If the appropriation to the ~~commission~~ department
6 is insufficient to meet the requirements of this
7 section, the ~~commission~~ department shall request a
8 transfer of funds and section 8.39 shall apply.
9 Contracting facilities shall deliver to each patient
10 upon discharge a statement of the costs of the care,
11 maintenance and treatment for which that patient is
12 liable, and shall retain a carbon copy or other similar
13 copy of that statement for a period of not less than
14 one year after the date of discharge of the patient
15 to whom the statement refers. Every payment received
16 by a contracting facility from or on behalf of a
17 patient, whether received before or after costs have
18 been billed to the ~~division~~ department or to a county,
19 shall be identified by the facility as to patient
20 and invoice or statement, and shall be reported to
21 the ~~division~~ department. A contracting facility shall
22 allow as a credit against a future billing to the
23 ~~division~~ department or to a county, payments received
24 during each month from or on behalf of a patient whose
25 care, maintenance and treatment theretofore has been
26 billed to and paid by the ~~division~~ department or a
27 county. Failure by a contracting facility to comply
28 with this paragraph, or with rules promulgated pursuant
29 to section ~~425.43, subsection 47~~ twenty-three (23)
30 of this Act shall constitute grounds for nonrenewal
31 of the contract.

32 Sec. 36. Section one hundred twenty-five point
33 twenty-eight (125.28), subsection one (1), Code 1977,
34 is amended to read as follows:
35 1. Except as provided in section 125.26, each
36 county shall pay for the remaining twenty-five percent
37 of the cost of the care, maintenance, and treatment
38 under this chapter of residents of that county from
39 the county mental health and institutions fund as
40 provided in section 444.12. The commission shall
41 establish guidelines for use by the counties in
42 estimating the amount of expense which the county
43 will incur each year. The facility shall certify
44 to the county of residence once each month twenty-
45 five percent of the unpaid cost of the care,
46 maintenance, and treatment of an ~~alcoholic~~ substance
47 abuser. Such county shall pay the cost so certified
48 to the facility from its county mental health and
49 institutions fund. However, the approval of the board
50 of supervisors shall be required before payment is

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

15 Sec. 37. Section one hundred twenty-five point
16 twenty-nine (125.29), Code 1977, is amended to read
17 as follows:

18 125.29 COUNTY OF RESIDENCE DETERMINED. The
19 facility shall, when an ~~alcoholic~~ a substance abuser
20 is admitted, or as soon thereafter as it receives
21 the proper information, determine and enter upon its
22 records the Iowa county of residence of ~~such alcoholic~~
23 the substance abuser, or that the person resides in
24 some other state or country, or that the person is
25 unclassified with respect to residence.

26 Sec. 38. Section one hundred twenty-five point
27 thirty (125.30), Code 1977, is amended to read as
28 follows:

29 125.30 DISPUTES OVER PAYMENT. In the event any
30 county to which certification of the cost of care,
31 maintenance, and treatment of an ~~alcoholic~~ a substance
32 abuser is made, disputes that such ~~alcoholic~~ sub-
33 stance abuser has ~~his~~ residence in that county, it
34 shall immediately notify the facility that such dispute
35 exists. The director shall immediately investigate
36 the facts and determine in which county the patient
37 has residence. The director shall certify ~~his~~ the
38 determination to the county, if any, wherein it is
39 found the patient has residence and to the facility.
40 A county certified by the director to be the county
41 of residence shall reimburse the facility as provided
42 in this chapter. If the director finds that the
43 residence of an ~~alcoholic~~ a substance abuser at the
44 time of admission was in another state or country
45 or that the person is unclassified with respect to
46 residence, then the ~~division~~ department shall pay
47 for that portion of ~~his~~ the patient's care,
48 maintenance, and treatment that ~~his~~ the patient's
49 county of residence would have been liable to pay.
50 For purposes of this section, a "facility" does not

1 include a mental health institute under the control
2 of the department of social services.

3 Sec. 39. Section one hundred twenty-five point
4 thirty-one (125.31), unnumbered paragraph one (1),
5 Code 1977, is amended to read as follows:

6 The ~~alcoholic~~ substance abuser and any person,
7 firm, corporaton, or insurance company bound by
8 contract to provide support, hospitalization, or
9 medical services for the ~~alcoholic~~ substance abuser
10 shall be legally liable to the county of the
11 ~~alcoholic's~~ substance abuser's residence for twenty-
12 five percent of the total amount and to the ~~division~~
13 department for seventy-five percent of the total
14 amount of the cost of providing care, maintenance,
15 and treatment for the ~~alcoholic~~ substance abuser while
16 a voluntary or committed patient in a facility, except
17 when the state pays the total cost of care in which
18 case liability of one hundred percent shall be to
19 the state. Nothing in this section shall prohibit
20 any individual from paying any portion of the cost
21 of treatment.

22 Sec. 40. Section one hundred twenty-five point
23 thirty-three (125.33), Code 1977, is amended to read
24 as follows:

25 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The
26 auditor of each county shall keep an accurate account
27 of the total cost to the county of the care,
28 maintenance, and treatment of any ~~alcoholic~~ substance
29 abuser and shall keep an index of the names of the
30 ~~alcoholics~~ substance abusers for whose benefit county
31 funds are expended pursuant to section 125.28 for
32 those services. The index shall be used only for
33 audit purposes by the state or county and shall not
34 be considered a public record.

35 Sec. 41. Section one hundred twenty-five point
36 thirty-four (125.34), Code 1977, is amended to read
37 as follows:

38 125.34 COLLECTION OF CLAIMS BY BOARD OF
39 SUPERVISORS. The board of supervisors shall collect
40 the total amount of all such liabilities as they
41 become due, from those persons whom the board has
42 found, under section 125.28, subsection 2, are able
43 to pay. The board shall direct the county attorney
44 to proceed with the collection of such liabilities
45 as a part of the duties of that office. The county
46 shall be entitled to keep the total amount of all
47 such liabilities collected. The county attorney,
48 with the consent of the board of supervisors, may
49 execute an agreement providing for the acceptance
50 of a lesser amount owed by an ~~alcoholic~~ a substance

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1 abuser, his or her spouse, or estate to the county.
2 The execution of such agreement may provide that the
3 same is in satisfaction of all moneys owed the county.

4 Sec. 42. Section two hundred twenty-nine point
5 twenty-one (229.21), subsection one (1), Code 1977,
6 is amended to read as follows:

7 1. As soon as practicable after the adoption of
8 this Act the judges in each judicial district shall
9 meet and shall determine, individually for each county
10 in the district, whether it appears that one or more
11 district judges will be sufficiently accessible in
12 that county to make it feasible for them to perform
13 at all times the duties prescribed by sections 229.7
14 to 229.20 and by ~~chapter-22~~ section twenty-nine (29)
15 of this Act. If the judges find that accessibility
16 of district court judges in any county is not
17 sufficient for this purpose, the chief judge of the
18 district shall appoint in that county a judicial
19 hospitalization referee. The judges in any district
20 may at any time review their determination, previously
21 made under this subsection with respect to any county
22 in the district, and pursuant to that review may
23 authorize appointment of a judicial hospitalization
24 referee, or abolish the office, in that county.

25 Sec. 43. Chapters two hundred twenty-four (224)
26 and two hundred twenty-four A (224A) and sections
27 one hundred twenty-five point one (125.1) and one
28 hundred twenty-five point fourteen (125.14), Code
29 1977, are repealed.

30 Sec. 44. Sections one hundred twenty-five point
31 thirty-seven (125.37) through one hundred twenty-five
32 point forty-two (125.42), Code 1977, are repealed.
33 Notwithstanding subsection one (1) of section four
34 point one (4.1) of the Code, the repeal of section
35 one hundred twenty-five point forty-two (125.42) of
36 the Code shall not operate to repeal the provisions
37 of chapter one hundred twenty-five (125) of the Code
38 as they existed before the effective date of this
39 section and as they are amended by this Act.

40 Sec. 45.

41 1. Sections one (1) through forty-three (43) and
42 sections forty-six (46) and forty-seven (47) of this
43 Act are effective January 1, 1978.

44 2. Section forty-four (44) of this Act is effective
45 July 1, 1977.

46 Sec. 46. The Code editor shall place sections
47 sixteen (16) through twenty-three (23) of this Act
48 following section one hundred twenty-five point
49 thirteen (125.13) of the Code and shall renumber all
50 sections in chapter one hundred twenty-five (125)

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1 of the Code and correct internal references in chapter
2 one hundred twenty-five (125) of the Code in ac-
3 cordance with this Act.

4 Sec. 47. The Code editor shall change all
5 references to the word "division" in chapter one
6 hundred twenty-five (125) of the Code to the word
7 "department".

8 2. Amend the title, by striking lines one (1)
9 through six (6) and inserting in lieu thereof the
10 words "An Act relating to substance abuse by creating
11 an Iowa department of substance abuse, prescribing
12 the structure, powers and duties of the department,
13 applying the funding formula for alcoholism programs
14 in".

15 3. Amend the title, line 9, by striking the word
16 "division" and inserting in lieu thereof the word
17 "department".

18 4. Amend the title, lines 13 and 14, by striking
19 the words and numerals "; and repealing chapter two
20 hundred twenty-four B (224B) of the Code" and inserting
21 in lieu thereof the words and numerals ", repealing
22 chapters two hundred twenty-four (224) and two hundred
23 twenty-four A (224A) of the Code and providing a
24 penalty."

H-4147 FILED - *Adopted as amended by* BY HANSEN of O'Brien
MAY 12, 1977 *4/65, 4/67, 4/68* MONROE of Des Moines
5/13 (p. 2211) WEST of Marshall
CUSACK of Scott
DYRLAND of Clayton
HIGGINS of Scott

HOUSE FILE 594

H-4149

1 Amend amendment H-4147 to House File 594 as follows:

2 1. Page 2, line 24, by inserting after the word
3 "MEETINGS." the words "The governor shall annually
4 designate the chairperson of the commission."

5 2. Page 2, line 26, by striking the words "chair-
6 person and a" and inserting in lieu thereof the words
7 "and-a".

H-4149 FILED - *Last 5/13* BY LIPSKY of Linn
MAY 12, 1977 *(p. 2202)*

HOUSE FILE 594

H-4148

1 Amend amendment H-4147, to House File 594,
2 as follows:

3 1. Page 8, by striking lines 21 through 50.

4 2. By striking page 9.

5 3. Page 10, by striking lines 1 through 43.

H-4148 FILED - *Withdrawn 5/13* BY WELDEN of Hardin
MAY 12, 1977 *(p. 2262)*

Sen. Dennis Reardon 5/17 Do Pass 5/18 per 3657 (p.1748)
" State Govt. 5/18 Do Pass 5/18 (p.1780)

HOUSE FILE 594
By Committee on State Government

(As Amended and Passed by the House)

Passed House, ^{as further amended by Senate} Date 5-20-77 (p.2543) Passed Senate, ^{as further amended} Date 5-19-77 (p.1729)
Vote: Ayes 90 Nays 0 Vote: Ayes 47 Nays 2
Approved 7-10-77

A BILL FOR

1 An Act relating to substance abuse by creating an Iowa
2 department of substance abuse, prescribing the
3 structure, powers and duties of the department,
4 applying the funding formula for alcoholism programs
5 in chapter one hundred twenty-five (125) of the Code
6 to all substance abuse programs, providing for the
7 licensing of treatment facilities by the department,
8 making provisions of chapter one hundred twenty-five
9 (125) of the Code relating to the treatment and
10 commitment of alcoholics, and persons incapacitated
11 by alcohol applicable to persons who abuse any chemical
12 substance, repealing chapters two hundred twenty-four
13 (224) and two hundred twenty-four A (224A) of the Code
14 and providing a penalty.

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

16
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House Amendments _____

1 Section 1. Section one hundred twenty-five point two
2 (125.2), Code 1977, is amended by striking subsections one
3 (1), three (3), five (5), and eleven (11) and inserting in
4 lieu thereof the following:

5 1. "Chemical dependency" means an addiction or dependency,
6 either physical or psychological, on a chemical substance.
7 Persons who take medically prescribed drugs shall not be
8 considered chemically dependent if the drug is medically
9 prescribed and the intake is proportionate to the medical
10 need.

11 3. "Chemical substance" means alcohol, wine, spirits and
12 beer as defined in chapter one hundred twenty-three (123)
13 of the Code and drugs as defined in section two hundred three
14 A point two (203A.2), subsection three (3) of the Code, which
15 when used improperly could result in chemical dependency.

16 5. "Substance abuser" means a person who habitually lacks
17 self-control as to the use of chemical substances or uses
18 chemical substances to the extent that his or her health is
19 substantially impaired or endangered or that his or her social
20 or economic function is substantially disrupted.

21 Sec. 2. Section one hundred twenty-five point two (125.2),
22 subsections two (2), four (4), six (6), seven (7), eight (8),
23 and ten (10), Code 1977, are amended to read as follows:

24 2. "Facility" means a hospital, institution, de-
25 toxification center, or installation providing care,
26 maintenance and treatment for ~~alcoholics~~ substance abusers
27 and approved licensed by the director department under section
28 125.13.

29 4. "Department" means the ~~state~~ Iowa department of health
30 substance abuse.

31 6. "Director" means the director of the Iowa division
32 ~~on-alcoholism~~ department of substance abuse.

33 7. "Commission" means the ~~Iowa~~ commission on alcoholism
34 substance abuse within the division department.

35 8. "Incapacitated by ~~alcohol~~ a chemical substance" means

1 that a person, as a result of the use of ~~alcohol~~ a chemical
2 substance, is unconscious or has his or her judgement otherwise
3 so impaired that he or she is incapable of realizing and
4 making a rational decision with respect to his the need for
5 treatment.

6 10. "Intoxicated person" means a person whose mental or
7 physical functioning is substantially impaired as a result
8 of the use of ~~alcohol~~ a chemical substance.

9 Sec. 3. Section one hundred twenty-five point three
10 (125.3), Code 1977, is amended to read as follows:

11 125.3 ESTABLISHED. There is established within the state
12 Iowa department of ~~health-a-division-on-alcoholism~~ substance
13 abuse which shall develop, implement and administer a
14 comprehensive alcoholism substance abuse program pursuant
15 to sections 125.1 to 125.26. There is established within
16 the division department a commission on alcoholism substance
17 abuse to establish policies governing the performance of the
18 division department in the discharge of duties imposed on
19 it by this chapter. The commission shall consist of nine
20 members appointed by the governor. Appointments shall be
21 made on the basis of interest in and knowledge of alcoholism
22 substance abuse, however two of the members shall be persons
23 who, in their regular work, have direct contact with substance
24 abuse clients. All members shall be eligible electors of
25 the state of Iowa and-no-more-than-five-members-shall-belong
26 to-the-same-political-party.--No-member-shall-be-a-director
27 of-a-local-or-regional-alcoholism-center.

28 Sec. 4. Section one hundred twenty-five point five (125.5),
29 Code 1977, is amended to read as follows:

30 125.5 MEETINGS. The commission shall organize annually
31 and shall select from its membership a chairman chairperson
32 and a vice chairman chairperson. The commission shall meet
33 at least six times a year. Other meetings shall be called
34 by the chairman chairperson or upon written request of a
35 majority of the members of the commission. The chairman

1 chairperson shall preside at all meetings or in his the
2 chairperson's absence the vice chairman chairperson shall
3 preside. Five members of the commission shall constitute
4 a quorum but the concurrence of a majority of the commission
5 shall be required to determine any matter relating to its
6 duties.

7 Sec. 5. Section one hundred twenty-five point six (125.6),
8 Code 1977, is amended to read as follows:

9 125.6 COMPENSATION. Each member of the ~~Fewa~~ commission
10 on ~~alcoholism~~ substance abuse shall receive forty dollars
11 per day for each day spent in performance of the duties of
12 the commission. Each member shall also receive his actual
13 necessary expenses incurred in the performance of his or her
14 duties.

15 Sec. 6. Section one hundred twenty-five point seven
16 (125.7), Code 1977, is amended by adding the following new
17 subsection:

18 NEW SUBSECTION. Consider and approve or disapprove all
19 applications for a license and all cases involving the renewal,
20 denial, suspension or revocation of a license.

21 Sec. 7. Section one hundred twenty-five point seven
22 (125.7), subsections two (2), four (4), five (5) and eight
23 (8), Code 1977, are amended to read as follows:

24 2. ~~Approve~~ the comprehensive ~~alcoholism~~ substance abuse
25 program, and the funding therefore, developed by the ~~division~~
26 department pursuant to sections 125.1 to 125.26.

27 4. Establish policies governing the performance of the
28 director in the discharge of his the director's duties.

29 5. Advise or make recommendations to the governor and
30 the general assembly relative to ~~alcoholism~~ substance abuse
31 treatment, intervention and education and prevention programs
32 in this state.

33 8. Submit to the governor and the general assembly an
34 annual report covering the activities of the ~~division~~
35 department.

1 Sec. 8. Section one hundred twenty-five point eight
2 (125.8), Code 1977, is amended by striking the section and
3 inserting in lieu thereof the following:

4 125.8 DIRECTOR APPOINTED. The director of the department
5 shall be appointed by the governor with the approval of two-
6 thirds of the members of the senate. The director shall be
7 a qualified person who has training or experience in handling
8 substance abuse problems and the ability to organize and
9 otherwise supervise delivery systems providing treatment,
10 intervention and education and prevention services to persons
11 suffering from substance abuse problems. The director shall
12 serve as secretary to the commission.

13 Sec. 9. Section one hundred twenty-five point nine (125.9),
14 subsections one (1), two (2), four (4) and six (6), Code 1977,
15 are amended to read as follows:

16 1. Plan, establish and maintain treatment, intervention
17 and education and prevention programs as necessary or desirable
18 in accordance with the comprehensive ~~alcoholism~~ substance
19 abuse program.

20 2. Make contracts necessary or incidental to the
21 performance of ~~his~~ the duties and the execution of ~~his~~ the
22 powers of the director, including contracts with public and
23 private agencies, organizations and individuals to pay them
24 for services rendered or furnished to ~~alcoholics~~ substance
25 abusers or intoxicated persons.

26 4. Co-ordinate the activities of the ~~division~~ department
27 and co-operate with ~~alcoholism~~ substance abuse programs in
28 this and other states, and make contracts and other joint
29 or co-operative arrangements with state, local or private
30 agencies in this and other states for the treatment of
31 ~~alcoholics~~ substance abusers and intoxicated persons and for
32 the common advancement of ~~alcoholism~~ substance abuse programs.

33 6. Employ a deputy director who shall be exempt from the
34 merit system and shall serve at the pleasure of the director.
35 The director may employ other staff necessary to carry out

1 the duties assigned to him the director.

2 Sec. 10. Section one hundred twenty-five point nine
3 (125.9), Code 1977, is amended by adding the following new
4 subsections after subsection four (4):

5 NEW SUBSECTION. Require that a written report, in
6 reasonable detail, be submitted to the director at any time
7 by any agency of this state or of any of its political
8 subdivisions in respect to any substance abuse prevention
9 function, or program for the benefit of persons who are or
10 have been involved in substance abuse, which is being conducted
11 by the agency.

12 NEW SUBSECTION. Submit to the governor a written report
13 of the pertinent facts at any time the director concludes
14 that any agency of this state or of any of its political
15 subdivisions is conducting any substance abuse prevention
16 function, or program for the benefit of persons who are or
17 have been involved in substance abuse in a manner not
18 consistent with or which impairs achievement of the objectives
19 of the state plan to combat substance abuse, and has failed
20 to effect appropriate changes in the function or program.

21 Sec. 11. Section one hundred twenty-five point ten
22 (125.10), Code 1977, is amended to read as follows:

23 125.10 DUTIES OF DIRECTOR. The director shall:

24 1. Prepare and submit a state plan subject to approval
25 by the commission and in accordance with the provisions of
26 title XLIII, United States Code, section 4573. The state plan
27 shall designate the ~~division~~ department as the sole agency
28 for supervision of the administration of the plan and ~~may~~
29 shall provide for the appointment of a citizens advisory
30 council on ~~alcoholism~~ substance abuse.

31 2. Develop, encourage, and foster state-wide, regional
32 and local plans and programs for the prevention of ~~alcoholism~~
33 substance abuse and the treatment of ~~alcoholics~~ substance
34 abusers and intoxicated persons in co-operation with public
35 and private agencies, organizations and individuals, and

1 provide technical assistance and consultation services for
2 these purposes.

3 3. Co-ordinate the efforts and enlist the assistance of
4 all public and private agencies, organizations and individuals
5 interested in the prevention of ~~alcoholism~~ substance abuse
6 and the treatment of ~~alcoholics~~ substance abusers and
7 intoxicated persons.

8 4. Co-operate with the department of social services in
9 establishing and conducting programs to provide treatment
10 for ~~alcoholics~~ substance abusers and intoxicated persons.

11 5. Co-operate with the department of public instruction,
12 boards of education, schools, police departments, courts and
13 other public and private agencies, organizations and
14 individuals in establishing programs for the prevention of
15 ~~alcoholism~~ substance abuse and the treatment of ~~alcoholics~~
16 substance abusers and intoxicated persons, and in preparing
17 curriculum materials thereon for use at all levels of school
18 education.

19 6. Prepare, publish, evaluate and disseminate educational
20 material dealing with the nature and effects of ~~alcohol~~
21 chemical substances.

22 7. Develop and implement, as an integral part of treatment
23 programs, an educational program for use in the treatment
24 of ~~alcoholics~~ substance abusers and intoxicated persons, which
25 program shall include the dissemination of information
26 concerning the nature and effects of ~~alcohol~~ chemical
27 substances.

28 8. Organize and implement, in co-operation with local
29 treatment programs, training programs for all persons engaged
30 in treatment of ~~alcoholics~~ substance abusers and intoxicated
31 persons.

32 9. Sponsor and implement, ~~in co-operation with local~~
33 ~~treatment programs,~~ research in cooperation with local
34 treatment programs into the causes and nature of ~~alcoholism~~
35 substance abuse and treatment of ~~alcoholics~~ substance abusers

1 and intoxicated persons, and serve as a clearing house for
2 information relating to ~~alcoholism~~ substance abuse.

3 10. Specify uniform methods for keeping statistical
4 information by public and private agencies, organizations
5 and individuals, and collect and make available relevant
6 statistical information, including number of persons treated,
7 frequency of admission and readmission, and frequency and
8 duration of treatment.

9 11. Develop and implement, with the counsel and approval
10 of the commission, a comprehensive plan for treatment of
11 ~~alcoholics~~ substance abusers and intoxicated persons, said
12 plan to be co-ordinated with health systems agencies.

13 12. Assist in the development of, and co-operate with,
14 ~~alcohol~~ substance abuse education and treatment programs for
15 employees of state and local governments and businesses and
16 industries in the state.

17 13. Utilize the support and assistance of interested
18 persons in the community, particularly recovered ~~alcoholics~~
19 substance abusers, to encourage ~~alcoholics~~ substance abusers
20 to voluntarily undergo treatment.

21 14. Co-operate with the commissioner of public safety
22 in establishing and conducting programs designed to deal with
23 the problem of persons operating motor vehicles while
24 intoxicated.

25 15. Encourage general hospitals and other appropriate
26 health facilities to admit without discrimination ~~alcoholics~~
27 substance abusers and intoxicated persons and to provide them
28 with adequate and appropriate treatment, and may negotiate
29 and implement contracts with hospitals and other appropriate
30 health facilities with adequate detoxification facilities.

31 16. Encourage all health and disability insurance programs
32 to include ~~alcoholism~~ substance abuse as a covered illness.

33 17. Review all state health, welfare, education and
34 treatment ~~plans~~ proposals to be submitted for federal funding
35 under federal legislation, and advise the governor on

1 provisions to be included relating to ~~alcoholism~~ substance
2 abuse and substance abusers and intoxicated persons.

3 Sec. 12. Section one hundred twenty-five point eleven
4 (125.11), Code 1977, is amended by striking the section and
5 inserting in lieu thereof the following:

6 125.11 STATE ADVISORY COUNCIL--MEMBERSHIP.

7 1. There is established within the department a state
8 advisory council which shall be composed of nine members and
9 which shall advise the director in administering this chapter.
10 The governor shall appoint the members of the advisory council,
11 who shall serve at the pleasure of the governor, and shall
12 designate the chairperson of the advisory council. The
13 director or a designee shall serve as the advisory council's
14 secretary. The advisory council shall be entirely advisory
15 in character and may not exercise administrative authority.

16 2. Members of the substance abuse advisory council shall,
17 to the extent practicable, be drawn from different geographical
18 areas of the state, and shall provide representation for:

19 a. Nongovernmental organizations concerned directly or
20 indirectly with substance abuse such as local citizen groups,
21 employee groups, national groups, labor and mangement, and
22 other provider, consumer, and consumer advocate groups.

23 b. Public agencies concerned directly or indirectly with
24 substance abuse, such as local elected officials or
25 representatives of health and mental health agencies, welfare
26 agencies, and law enforcement agencies.

27 c. The minority, proverty, and major population groups
28 which are significantly affected by the problems of substance
29 abuse.

30 d. At least one representative of the state health
31 coordinating council.

32 3. Members of the council shall serve without compensation
33 but shall receive reimbursement for travel and other necessary
34 expenses actually incurred in the performance of their duties.

35 Sec. 13. Section one hundred twenty-five point twelve

1 (125.12), Code 1977, is amended to read as follows:

2 125.12 COMPREHENSIVE PROGRAM FOR TREATMENT--REGIONAL
3 FACILITIES.

4 1. The commission shall establish a comprehensive and
5 co-ordinated program for the treatment of ~~alcoholics~~ substance
6 abusers and intoxicated persons. Subject to the approval
7 of the ~~commissioner~~ commission, the director shall divide
8 the state into appropriate regions for the conduct of the
9 program and establish standards for the development of the
10 program on the regional level. In establishing the regions,
11 consideration shall be given to city and county lines,
12 population concentrations and existing ~~alcoholism~~ substance
13 abuse treatment services. In determining the regions, the
14 director shall not be required to follow the regional map
15 as prepared by the office for planning and programming.

16 2. The program of the commission shall include:

17 a. Emergency treatment provided by a facility affiliated
18 with or part of the medical service of a general hospital.

19 b. Inpatient treatment.

20 c. Intermediate treatment.

21 d. Outpatient and follow-up treatment.

22 e. Prevention.

23 3. The director shall provide for adequate and appropriate
24 treatment for ~~alcoholics~~ substance abusers and intoxicated
25 persons admitted under sections 125.16 to 125.19. Treatment
26 shall not be provided at a correctional institution except
27 for inmates.

28 4. The director shall maintain, supervise and control
29 all facilities operated by ~~him~~ the director pursuant to this
30 chapter. The administrator of each facility shall make ~~an~~
31 annual a report of the activities of the facility to the
32 ~~director~~ commission in the form and manner the ~~director~~
33 commission specifies.

34 5. All appropriate public and private resources shall
35 be co-ordinated with and utilized in the program if possible.

1 6. The director shall prepare, publish and distribute
2 annually a list of all facilities.

3 7. The director may contract for the use of a facility
4 if the director, subject to the policies of the commission
5 and pursuant to section 125.27, considers this to be an
6 effective and economical course to follow.

7 Sec. 14. Section one hundred twenty-five point thirteen
8 (125.13), Code 1977, is amended by striking the section and
9 inserting in lieu thereof the following:

10 125.13 PROGRAMS LICENSED--EXCEPTIONS.

11 1. Except as provided in subsection two (2) of this
12 section, a person may not maintain or conduct any chemical
13 substitutes or antagonists program, residential program or
14 nonresidential outpatient program, the primary purpose of
15 which is the treatment and rehabilitation of substance abusers
16 without having first obtained a written license for the program
17 from the department.

18 2. The licensing requirements of this Act, except the
19 requirements imposed by section twenty-four (24) of this Act,
20 shall not apply to any of the following:

21 a. Hospitals providing any care or treatment to substance
22 abusers required on January 1, 1978, by other provisions of
23 law to be licensed.

24 b. Any practitioner of medicine and surgery or osteopathic
25 medicine and surgery, in his or her private practice. However,
26 a program shall not be exempted from licensing by the
27 commission by virtue of its utilization of the services of
28 a medical practitioner in its operation.

29 c. Private institutions conducted by and for persons who
30 adhere to the faith of any well recognized church or religious
31 denomination for the purpose of providing care, treatment,
32 counseling, or rehabilitation to drug dependent persons and
33 who rely solely on prayer or other spiritual means for healing
34 in the practice of religion of such church or denomination.

35 d. Facilities, institutions, or programs which, in the

1 discretion of the department, provide services which are only
2 informational or educational in nature.

3 Sec. 15. Chapter one hundred twenty-five (125), Code 1977,
4 is amended by adding sections sixteen (16) through twenty-
5 four (24) of this Act after section one hundred twenty-five
6 point thirteen (125.13) of the Code.

7 Sec. 16. NEW SECTION. LICENSES--RENEWAL--FEES. The
8 commission shall meet to consider all cases involving issuance,
9 denial, suspension, or revocation of a license. Upon approval
10 of an application for licensing by the commission, a license
11 shall be issued by the department. Licenses shall expire
12 one year from the date of issuance and shall be renewed upon
13 timely application made in the same manner as for original
14 issuance of a license unless notice of nonrenewal is given
15 to the licensee at least thirty days prior to the expiration
16 of the license. The department shall not charge a fee for
17 licensing or renewal.

18 Sec. 17. NEW SECTION. INSPECTION OF LICENSEES. The
19 department shall at least annually inspect the facilities
20 and review the procedures utilized by each licensed program.
21 The examination and review may include case record audits
22 and interviews with staff and patients, consistent with the
23 confidentiality safeguards of state and federal law.

24 Sec. 18. NEW SECTION. TRANSFER OF LICENSE OR CHANGE OF
25 LOCATION PROHIBITED. A license issued under this chapter
26 may not be transferred, and the location of the physical
27 facilities occupied or utilized by any program licensed under
28 this chapter shall not be changed without the prior written
29 consent of the commission.

30 Sec. 19. NEW SECTION. LICENSE SUSPENSION OR REVOCATION.
31 Violation of any of the requirements or restrictions of this
32 chapter or of any of the rules properly established pursuant
33 to this chapter is cause for suspension, revocation or refusal
34 to renew a license. The director shall at the earliest time
35 feasible notify a licensee whose license the commission is

1 considering suspending or revoking and shall inform the
2 licensee what changes must be made in the licensee's operation
3 to avoid such action. The licensee shall be given a reasonable
4 time for compliance, as determined by the director, after
5 receiving such notice or a notice that the commission does
6 not intend to renew the license. When the licensee believes
7 compliance has been achieved, or if the licensee considers
8 the proposed suspension, revocation or refusal to renew
9 unjustified, the licensee may submit pertinent information
10 to the commission who shall expeditiously make a decision
11 in the matter and notify the licensee of the decision.

12 Sec. 20. NEW SECTION. HEARING BEFORE COMMISSION. If
13 a licensee under this chapter makes a written request for
14 a hearing within thirty days of suspension, revocation or
15 refusal to renew a license, a hearing before the commission
16 shall be expeditiously arranged. If the role of a commission
17 member is inconsistent with the member's job role or function,
18 or if any commission member feels unable for any reason to
19 disinterestedly weigh the merits of the case before the
20 commission, the member shall not participate in the hearing
21 and shall not be entitled to vote on the case. The commission
22 shall issue a written statement of its findings within thirty
23 days after conclusion of the hearing upholding or reversing
24 the proposed suspension, revocation or refusal to renew a
25 license. No action involving suspension, revocation or refusal
26 to renew a license shall be taken by the commission unless
27 a quorum of five of the nine members are present at the
28 meeting. A copy of the decision shall be promptly transmitted
29 to the affected licensee who may, if aggrieved by the decision,
30 seek judicial review of the actions of the commission may
31 be sought in accordance with the terms of the Iowa
32 administrative procedure Act.

33 Sec. 21. NEW SECTION. REISSUANCE OR REINSTATEMENT. After
34 suspension, revocation or refusal to renew a license pursuant
35 to this chapter, the affected licensee shall not have the

1 license reissued or reinstated within one year of the effective
2 date of the suspension, revocation or expiration upon refusal
3 to renew, unless by order of the commission. After that time,
4 proof of compliance with the requirements and restrictions
5 of this chapter and the rules established pursuant to this
6 chapter must be presented to the commission prior to
7 reinstatement or reissuance of a license.

8 Sec. 22. NEW SECTION. RULES. The commission shall
9 establish rules pursuant to chapter seventeen A (17A) of the
10 Code requiring facilities to use reasonable accounting and
11 reimbursement systems which recognize relevant cost-related
12 factors for substance abuse patients. A facility shall not
13 be licensed nor shall any payment be made under this chapter
14 to a facility which fails to comply with those rules or which
15 does not permit inspection by the department or examination
16 of all records, including financial records, methods of
17 administration, general and special dietary programs, the
18 disbursement of drugs and methods of supply, and any other
19 records the commission deems relevant to the establishment
20 of such a system. However, rules issued pursuant to this
21 paragraph shall not apply to any facility referred to in
22 section fourteen (14), subsection two (2) or section thirty-
23 four (34) of this Act.

24 Sec. 23. NEW SECTION. CHEMICAL SUBSTITUTES AND ANTAGONISTS
25 PROGRAMS. The commission shall have exclusive power in this
26 state to approve and license chemical substitutes and
27 antagonists programs, and monitor chemical substitutes and
28 antagonists programs in this state to insure that the programs
29 are operating within the rules established pursuant to this
30 chapter and the commission shall be obliged to grant such
31 approval and license if the requirements of the rules are
32 met and no state funding is requested.

33 The department may:

34 1. Continuously study and evaluate chemical substitutes
35 and antagonists programs in this state and annually report

1 to the governor and the general assembly on the effectiveness
2 and needs of the programs.

3 2. Provide advice, consultation, and technical assistance
4 to chemical substitutes and antagonists programs.

5 3. In its discretion, approve local agencies or bodies
6 to assist it in carrying out the provisions of this chapter.

7 Sec. 24. Section one hundred twenty-five point fifteen
8 (125.15), Code 1977, is amended to read as follows:

9 125.15 ACCEPTANCE FOR TREATMENT--RULES. The commission
10 shall adopt and may amend and repeal rules for acceptance
11 of persons into the treatment program, subject to the
12 provisions of chapter 17A, considering available treatment
13 resources and facilities, for the purpose of early and
14 effective treatment of ~~alcoholics~~ substance abusers and
15 intoxicated persons. In establishing the rules the commission
16 shall be guided by the following standards:

17 1. If possible a patient shall be treated on a voluntary
18 rather than an involuntary basis.

19 2. A patient shall be initially assigned or transferred
20 to outpatient or intermediate treatment, unless ~~he~~ the patient
21 is found to require inpatient treatment.

22 3. A person shall not be denied treatment solely because
23 ~~he~~ the person has withdrawn from treatment against medical
24 advice on a prior occasion or because ~~he~~ the person has
25 relapsed after earlier treatment.

26 4. An individualized treatment plan shall be prepared
27 and maintained on a current basis for each patient.

28 5. Provision shall be made for a continuum of co-ordinated
29 treatment services, so that a person who leaves a facility
30 or a form of treatment will have available and may utilize
31 other appropriate treatment.

32 Sec. 25. Section one hundred twenty-five point sixteen
33 (125.16), Code 1977, is amended to read as follows:

34 125.16 VOLUNTARY TREATMENT OF ~~ALCOHOLICS~~ SUBSTANCE ABUSERS.

35 1. ~~An-alcoholic~~ A substance abuser may apply for voluntary

1 treatment or rehabilitation services directly to a facility
2 or to a licensed physician and surgeon or osteopathic physician
3 and surgeon. If the proposed patient is a minor or an
4 incompetent person, he, a parent, a legal guardian or other
5 legal representative may make the application. The licensed
6 physician and surgeon or osteopathic physician and surgeon
7 or any employee or person acting under his or her direction
8 or supervision, or the facility shall not report or disclose
9 the name of the person or the fact that treatment was requested
10 or has been undertaken to any law enforcement officer or law
11 enforcement agency; nor shall such information be admissible
12 as evidence in any court, grand jury, or administrative
13 proceeding unless authorized by the person seeking treatment.
14 If the person seeking such treatment or rehabilitation is
15 a minor who has personally made application for treatment,
16 the fact that the minor sought treatment or rehabilitation
17 or is receiving treatment or rehabilitation services shall
18 not be reported or disclosed to the parents or legal guardian
19 of such minor without the minor's consent, and the minor may
20 give legal consent to receive such treatment and
21 rehabilitation.

22 2. Subject to rules adopted by the commission, the
23 administrator in charge of a facility may determine who shall
24 be admitted for treatment or rehabilitation. If a person
25 is refused admission, the administrator, subject to rules
26 adopted by the commission, shall refer the person to another
27 facility for treatment if possible and appropriate.

28 3. A substance abuser seeking treatment or rehabilitation
29 shall first be examined and evaluated by a licensed physician
30 and surgeon or osteopathic physician and surgeon who shall
31 prescribe a proper course of treatment and medication, if
32 needed. The licensed physician and surgeon or osteopathic
33 physician and surgeon may further prescribe a course of
34 treatment or rehabilitation and authorize another licensed
35 physician and surgeon or osteopathic physician and surgeon

1 or facility to provide the prescribed treatment or
2 rehabilitation services. Treatment or rehabilitation services
3 may be provided to a person individually or in a group. Any
4 facility providing or engaging in such treatment or
5 rehabilitation shall not report or disclose to a law
6 enforcement officer or law enforcement agency the name of
7 any person receiving or engaged in such treatment or
8 rehabilitation; nor shall any person receiving or participating
9 in such treatment or rehabilitation report or disclose the
10 name of any other person engaged in or receiving such treatment
11 or rehabilitation or that such program is in existence, to
12 a law enforcement officer or law enforcement agency. Such
13 information shall not be admitted in evidence in any court,
14 grand jury, or administrative proceeding. However, any person
15 engaged in or receiving such treatment or rehabilitation may
16 authorize the disclosure of his or her name and individual
17 participation.

18 3 4. If a patient receiving inpatient care leaves a
19 facility, he the patient shall be encouraged to consent to
20 appropriate outpatient or intermediate treatment. If it
21 appears to the administrator in charge of the facility that
22 the patient is ~~an alcoholic~~ a substance abuser who requires
23 help, the director may arrange for assistance in obtaining
24 supportive services and residential facilities.

25 4 5. If a patient leaves a facility, with or against the
26 advice of the administrator in charge of the facility, the
27 director may make reasonable provisions for his the patient's
28 transportation to another facility or to his the patient's
29 home. If he the patient has no home he the patient shall
30 be assisted in obtaining shelter. If he the patient is a
31 minor or an incompetent person the request for discharge from
32 an inpatient facility shall be made by a parent, legal guardian
33 or other legal representative or by the minor or incompetent
34 if he the patient was the original applicant.

35 6. Any person who reports or discloses the name of a

1 person receiving treatment or rehabilitation services to a
2 law enforcement officer or law enforcement agency or any
3 person receiving treatment or rehabilitation services who
4 discloses the name of any other person receiving treatment
5 or rehabilitation services without the written consent of
6 the person in violation of the provisions of this section
7 shall upon conviction be guilty of a simple misdemeanor.

8 Sec. 26. Section one hundred twenty-five point seventeen
9 (125.17), subsections one (1) and two (2), Code 1977, are
10 amended to read as follows:

11 1. An intoxicated person may come voluntarily to a facility
12 for emergency treatment. A person who appears to be
13 intoxicated or incapacitated by ~~alcohol~~ a chemical substance
14 in a public place and in need of help ~~may~~ shall be taken to
15 a facility by a peace officer. If the person refuses the
16 proffered help, ~~he~~ the person may be arrested and charged
17 with intoxication.

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

30 Sec. 27. Section one hundred twenty-five point seventeen
31 (125.17), subsection four (4), is amended by striking the
32 section and inserting in lieu thereof the following:

33 4. A person who is found to be intoxicated or incapacitated
34 by a chemical substance after examination by a qualified
35 health professional shall be required to remain at the facility

1 until the qualified health professional determines that the
2 person is not likely to physically injure himself or herself
3 or others. If the person is detained longer than twenty-four
4 hours the qualified health professional shall examine him
5 or her at least once every twelve hours to determine if further
6 detention is necessary. The qualified health professional
7 shall enter a written order for the person to be detained
8 in custody. Such order shall state the circumstances under
9 which the person was taken into custody and the grounds
10 supporting the finding or probable cause to believe that he
11 or she is sufficiently impaired or incapacitated by a chemical
12 substance to cause physical injury to himself or herself or
13 others if released. The order shall be filed in the district
14 court of the area in which the person is detained.

15 Sec. 28. Section one hundred twenty-five point eighteen
16 (125.18), subsection one (1), Code 1977, is amended to read
17 as follows:

18 1. An intoxicated person who has threatened, attempted,
19 or inflicted physical harm on himself or herself or another
20 and is likely to inflict physical harm on himself or herself
21 or another unless committed, or who is incapacitated by ~~alcohol~~
22 a chemical substance, may be committed to a facility for
23 emergency treatment. A refusal to undergo treatment does
24 not constitute evidence of lack of judgment as to the need
25 for treatment.

26 Sec. 29. Section one hundred twenty-five point nineteen
27 (125.19), subsections one (1), two (2), and five (5) and
28 subsection nine (9), paragraphs a and b, Code 1977, are amended
29 to read as follows:

30 1. A person may be committed to the custody of ~~the division~~
31 a facility by the district court upon the petition of his
32 the person's spouse or guardian, a relative, the certifying
33 physician, or the administrator in charge of a facility.
34 The petition shall allege that the person is ~~an alcoholic~~
35 a substance abuser who habitually lacks self-control as to

1 the use of ~~alcoholic-beverages~~ chemical substances, and (a)
2 that ~~he~~ the person has threatened, attempted or inflicted
3 physical harm on another and that ~~he~~ the person is likely
4 to inflict physical harm on himself or herself or another
5 unless committed; or (b) that ~~he~~ the person is incapacitated
6 by ~~alcohol~~ a chemical substance. A refusal to undergo
7 treatment does not constitute evidence of lack of judgment
8 as to the need for treatment. The petition shall be
9 accompanied by a certificate of a licensed physician who has
10 examined the person within two days before submission of the
11 petition, unless the person whose commitment is sought has
12 refused to submit to a medical examination or was unavailable
13 for examination, in which case the fact of refusal or
14 unavailability shall be alleged in the petition. The
15 certificate shall set forth the physician's findings in support
16 of the allegations of the petition. A physician employed
17 by the admitting facility or the ~~division~~ department is not
18 eligible to be the certifying physician.

19 2. Upon the filing of the petition, the court shall fix
20 a date for a hearing no later than ten days after the date
21 the petition was filed. If a judicial hospitalization referee
22 has been appointed under section two hundred twenty-nine point
23 twenty-one (229.21) of the Code for the county in which the
24 petition is filed, the clerk of the district court shall
25 immediately notify the referee of the filing of the petition
26 and the referee shall thereupon discharge all of the duties
27 imposed upon judges of the district court by this section.
28 A copy of the petition and the notice of hearing shall be
29 served in the manner of an original notice on the person whose
30 commitment is sought and upon a parent or legal guardian if
31 the person is a minor. A copy of the petition and the notice
32 of hearing shall be mailed or delivered in the manner provided
33 for motions in civil cases to the petitioner, the next of
34 kin of the person other than the petitioner, the administrator
35 of the facility to which the person has been committed for

1 emergency care, and any other person the court believes should
2 receive copies. A petition shall have attached a copy of
3 the certificate specified in this section.

4 5. A person committed under this section shall remain
5 in the custody of ~~the division~~ a facility for treatment for
6 a period of thirty days unless sooner discharged. This section
7 shall not be construed to require the ~~division~~ department
8 to pay the cost of any medication or procedure provided the
9 person during that period which is not necessary or appropriate
10 to the specific objectives of detoxification and treatment
11 of ~~alcoholism~~ substance abuse. At the end of the thirty-day
12 period, ~~he~~ the person shall be discharged automatically unless
13 the director before expiration of the period petitions the
14 court for an order for ~~his~~ the person's recommitment upon
15 the grounds set forth in subsection 1 for a further period
16 not to exceed ninety days.

17 a. In case of ~~an-alcoholic~~ a substance abuser committed
18 under subsection 1, paragraph "a", that ~~he~~ the person is no
19 longer ~~an-alcoholic~~ a substance abuser or the likelihood no
20 longer exists.

21 b. In case of ~~an-alcoholic~~ a substance abuser committed
22 under subsection 1, paragraph "b", that the incapacity no
23 longer exists, that further treatment will not be likely to
24 bring about significant improvement in the person's condition,
25 or that treatment is no longer adequate or appropriate.

26 Sec. 30. Section one hundred twenty-five point twenty
27 (125.20), subsection two (2), Code 1977, is amended to read
28 as follows:

29 2. Notwithstanding subsection 1, the director may make
30 available information from patients' records for purposes
31 of research into the causes and treatment of ~~alcoholism~~
32 substance abuse. Information under this subsection shall
33 not be published in a way that discloses patients' names or
34 other identifying information.

35 Sec. 31. Section one hundred twenty-five point twenty-

1 one (125.21), subsection two (2), Code 1977, is amended to
2 read as follows:

3 2. Neither mail nor other communication to or from a
4 patient in a facility may be intercepted, read or censored,
5 except that the commission may adopt reasonable rules regarding
6 the use of telephones by patients in facilities and the
7 delivery of ~~controlled~~ chemical substances ~~and other~~
8 intoxicants.

9 Sec. 32. Section one hundred twenty-five point twenty-
10 two (125.22), Code 1977, is amended to read as follows:

11 125.22 COMPOSITION OF FACILITIES BOARDS--TREATMENT PLANS
12 FURNISHED.

13 1. In addition to other requirements established by this
14 chapter, ~~no~~ a facility shall not be ~~approved~~ licensed pursuant
15 to section ~~125.13~~ fourteen (14) of this Act unless it is
16 either a political subdivision, a licensed hospital or a
17 community mental health center operating under chapter 230A,
18 or it is organized under the Iowa nonprofit corporation Act
19 appearing as chapter 504A. In the latter case, one-third
20 of the membership of the board of directors shall be
21 representatives of such government units providing funds to
22 the facility for treatment of ~~alcoholism~~ substance abuse.

23 2. A local governmental unit which is providing funds
24 to a facility for treatment of ~~alcoholism~~ substance abuse
25 may request from the facility a treatment program plan prior
26 to authorizing payment of any claims filed by the facility.
27 The governing body of the local governmental unit may review
28 the plan, but shall not impose on the facility any requirement
29 conflicting with the comprehensive treatment program
30 requirements of section 125.28.

31 Sec. 33. Section one hundred twenty-five point twenty-
32 three (125.23), subsection three (3), Code 1977, is amended
33 to read as follows:

34 3. Nothing in this chapter affects any law, ordinance,
35 resolution or rule against drunken driving, driving under

1 the influence of alcohol or other chemical substance, or other
2 similar offense involving the operation of a vehicle, aircraft,
3 boat, machinery or other equipment, or regarding the sale,
4 purchase, dispensing, possessing or use of alcoholic beverages
5 or beer at stated times and places or by a particular class
6 of persons or regarding the sale, purchase, possession or
7 use of another chemical substance.

8 Sec. 34. Section one hundred twenty-five point twenty-
9 six (125.26), Code 1977, is amended to read as follows:

10 125.26 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230
11 shall govern the determination of the costs and payment for
12 treatment provided to ~~alcoholics~~ substance abusers in a mental
13 health institute under the department of social services,
14 except that the charges shall not constitute a lien on any
15 real estate owned by persons legally liable for support of
16 the ~~alcoholic~~ substance abuser and the daily per diem shall
17 be billed at twenty-five percent. Beginning July 1, ~~1976~~
18 1977, the superintendent of a state hospital shall total only
19 those expenditures which can be attributed to the cost of
20 providing inpatient treatment to ~~alcoholics-and-intoxicated~~
21 persons substance abusers for purposes of determining the
22 daily per diem. The provisions of section 125.31 shall govern
23 the determination of who is legally liable for the cost of
24 care, maintenance, and treatment of ~~an-alcoholic~~ a substance
25 abuser and of the amount for which the person is liable.

26 Sec. 35. Section one hundred twenty-five point twenty-
27 seven (125.27), Code 1977, is amended to read as follows:

28 125.27 CONTRACT FOR CARE--RULES ADOPTED. The director
29 may, consistent with the comprehensive ~~alcoholism~~ substance
30 abuse program, enter into written agreements with a facility
31 as defined in section 125.2 to pay for seventy-five percent
32 of the cost of the care, maintenance and treatment of ~~an~~
33 ~~alcoholic~~ a substance abuser. Such contracts shall be for
34 a period of no more than one year. The commission shall
35 review and evaluate at least once each year all such agreements

1 and determine whether or not they shall be continued.

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

14 If the appropriation to the ~~commission~~ department is
15 insufficient to meet the requirements of this section, the
16 ~~commission~~ department shall request a transfer of funds and
17 section 8.39 shall apply.

18 Contracting facilities shall deliver to each patient upon
19 discharge a statement of the costs of the care, maintenance
20 and treatment for which that patient is liable, and shall
21 retain a carbon copy or other similar copy of that statement
22 for a period of not less than one year after the date of
23 discharge of the patient to whom the statement refers. Every
24 payment received by a contracting facility from or on behalf
25 of a patient, whether received before or after costs have
26 been billed to the ~~division~~ department or to a county, shall
27 be identified by the facility as to patient and invoice or
28 statement, and shall be reported to the ~~division~~ department.
29 A contracting facility shall allow as a credit against a
30 future billing to the ~~division~~ department or to a county,
31 payments received during each month from or on behalf of a
32 patient whose care, maintenance and treatment theretofore
33 has been billed to and paid by the ~~division~~ department or
34 a county. Failure by a contracting facility to comply with
35 this paragraph, or with rules promulgated pursuant to section

1 ~~125.13, subsection 4~~ twenty-three (23) of this Act shall
2 constitute grounds for nonrenewal of the contract.

3 Sec. 36. Section one hundred twenty-five point twenty-
4 eight (125.28), subsection one (1), Code 1977, is amended
5 to read as follows:

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

32 Sec. 37. Section one hundred twenty-five point twenty-
33 nine (125.29), Code 1977, is amended to read as follows:

34 125.29 COUNTY OF RESIDENCE DETERMINED. The facility
35 shall, when ~~an alcoholic~~ a substance abuser is admitted, or

1 as soon thereafter as it receives the proper information,
2 determine and enter upon its records the Iowa county of
3 residence of ~~such-alcoholic~~ the substance abuser, or that
4 the person resides in some other state or country, or that
5 the person is unclassified with respect to residence.

6 Sec. 38. Section one hundred twenty-five point thirty
7 (125.30), Code 1977, is amended to read as follows:

8 125.30 DISPUTES OVER PAYMENT. In the event any county
9 to which certification of the cost of care, maintenance, and
10 treatment of ~~an-alcoholic~~ a substance abuser is made, disputes
11 that such ~~alcoholic~~ substance abuser has his residence in
12 that county, it shall immediately notify the facility that
13 such dispute exists. The director shall immediately
14 investigate the facts and determine in which county the patient
15 has residence. The director shall certify his the
16 determination to the county, if any, wherein it is found the
17 patient has residence and to the facility. A county certified
18 by the director to be the county of residence shall reimburse
19 the facility as provided in this chapter. If the director
20 finds that the residence of ~~an-alcoholic~~ a substance abuser
21 at the time of admission was in another state or country or
22 that the person is unclassified with respect to residence,
23 then the ~~division~~ department shall pay for that portion of
24 his the patient's care, maintenance, and treatment that his
25 the patient's county of residence would have been liable to
26 pay. For purposes of this section, a "facility" does not
27 include a mental health institute under the control of the
28 department of social services.

29 Sec. 39. Section one hundred twenty-five point thirty-
30 one (125.31), unnumbered paragraph one (1), Code 1977, is
31 amended to read as follows:

32 The ~~alcoholic~~ substance abuser and any person, firm,
33 corporaton, or insurance company bound by contract to provide
34 support, hospitalization, or medical services for the ~~alcoholic~~
35 substance abuser shall be legally liable to the county of

1 the alcoholic's substance abuser's residence for twenty-five
2 percent of the total amount and to the division department
3 for seventy-five percent of the total amount of the cost of
4 providing care, maintenance, and treatment for the alcoholic
5 substance abuser while a voluntary or committed patient in
6 a facility, except when the state pays the total cost of care
7 in which case liability of one hundred percent shall be to
8 the state. Nothing in this section shall prohibit any
9 individual from paying any portion of the cost of treatment.

10 Sec. 40. Section one hundred twenty-five point thirty-
11 three (125.33), Code 1977, is amended to read as follows:

12 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of
13 each county shall keep an accurate account of the total cost
14 to the county of the care, maintenance, and treatment of any
15 alcoholic substance abuser and shall keep an index of the
16 names of the alcoholics substance abusers for whose benefit
17 county funds are expended pursuant to section 125.28 for those
18 services. The index shall be used only for audit purposes
19 by the state or county and shall not be considered a public
20 record.

21 Sec. 41. Section one hundred twenty-five point thirty-
22 four (125.34), Code 1977, is amended to read as follows:

23 125.34 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS.
24 The board of supervisors shall collect the total amount of
25 all such liabilities as they become due, from those persons
26 whom the board has found, under section 125.28, subsection
27 2, are able to pay. The board shall direct the county attorney
28 to proceed with the collection of such liabilities as a part
29 of the duties of that office. The county shall be entitled
30 to keep the total amount of all such liabilities collected.
31 The county attorney, with the consent of the board of
32 supervisors, may execute an agreement providing for the
33 acceptance of a lesser amount owed by an alcoholic a substance
34 abuser, his or her spouse, or estate to the county. The
35 execution of such agreement may provide that the same is in

1 satisfaction of all moneys owed the county.

2 Sec. 42. Section two hundred twenty-nine point twenty-
3 one (229.21), subsection one (1), Code 1977, is amended to
4 read as follows:

5 1. As soon as practicable after the adoption of this Act
6 the judges in each judicial district shall meet and shall
7 determine, individually for each county in the district,
8 whether it appears that one or more district judges will be
9 sufficiently accessible in that county to make it feasible
10 for them to perform at all times the duties prescribed by
11 sections 229.7 to 229.20 and by ~~chapter-224~~ section twenty-
12 nine (29) of this Act. If the judges find that accessibility
13 of district court judges in any county is not sufficient for
14 this purpose, the chief judge of the district shall appoint
15 in that county a judicial hospitalization referee. The judges
16 in any district may at any time review their determination,
17 previously made under this subsection with respect to any
18 county in the district, and pursuant to that review may
19 authorize appointment of a judicial hospitalization referee,
20 or abolish the office, in that county.

21 Sec. 43. The governor shall make the initial appointments
22 to the commission and the advisory council for terms for
23 commencing July 1, 1977. The provisions of sections five
24 (5) and twelve (12) of this Act shall apply to the payment
25 of per diem and expenses to commission and advisory council
26 members as if the provisions of sections five (5) and twelve
27 (12) of this Act were in effect on July 1, 1977. The
28 provisions of this section shall be effective July 1, 1977.

29 Sec. 44. Chapters two hundred twenty-four (224) and two
30 hundred twenty-four A (224A) and sections one hundred twenty-
31 five point one (125.1) and one hundred twenty-five point
32 fourteen (125.14), Code 1977, are repealed.

33 Sec. 45. Sections one hundred twenty-five point thirty-
34 seven (125.37) through one hundred twenty-five point forty-
35 two (125.42), Code 1977, are repealed. Notwithstanding

1 subsection one (1) of section four point one (4.1) of the
2 Code, the repeal of section one hundred twenty-five point
3 forty-two (125.42) of the Code shall not operate to repeal
4 the provisions of chapter one hundred twenty-five (125) of
5 the Code as they existed before the effective date of this
6 section and as they are amended by this Act.

7 Sec. 46.

8 1. Sections one (1) through forty-three (43) and sections
9 forty-six (46) and forty-seven (47) of this Act are effective
10 January 1, 1978.

11 2. Section forty-four (44) of this Act is effective July
12 1, 1977.

13 Sec. 47. The Code editor shall place sections sixteen
14 (16) through twenty-three (23) of this Act following section
15 one hundred twenty-five point thirteen (125.13) of the Code
16 and shall renumber all sections in chapter one hundred twenty-
17 five (125) of the Code and correct internal references in
18 chapter one hundred twenty-five (125) of the Code in ac-
19 cordance with this Act.

20 Sec. 48. The Code editor shall change all references to
21 the word "division" in chapter one hundred twenty-five (125)
22 of the Code to the word "department".

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HOUSE FILE 594
FISCAL NOTE

Date Prepared: May 18, 1977
Requested by: Senator Charles Miller

Prepared in regard to H.F. 594, An Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty.

Following in the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

The estimated cost of treatment of drug abuse is from \$2.5 million to \$3 million annually. By this proposal, the counties would be required to provide 25% of this cost which would range from \$625,000 to \$750,000 annually. The counties are currently providing \$281,000.

FILED
MAY 18, 1977

Gerry Rankin
Legislative Fiscal Director

4300

1 Amend House File 594 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the following
4 section:

5 "Section 1. NEW SECTION. DECLARATION OF POLICY.
6 It is the policy of this state:

7 1. That substance abusers and persons suffering
8 from chemical dependency be afforded the opportunity
9 to receive quality treatment and directed into
10 rehabilitation services which will help them resume
11 a socially acceptable and productive role in society.

12 2. To encourage substance abuse education and
13 prevention efforts and to insure that such efforts
14 are coordinated to provide a high quality of services,
15 without unnecessary duplication.

16 3. To insure that substance abuse programs are
17 being operated by individuals who are qualified in
18 their field whether through formal education or through
19 employment or personal experience.

20 This section is effective January 1, 1978."

21 2. Page 4, line 5, by inserting after the word
22 "governor" the words "for a four-year term".

23 3. Page 9, line 21, by inserting after the word
24 "treatment" the words "and rehabilitation".

25 4. Page 9, line 22, by inserting after the word
26 "Prevention" the words "and education".

27 5. Page 10, line 32, by striking the words "drug
28 dependent persons" and inserting in lieu thereof the
29 words "substance abusers".

30 6. Page 11, by inserting after line 2, the
31 following:

32 "e. Alcoholics anonymous."

33 7. Page 12, lines 30 and 31, by striking the words
34 "may be sought".

35 8. Page 15, line 28, by inserting after the word
36 "rehabilitation" the words "and who is either addicted
37 or dependent on a chemical substance".

38 9. Page 17, lines 25 and 26, by striking the words
39 "to protect himself or herself" and inserting in lieu
40 thereof the words "to-protect-himself-for self-
41 protection".

42 10. Page 18, lines 2 and 3, by striking the words
43 "physically injure himself or herself or" and inserting
44 in lieu thereof the words "inflict physical self harm
45 or inflict physical harm on".

46 11. Page 18, line 19, by striking the words "harm
47 on himself or herself or" and inserting in lieu thereof
48 the words "self harm on-himself or threatened,
49 attempted or inflicted physical harm on".

50 12. Page 18, lines 20 and 21, by striking the

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words "harm on himself or herself or" and inserting in lieu thereof the words "self harm on-himself or is likely to physically harm".

13. Page 19, line 4, by striking the words "harm on himself or herself or" and inserting in lieu thereof the words "self harm on-himself or inflict physical harm on".

14. Page 20, by inserting after line 34 the following:

"Sec. _____. Section one hundred twenty-five point twenty (125.20), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding the provisions of subsection one (1) of this section a patient's records may be disclosed to medical personnel in a medical emergency with or without the patient's consent."

15. Page 27, by inserting after line 1, the following section:

"Sec. _____. Chapter one hundred twenty-five (125), Code 1977, is amended by adding the following new sections after section one hundred twenty-five point thirty-six (125.36):

NEW SECTION. USE OF FUNDS. The director shall not be required to distribute or guarantee funds:

1. To any program which does not meet licensing standards,
2. To any program providing unnecessary, duplicative or overlapping services within the same geographical area, or
3. To any program which has adequate resources at its disposal.

This section is effective January 1, 1978.

NEW SECTION. AUDITS. All licensed substance abuse programs shall be subject to regular audit by the auditor of state or to special audits requested by the director.

This section is effective January 1, 1978.

NEW SECTION. FUTURE STATUS OF DEPARTMENT. The provisions of chapter one hundred twenty-five (125) of the Code are repealed effective July 1, 1982. The first session of the Sixty-ninth General Assembly meeting in the year 1981 shall review the activities and performance of the department and shall not later than July 1, 1981 make a determination concerning the status and duties of the department.

This section is effective January 1, 1978."

16. Page 28, by inserting after line 12 the following:

"Sec. _____. The governor may by executive order

1 delay the implementation of sections thirty-four (34)
2 through forty-one (41) of this Act until July 1, 1978
3 if the governor finds that delayed implementation
4 of sections thirty-four (34) through forty-one (41)
5 of this Act would allow the state and local substance
6 abuse programs the opportunity to solve any
7 administrative and fiscal problems which may occur
8 as the result of implementation of the funding formula
9 for substance abuse programs contained in sections
10 thirty-four (34) through forty-one (41) of this Act.
11 If the implementation of sections thirty-four (34)
12 through forty-one (41) of this Act is delayed pursuant
13 to this section, the provisions of sections one hundred
14 twenty-five point twenty-six (125.26) through one
15 hundred twenty-five point thirty-four (125.34) of
16 the Code shall continue to be in force as they existed
17 prior to January 1, 1978 until sections thirty-four
18 (34) through forty-one (41) of this Act are implemented
19 by the governor on July 1, 1978."
20 17. By renumbering and correcting internal refer-
21 ences as necessary to conform with this amendment
22 and to any amendments previously adopted prior to
23 the reprinting of House File 594 as amended.

H-4300 FILED

RECEIVED FROM SENATE

MAY 19, 1977

House concurred 5/20/77 (p. 2542)

S-3657

1 Amend House File 594 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the following
4 section:

5 "Section 1. NEW SECTION. DECLARATION OF POLICY.
6 It is the policy of this state:

7 1. That substance abusers and persons suffering
8 from chemical dependency be afforded the opportunity
9 to receive quality treatment and directed into
10 rehabilitation services which will help them resume
11 a socially acceptable and productive role in society.

12 2. To encourage substance abuse education and
13 prevention efforts and to insure that such efforts
14 are coordinated to provide a high quality of services
15 without unnecessary duplication.

16 3. To insure that substance abuse programs are
17 being operated by individuals who are qualified in
18 their field whether through formal education or through
19 employment or personal experience.

20 This section is effective January 1, 1978."

21 2. Page 4, line 5, by inserting after the word
22 "governor" the words "for a four-year term".

23 3. Page 9, line 21, by inserting after the word
24 "treatment" the words "and rehabilitation".

25 4. Page 9, line 22, by inserting after the word
26 "Prevention" the words "and education".

27 5. Page 10, line 32, by striking the words "drug
28 dependent persons" and inserting in lieu thereof the
29 words "substance abusers".

30 6. Page 11, by inserting after line 2, the
31 following:

32 "e. Alcoholics anonymous."

33 7. Page 12, lines 30 and 31, by striking the words
34 "may be sought".

35 8. Page 17, lines 25 and 26, by striking the words
36 "to protect himself or herself" and inserting in lieu
37 thereof the words "~~to-protect-himself~~ for self-
38 protection".

39 9. Page 18, lines 2 and 3, by striking the words
40 "physically injure himself or herself or" and inserting
41 in lieu thereof the words "inflict physical self harm
42 or inflict physical harm on".

43 10. Page 18, line 19, by striking the words "harm
44 on himself or herself or" and inserting in lieu thereof
45 the words "self harm en-himself or threatened,
46 attempted or inflicted physical harm on".

47 11. Page 18, lines 20 and 21, by striking the
48 words "harm on himself or herself or" and inserting
49 in lieu thereof the words "self harm en-himself or
50 is likely to physically harm".

1 12. Page 19, line 4, by striking the words "harm
2 on himself or herself or" and inserting in lieu thereof
3 the words "self harm on-himself or inflict physical
4 harm on".

5 13. Page 27, by inserting after line 1, the
6 following section:

7 "Sec. ____ Chapter one hundred twenty-five (125),
8 Code 1977, is amended by adding the following new
9 sections after section one hundred twenty-five point
10 thirty-six (125.36):

11 NEW SECTION. USE OF FUNDS. The director shall
12 not be required to distribute or guarantee funds:

13 1. To any program which does not meet licensing
14 standards,

15 2. To any program providing unnecessary,
16 duplicative or overlapping services within the same
17 geographical area, or

18 3. To any program which has adequate resources
19 at its disposal.

20 This section is effective January 1, 1978.

21 NEW SECTION. AUDITS. All licensed substance abuse
22 programs shall be subject to regular audit by the
23 auditor of state or to special audits requested by
24 the director.

25 This section is effective January 1, 1978.

26 NEW SECTION. FUTURE STATUS OF DEPARTMENT. The
27 provisions of chapter one hundred twenty-five (125)
28 of the Code are repealed effective July 1, 1982.
29 The first session of the Sixty-ninth General Assembly
30 meeting in the year 1981 shall review the activities
31 and performance of the department and shall not later
32 than July 1, 1981 make a determination concerning
33 the status and duties of the department.

34 This section is effective January 1, 1978."

35 14. By renumbering and correcting internal
36 references as necessary to conform with this amendment
37 and to any amendments previously adopted prior to
38 the reprinting of House File 594 as amended.

S-3657 FILED
MAY 18, 1977

Adopted 5/19
(p. 1739)

BY COMMITTEE ON HUMAN RESOURCES
CHARLES P. MILLER, CHAIRPERSON

S-3655

HOUSE FILE 594

1 Amend House File 594 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 15, line 28, by inserting after the word
4 "rehabilitation" the words "and who is either addicted
5 or dependent on a chemical substance".

S-3655 FILED
MAY 18, 1977

Adopted 5/19 (p. 1739) BY JOHN S. MURRAY

HOUSE FILE 594

S-3684

1 Amend the amendment S-3657 to House File 594 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "_____. Page 1, line 30, by striking the word
6 "substance" and inserting in lieu thereof the words
7 "alcohol and drug".
8 _____ Page 1, line 32, by striking the word
9 "substance" and inserting in lieu thereof the words
10 "alcohol and drug".
11 _____ Page 1, line 34, by striking the word
12 "substance" and inserting in lieu thereof the words
13 "alcohol and drug".
14 _____ Page 2, line 12, by striking the word
15 "substance" and inserting in lieu thereof the words
16 "alcohol and drug".
17 _____ Page 2, line 16, by striking the word
18 "substance" and inserting in lieu thereof the words
19 "alcohol and drug".
20 _____ Page 3, line 10, by striking the word
21 "substance" and inserting in lieu thereof the words
22 "alcohol and drug".
23 2. Page 2, by inserting after line 34 the
24 following:
25 "_____. Amend the title, line 2, by striking the
26 word "substance" and inserting in lieu thereof the
27 words "alcohol and drug".

S-3684 FILED & ^{Adopted, reconsidered} LOST (p. 1739) BY PHILIP B. HILL
MAY 19, 1977

HOUSE FILE 594

S-3698

1 Amend House File 594 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 34 the
4 following:
5 "Sec. _____. Section one hundred twenty-five point
6 twenty (125.20), Code 1977, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. Notwithstanding the provisions
9 of subsection one (1) of this section a patient's
10 records may be disclosed to medical personnel in a
11 medical emergency with or without the patient's
12 consent."
13 2. By renumbering and correcting internal
14 references as necessary.

S-3698 FILED & ADOPTED (p. 1739) BY ROBERT M. CARR
MAY 19, 1977

HOUSE FILE 594

S-3693

1 Amend House File 594 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 28, by inserting after line 12 the follow-
4 ing:

5 "Sec. _____. The governor may by executive order
6 delay the implementation of sections thirty-four (34)
7 through forty-one (41) of this Act until July 1, 1978
8 if the governor finds that delayed implementation
9 of sections thirty-four (34) through forty-one (41)
10 of this Act would allow the state and local substance
11 abuse programs the opportunity to solve any
12 administrative and fiscal problems which may occur
13 as the result of implementation of the funding formula
14 for substance abuse programs contained in sections
15 thirty-four (34) through forty-one (41) of this Act.
16 If the implementation of sections thirty-four (34)
17 through forty-one (41) of this Act is delayed pursuant
18 to this section, the provisions of sections one hundred
19 twenty-five point twenty-six (125.26) through one
20 hundred twenty-five point thirty-four (125.34) of
21 the Code shall continue to be in force as they existed
22 prior to January 1, 1978 until sections thirty-four
23 (34) through forty-one (41) of this Act are implemented
24 by the governor on July 1, 1978."

25 2. By renumbering and correcting internal refer-
26 ences in accordance with this amendment.

S-3693 FILED. *Adapted (p. 1739)* BY ROBERT M. CARR
MAY 19, 1977 JOHN S. MURRAY

BOB RUSH

HOUSE FILE 594

AN ACT

RELATING TO SUBSTANCE ABUSE BY CREATING AN IOWA DEPARTMENT OF SUBSTANCE ABUSE, PRESCRIBING THE STRUCTURE, POWERS AND DUTIES OF THE DEPARTMENT, APPLYING THE FUNDING FORMULA FOR ALCOHOLISM PROGRAMS IN CHAPTER ONE HUNDRED TWENTY-FIVE (125) OF THE CODE TO ALL SUBSTANCE ABUSE PROGRAMS, PROVIDING FOR THE LICENSING OF TREATMENT FACILITIES BY THE DEPARTMENT, MAKING PROVISIONS OF CHAPTER ONE HUNDRED TWENTY-FIVE (125) OF THE CODE RELATING TO THE TREATMENT AND COMMITMENT OF ALCOHOLICS, AND PERSONS INCAPACITATED BY ALCOHOL APPLICABLE TO PERSONS WHO ABUSE ANY CHEMICAL SUBSTANCE, REPEALING CHAPTERS TWO HUNDRED TWENTY-FOUR (224) AND TWO HUNDRED TWENTY-FOUR A (224A) OF THE CODE AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. DECLARATION OF POLICY. It is the policy of this state:

1. That substance abusers and persons suffering from chemical dependency be afforded the opportunity to receive quality treatment and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.
2. To encourage substance abuse education and prevention efforts and to insure that such efforts are coordinated to provide a high quality of services without unnecessary duplication.
3. To insure that substance abuse programs are being operated by individuals who are qualified in their field whether through formal education or through employment or personal experience.

This section is effective January 1, 1978.

Sec. 2. Section one hundred twenty-five point two (125.2),

Code 1977, is amended by striking subsections one (1), three (3), five (5), and eleven (11) and inserting in lieu thereof the following:

1. "Chemical dependency" means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

3. "Chemical substance" means alcohol, wine, spirits and beer as defined in chapter one hundred twenty-three (123) of the Code and drugs as defined in section two hundred three A point two (203A.2), subsection three (3) of the Code, which when used improperly could result in chemical dependency.

5. "Substance abuser" means a person who habitually lacks self-control as to the use of chemical substances or uses chemical substances to the extent that his or her health is substantially impaired or endangered or that his or her social or economic function is substantially disrupted.

Sec. 3. Section one hundred twenty-five point two (125.2), subsections two (2), four (4), six (6), seven (7), eight (8), and ten (10), Code 1977, are amended to read as follows:

2. "Facility" means a hospital, institution, detoxification center, or installation providing care, maintenance and treatment for alcoholics substance abusers and approved licensed by the director department under section 125.13.

4. "Department" means the state Iowa department of health substance abuse.

6. "Director" means the director of the Iowa division on-alcoholism department of substance abuse.

7. "Commission" means the fewa commission on alcoholism substance abuse within the division department.

8. "Incapacitated by alcohol a chemical substance" means that a person, as a result of the use of alcohol a chemical substance, is unconscious or has his or her judgment otherwise

so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~his~~ the need for treatment.

10. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of ~~alcohol~~ a chemical substance.

Sec. 4. Section one hundred twenty-five point three (125.3), Code 1977, is amended to read as follows:

125.3 ESTABLISHED. There is established ~~within the state Iowa~~ department of health-a division-on-alcoholism substance abuse which shall develop, implement and administer a comprehensive alcoholism substance abuse program pursuant to sections 125.1 to 125.26. There is established within the division department a commission on alcoholism substance abuse to establish policies governing the performance of the division department in the discharge of duties imposed on it by this chapter. The commission shall consist of nine members appointed by the governor. Appointments shall be made on the basis of interest in and knowledge of alcoholism substance abuse, however two of the members shall be persons who, in their regular work, have direct contact with substance abuse clients. All members shall be eligible electors of the state of Iowa ~~and no more than five members shall belong to the same political party. No member shall be a director of a local or regional alcoholism center.~~

Sec. 5. Section one hundred twenty-five point five (125.5), Code 1977, is amended to read as follows:

125.5 MEETINGS. The commission shall organize annually and shall select from its membership a chairman chairperson and a vice chairman chairperson. The commission shall meet at least six times a year. Other meetings shall be called by the chairman chairperson or upon written request of a majority of the members of the commission. The chairman chairperson shall preside at all meetings or in ~~his~~ the chairperson's absence the vice chairman chairperson shall preside. Five members of the commission shall constitute

a quorum but the concurrence of a majority of the commission shall be required to determine any matter relating to its duties.

Sec. 6. Section one hundred twenty-five point six (125.6), Code 1977, is amended to read as follows:

125.6 COMPENSATION. Each member of the ~~Iowa~~ commission on alcoholism substance abuse shall receive forty dollars per day for each day spent in performance of the duties of the commission. Each member shall also receive ~~his~~ actual necessary expenses incurred in the performance of his or her duties.

Sec. 7. Section one hundred twenty-five point seven (125.7), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Consider and approve or disapprove all applications for a license and all cases involving the renewal, denial, suspension or revocation of a license.

Sec. 8. Section one hundred twenty-five point seven (125.7), subsections two (2), four (4), five (5) and eight (8), Code 1977, are amended to read as follows:

2. Approve the comprehensive alcoholism substance abuse program, and the funding therefore, developed by the division department pursuant to sections 125.1 to 125.26.

4. Establish policies governing the performance of the director in the discharge of ~~his~~ the director's duties.

5. Advise or make recommendations to the governor and the general assembly relative to alcoholism substance abuse treatment, intervention and education and prevention programs in this state.

3. Submit to the governor and the general assembly an annual report covering the activities of the division department.

Sec. 9. Section one hundred twenty-five point eight (125.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

125.3 DIRECTOR APPOINTED. The director of the department

shall be appointed by the governor for a four-year term with the approval of two-thirds of the members of the senate. The director shall be a qualified person who has training or experience in handling substance abuse problems and the ability to organize and otherwise supervise delivery systems providing treatment, intervention and education and prevention services to persons suffering from substance abuse problems. The director shall serve as secretary to the commission.

Sec. 10. Section one hundred twenty-five point nine (125.9), subsections one (1), two (2), four (4) and six (6), Code 1977, are amended to read as follows:

1. Plan, establish and maintain treatment, intervention and education and prevention programs as necessary or desirable in accordance with the comprehensive alcoholism substance abuse program.

2. Make contracts necessary or incidental to the performance of his the duties and the execution of his the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to alcoholics substance abusers or intoxicated persons.

4. Co-ordinate the activities of the division department and co-operate with alcoholism substance abuse programs in this and other states, and make contracts and other joint or co-operative arrangements with state, local or private agencies in this and other states for the treatment of alcoholics substance abusers and intoxicated persons and for the common advancement of alcoholism substance abuse programs.

6. Employ a deputy director who shall be exempt from the merit system and shall serve at the pleasure of the director. The director may employ other staff necessary to carry out the duties assigned to him the director.

Sec. 11. Section one hundred twenty-five point nine (125.9), Code 1977, is amended by adding the following new subsections after subsection four (4):

NEW SUBSECTION. Require that a written report, in

reasonable detail, be submitted to the director at any time by any agency of this state or of any of its political subdivisions in respect to any substance abuse prevention function, or program for the benefit of persons who are or have been involved in substance abuse, which is being conducted by the agency.

NEW SUBSECTION. Submit to the governor a written report of the pertinent facts at any time the director concludes that any agency of this state or of any of its political subdivisions is conducting any substance abuse prevention function, or program for the benefit of persons who are or have been involved in substance abuse in a manner not consistent with or which impairs achievement of the objectives of the state plan to combat substance abuse, and has failed to effect appropriate changes in the function or program.

Sec. 12. Section one hundred twenty-five point ten (125.10), Code 1977, is amended to read as follows:

125.10 DUTIES OF DIRECTOR. The director shall:

1. Prepare and submit a state plan subject to approval by the commission and in accordance with the provisions of title XLII, United States Code, section 4573. The state plan shall designate the division department as the sole agency for supervision of the administration of the plan and may shall provide for the appointment of a citizens advisory council on alcoholism substance abuse.

2. Develop, encourage, and foster state-wide, regional and local plans and programs for the prevention of alcoholism substance abuse and the treatment of alcoholics substance abusers and intoxicated persons in co-operation with public and private agencies, organizations and individuals, and provide technical assistance and consultation services for these purposes.

3. Co-ordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in the prevention of alcoholism substance abuse and the treatment of alcoholics substance abusers and

intoxicated persons.

4. Co-operate with the department of social services in establishing and conducting programs to provide treatment for alcoholics substance abusers and intoxicated persons.

5. Co-operate with the department of public instruction, boards of education, schools, police departments, courts and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism substance abuse and the treatment of alcoholics substance abusers and intoxicated persons, and in preparing curriculum materials thereon for use at all levels of school education.

6. Prepare, publish, evaluate and disseminate educational material dealing with the nature and effects of alcohol chemical substances.

7. Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics substance abusers and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol chemical substances.

8. Organize and implement, in co-operation with local treatment programs, training programs for all persons engaged in treatment of alcoholics substance abusers and intoxicated persons.

9. Sponsor and implement, ~~in co-operation with local treatment programs,~~ research in cooperation with local treatment programs into the causes and nature of alcoholism substance abuse and treatment of alcoholics substance abusers and intoxicated persons, and serve as a clearing house for information relating to alcoholism substance abuse.

10. Specify uniform methods for keeping statistical information by public and private agencies, organizations and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and

duration of treatment.

11. Develop and implement, with the counsel and approval of the commission, a comprehensive plan for treatment of alcoholics substance abusers and intoxicated persons, said plan to be co-ordinated with health systems agencies.

12. Assist in the development of, and co-operate with, alcohol substance abuse education and treatment programs for employees of state and local governments and businesses and industries in the state.

13. Utilize the support and assistance of interested persons in the community, particularly recovered alcoholics substance abusers, to encourage alcoholics substance abusers to voluntarily undergo treatment.

14. Co-operate with the commissioner of public safety in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated.

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics substance abusers 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.

16. Encourage all health and disability insurance programs to include alcoholism substance abuse as a covered illness.

17. Review all state health, welfare, education and treatment plans proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism substance abuse and substance abusers and intoxicated persons.

Sec. 13. Section one hundred twenty-five point eleven (125.11), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

125.11 STATE ADVISORY COUNCIL--MEMBERSHIP.

1. There is established within the department a state advisory council which shall be composed of nine members and

which shall advise the director in administering this chapter. The governor shall appoint the members of the advisory council, who shall serve at the pleasure of the governor, and shall designate the chairperson of the advisory council. The director or a designee shall serve as the advisory council's secretary. The advisory council shall be entirely advisory in character and may not exercise administrative authority.

2. Members of the substance abuse advisory council shall, to the extent practicable, be drawn from different geographical areas of the state, and shall provide representation for:

a. Nongovernmental organizations concerned directly or indirectly with substance abuse such as local citizen groups, employee groups, national groups, labor and management, and other provider, consumer, and consumer advocate groups.

b. Public agencies concerned directly or indirectly with substance abuse, such as local elected officials or representatives of health and mental health agencies, welfare agencies, and law enforcement agencies.

c. The minority, poverty, and major population groups which are significantly affected by the problems of substance abuse.

d. At least one representative of the state health coordinating council.

3. Members of the council shall serve without compensation but shall receive reimbursement for travel and other necessary expenses actually incurred in the performance of their duties.

Sec. 14. Section one hundred twenty-five point twelve (125.12), Code 1977, is amended to read as follows:

125.12 COMPREHENSIVE PROGRAM FOR TREATMENT--REGIONAL FACILITIES.

1. The commission shall establish a comprehensive and co-ordinated program for the treatment of alcoholics substance abusers and intoxicated persons. Subject to the approval of the commissioner commission, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the

program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations and existing alcoholism substance abuse treatment services. In determining the regions, the director shall not be required to follow the regional map as prepared by the office for planning and programming.

2. The program of the commission shall include:

- a. Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital.
- b. Inpatient treatment.
- c. Intermediate treatment.
- d. Outpatient and follow-up treatment and rehabilitation.
- e. Prevention and education.

3. The director shall provide for adequate and appropriate treatment for alcoholics substance abusers and intoxicated persons admitted under sections 125.16 to 125.19. Treatment shall not be provided at a correctional institution except for inmates.

4. The director shall maintain, supervise and control all facilities operated by ~~him~~ the director pursuant to this chapter. The administrator of each facility shall make ~~an~~ an annual a report of the activities of the facility to the director commission in the form and manner the director commission specifies.

5. All appropriate public and private resources shall be co-ordinated with and utilized in the program if possible.

6. The director shall prepare, publish and distribute annually a list of all facilities.

7. The director may contract for the use of a facility if the director, subject to the policies of the commission and pursuant to section 125.27, considers this to be an effective and economical course to follow.

Sec. 15. Section one hundred twenty-five point thirteen (125.13), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

125.13 PROGRAMS LICENSED--EXCEPTIONS.

1. Except as provided in subsection two (2) of this section, a person may not maintain or conduct any chemical substitutes or antagonists program, residential program or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of substance abusers without having first obtained a written license for the program from the department.

2. The licensing requirements of this Act, except the requirements imposed by section twenty-four (24) of this Act, shall not apply to any of the following:

a. Hospitals providing any care or treatment to substance abusers required on January 1, 1978, by other provisions of law to be licensed.

b. Any practitioner of medicine and surgery or osteopathic medicine and surgery, in his or her private practice. However, a program shall not be exempted from licensing by the commission by virtue of its utilization of the services of a medical practitioner in its operation.

c. Private institutions conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing care, treatment, counseling, or rehabilitation to substance abusers and who rely solely on prayer or other spiritual means for healing in the practice of religion of such church or denomination.

d. Facilities, institutions, or programs which, in the discretion of the department, provide services which are only informational or educational in nature.

e. Alcoholics anonymous.

Sec. 16. Chapter one hundred twenty-five (125), Code 1977, is amended by adding sections seventeen (17) through twenty-four (24) of this Act after section one hundred twenty-five point thirteen (125.13) of the Code.

Sec. 17. NEW SECTION. LICENSES--RENEWAL--FEES. The commission shall meet to consider all cases involving issuance, denial, suspension, or revocation of a license. Upon approval of an application for licensing by the commission, a license

shall be issued by the department. Licenses shall expire one year from the date of issuance and shall be renewed upon timely application made in the same manner as for original issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal.

Sec. 18. NEW SECTION. INSPECTION OF LICENSEES. The department shall at least annually inspect the facilities and review the procedures utilized by each licensed program. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 19. NEW SECTION. TRANSFER OF LICENSE OR CHANGE OF LOCATION PROHIBITED. A license issued under this chapter may not be transferred, and the location of the physical facilities occupied or utilized by any program licensed under this chapter shall not be changed without the prior written consent of the commission.

Sec. 20. NEW SECTION. LICENSE SUSPENSION OR REVOCATION. Violation of any of the requirements or restrictions of this chapter or of any of the rules properly established pursuant to this chapter is cause for suspension, revocation or refusal to renew a license. The director shall at the earliest time feasible notify a licensee whose license the commission is considering suspending or revoking and shall inform the licensee what changes must be made in the licensee's operation to avoid such action. The licensee shall be given a reasonable time for compliance, as determined by the director, after receiving such notice or a notice that the commission does not intend to renew the license. When the licensee believes compliance has been achieved, or if the licensee considers the proposed suspension, revocation or refusal to renew unjustified, the licensee may submit pertinent information to the commission who shall expeditiously make a decision in the matter and notify the licensee of the decision.

Sec. 21. NEW SECTION. HEARING BEFORE COMMISSION. If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation or refusal to renew a license, a hearing before the commission shall be expeditiously arranged. If the role of a commission member is inconsistent with the member's job role or function, or if any commission member feels unable for any reason to disinterestedly weigh the merits of the case before the commission, the member shall not participate in the hearing and shall not be entitled to vote on the case. The commission shall issue a written statement of its findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation or refusal to renew a license. No action involving suspension, revocation or refusal to renew a license shall be taken by the commission unless a quorum of five of the nine members are present at the meeting. A copy of the decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the commission in accordance with the terms of the Iowa administrative procedure Act.

Sec. 22. NEW SECTION. REISSUANCE OR REINSTATEMENT. After suspension, revocation or refusal to renew a license pursuant to this chapter, the affected licensee shall not have the license reissued or reinstated within one year of the effective date of the suspension, revocation or expiration upon refusal to renew, unless by order of the commission. After that time, proof of compliance with the requirements and restrictions of this chapter and the rules established pursuant to this chapter must be presented to the commission prior to reinstatement or reissuance of a license.

Sec. 23. NEW SECTION. RULES. 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 substance abuse patients. A facility shall not

be licensed 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 department or 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 commission 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 section fifteen (15), subsection two (2) or section thirty-six (36) of this Act.

Sec. 24. NEW SECTION. CHEMICAL SUBSTITUTES AND ANTAGONISTS PROGRAMS. The commission shall have exclusive power in this state to approve and license chemical substitutes and antagonists programs, and monitor chemical substitutes and antagonists programs in this state to insure that the programs are operating within the rules established pursuant to this chapter and the commission shall be obliged to grant such approval and license if the requirements of the rules are met and no state funding is requested.

The department may:

1. Continuously study and evaluate chemical substitutes and antagonists programs in this state and annually report to the governor and the general assembly on the effectiveness and needs of the programs.
2. Provide advice, consultation, and technical assistance to chemical substitutes and antagonists programs.
3. In its discretion, approve local agencies or bodies to assist it in carrying out the provisions of this chapter.

Sec. 25. Section one hundred twenty-five point fifteen (125.15), Code 1977, is amended to read as follows:

125.15 ACCEPTANCE FOR TREATMENT--RULES. The commission shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to the provisions of chapter 17A, considering available treatment resources and facilities, for the purpose of early and

effective treatment of ~~alcoholics~~ substance abusers and intoxicated persons. In establishing the rules the commission shall be guided by the following standards:

1. If possible a patient shall be treated on a voluntary rather than an involuntary basis.
2. A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless ~~he~~ the patient is found to require inpatient treatment.
3. A person shall not be denied treatment solely because ~~he~~ the person has withdrawn from treatment against medical advice on a prior occasion or because ~~he~~ the person has relapsed after earlier treatment.
4. An individualized treatment plan shall be prepared and maintained on a current basis for each patient.
5. Provision shall be made for a continuum of co-ordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and may utilize other appropriate treatment.

Sec. 26. Section one hundred twenty-five point sixteen (125.16), Code 1977, is amended to read as follows:

125.16 VOLUNTARY TREATMENT OF ~~ALCOHOLICS~~ SUBSTANCE ABUSERS.

1. ~~An alcoholic~~ A substance abuser may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon. If the proposed patient is a minor or an incompetent person, ~~he~~, a parent, a legal guardian or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon or any employee or person acting under his or her direction or supervision, or the facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is

a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation.

2. Subject to rules adopted by the commission, the administrator in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator, subject to rules adopted by the commission, shall refer the person to another facility for treatment if possible and appropriate.

3. A substance abuser seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance shall first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon who shall prescribe a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. Any facility providing or engaging in such treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in such treatment or rehabilitation; nor shall any person receiving or participating in such treatment or rehabilitation report or disclose the name of any other person engaged in or receiving such treatment or rehabilitation or that such program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, any person

engaged in or receiving such treatment or rehabilitation may authorize the disclosure of his or her name and individual participation.

3 4. If a patient receiving inpatient care leaves a facility, he the patient shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator in charge of the facility that the patient is an-alcoholic a substance abuser who requires help, the director may arrange for assistance in obtaining supportive services and residential facilities.

4 5. If a patient leaves a facility, with or against the advice of the administrator in charge of the facility, the director may make reasonable provisions for his the patient's transportation to another facility or to his the patient's home. If he the patient has no home he the patient shall be assisted in obtaining shelter. If he the patient is a minor or an incompetent person the request for discharge from an inpatient facility shall be made by a parent, legal guardian or other legal representative or by the minor or incompetent if he the patient was the original applicant.

6. Any person who reports or discloses the name of a person receiving treatment or rehabilitation services to a law enforcement officer or law enforcement agency or any person receiving treatment or rehabilitation services who discloses the name of any other person receiving treatment or rehabilitation services without the written consent of the person in violation of the provisions of this section shall upon conviction be guilty of a simple misdemeanor.

Sec. 27. Section one hundred twenty-five point seventeen (125.17), subsections one (1) and two (2), Code 1977, 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 a chemical substance in a public place and in need of help may shall be taken to a facility by a peace officer. If the person refuses the

proffered help, he the person 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 in detaining the person and in taking him the person to a facility, is taking him the person into protective custody and shall make every reasonable effort to protect his the person's health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to-protect himself for self-protection. 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.

Sec. 28. Section one hundred twenty-five point seventeen (125.17), subsection four (4), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

4. A person who is found to be intoxicated or incapacitated by a chemical substance after examination by a qualified health professional shall be required to remain at the facility until the qualified health professional determines that the person is not likely to inflict physical self harm or inflict physical harm on others. If the person is detained longer than twenty-four hours the qualified health professional shall examine him or her at least once every twelve hours to determine if further detention is necessary. The qualified health professional shall enter a written order for the person to be detained in custody. Such order shall state the circumstances under which the person was taken into custody and the grounds supporting the finding or probable cause to believe that he or she is sufficiently impaired or incapacitated by a chemical substance to cause physical injury to himself or herself or others if released. The order shall be filed in the district court of the area in which the person

is detained.

Sec. 29. Section one hundred twenty-five point eighteen (125.18), subsection one (1), Code 1977, is amended to read as follows:

1. An intoxicated person who has threatened, attempted, or inflicted physical self harm ~~on-himself~~ or threatened, attempted or inflicted physical harm on another and is likely to inflict physical self harm ~~on-himself~~ or is likely to physically harm another unless committed, or who is incapacitated by ~~alcohol~~ a chemical substance, may be committed to a facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

Sec. 30. Section one hundred twenty-five point nineteen (125.19), subsections one (1), two (2), and five (5) and subsection nine (9), paragraphs a and b, Code 1977, are amended to read as follows:

1. A person may be committed to the custody of ~~the-division~~ a facility by the district court upon the petition of his the person's spouse or guardian, a relative, the certifying physician, or the administrator in charge of a facility. The petition shall allege that the person is ~~an-alcoholic~~ a substance abuser who habitually lacks self-control as to the use of ~~alcoholic-beverages~~ chemical substances, and (a) that ~~he~~ the person has threatened, attempted or inflicted physical harm on another and that ~~he~~ the person is likely to inflict physical self harm ~~on-himself~~ or inflict physical harm on another unless committed; or (b) that ~~he~~ the person is incapacitated by ~~alcohol~~ a chemical substance. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination or was unavailable for examination, in which case the fact of refusal

or unavailability shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the ~~division~~ department is not eligible to be the certifying physician.

2. Upon the filing of the petition, the court shall fix a date for a hearing no later than ten days after the date the petition was filed. If a judicial hospitalization referee has been appointed under section two hundred twenty-nine point twenty-one (229.21) of the Code for the county in which the petition is filed, the clerk of the district court shall immediately notify the referee of the filing of the petition and the referee shall thereupon discharge all of the duties imposed upon judges of the district court by this section. A copy of the petition and the notice of hearing shall be served in the manner of an original notice on the person whose commitment is sought and upon a parent or legal guardian if the person is a minor. A copy of the petition and the notice of hearing shall be mailed or delivered in the manner provided for motions in civil cases to the petitioner, the next of kin of the person other than the petitioner, the administrator of the facility to which the person has been committed for emergency care, and any other person the court believes should receive copies. A petition shall have attached a copy of the certificate specified in this section.

5. A person committed under this section shall remain in the custody of ~~the-division~~ a facility for treatment for a period of thirty days unless sooner discharged. This section shall not be construed to require the ~~division~~ department 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~~ substance abuse. At the end of the thirty-day period, ~~he~~ the person shall be discharged automatically unless the director before expiration of the period petitions the court for an order for ~~his~~ the person's recommitment upon

the grounds set forth in subsection 1 for a further period not to exceed ninety days.

a. In case of ~~an alcoholic~~ a substance abuser committed under subsection 1, paragraph "a", that he the person is no longer ~~an alcoholic~~ a substance abuser or the likelihood no longer exists.

b. In case of ~~an alcoholic~~ a substance abuser committed under subsection 1, paragraph "b", that the incapacity no longer exists, that further treatment will not be likely to bring about significant improvement in the person's condition, or that treatment is no longer adequate or appropriate.

Sec. 31. Section one hundred twenty-five point twenty (125.20), subsection two (2), Code 1977, is amended to read as follows:

2. Notwithstanding subsection 1, the director may make available information from patients' records for purposes of research into the causes and treatment of ~~alcoholism~~ substance abuse. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

Sec. 32. Section one hundred twenty-five point twenty (125.20), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding the provisions of subsection one (1) of this section a patient's records may be disclosed to medical personnel in a medical emergency with or without the patient's consent.

Sec. 33. Section one hundred twenty-five point twenty-one (125.21), subsection two (2), Code 1977, is amended to read as follows:

2. Neither mail nor other communication to or from a patient in a facility may be intercepted, read or censored, except that the commission may adopt reasonable rules regarding the use of telephones by patients in facilities and the delivery of ~~controlled~~ chemical substances and ~~other~~ intoxicants.

Sec. 34. Section one hundred twenty-five point twenty-two (125.22), Code 1977, is amended to read as follows:

125.22 COMPOSITION OF FACILITIES BOARDS--TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, ~~no~~ a facility shall not be ~~approved~~ licensed pursuant to section ~~425-43~~ fifteen (15) of this Act unless it is either a political subdivision, a licensed hospital or a community mental health center operating under chapter 230A, or it is organized under the Iowa nonprofit corporation Act appearing as chapter 504A. 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~~ substance abuse.

2. A local governmental unit which is providing funds to a facility for treatment of ~~alcoholism~~ substance abuse 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 125.28.

Sec. 35. Section one hundred twenty-five point twenty-three (125.23), subsection three (3), Code 1977, is amended to read as follows:

3. Nothing in this chapter affects any law, ordinance, resolution or rule against drunken driving, driving under the influence of alcohol or other chemical substance, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages or beer at stated times and places or by a particular class of persons or regarding the sale, purchase, possession or use of another chemical substance.

Sec. 36. Section one hundred twenty-five point twenty-six (125.26), Code 1977, is amended to read as follows:

125.26 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230 shall govern the determination of the costs and payment for treatment provided to alcoholics substance abusers in a mental health institute under the department of social services, except that the charges shall not constitute a lien on any real estate owned by persons legally liable for support of the alcoholic substance abuser and the daily per diem shall be billed at twenty-five percent. Beginning July 1, 1976, the superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to alcoholics-and-intoxicated persons substance abusers for purposes of determining the daily per diem. The provisions of section 125.31 shall govern the determination of who is legally liable for the cost of care, maintenance, and treatment of an alcoholic a substance abuser and of the amount for which the person is liable.

Sec. 37. Section one hundred twenty-five point twenty-seven (125.27), Code 1977, is amended to read as follows:

125.27 CONTRACT FOR CARE--RULES ADOPTED. The director may, consistent with the comprehensive alcoholism substance abuse 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 a substance abuser. 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 substance abusers 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 department 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.

If the appropriation to the commission department is insufficient to meet the requirements of this section, the commission department shall request a transfer of funds and section 8.39 shall apply.

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 department or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the division department. A contracting facility shall allow as a credit against a future billing to the division department 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 department or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated pursuant to section ~~125.43~~-subsection-4, twenty-three (23) of this Act shall constitute grounds for nonrenewal of the contract.

Sec. 38. Section one hundred twenty-five point twenty-eight (125.28), subsection one (1), Code 1977, is amended to read as follows:

1. Except as provided in section 125.26, each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of 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 residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of an-alcoholic a substance abuser. 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 substance abuser, except that such approval is not required for the cost of treatment provided to an-alcoholic-or-intoxicated-person a substance abuser who is committed pursuant to section 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 substance abusers 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. 39. Section one hundred twenty-five point twenty-nine (125.29), Code 1977, is amended to read as follows:

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

Sec. 40. Section one hundred twenty-five point thirty (125.30), Code 1977, is amended to read as follows:

125.30 DISPUTES OVER PAYMENT. In the event any county to which certification of the cost of care, maintenance, and treatment of an-alcoholic a substance abuser is made, disputes that such alcoholic substance abuser has his 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 residence. The director shall certify his the determination to the county, if any, wherein it is found the patient has residence and to the facility. A county certified by the director to be the county of residence shall reimburse the facility as provided in this chapter. If the director finds that the residence of an-alcoholic a substance abuser at the time of admission was in another state or country or that the person is unclassified with respect to residence, then the division department shall pay for that portion of his the patient's care, maintenance, and treatment that his the patient's county of 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. 41. Section one hundred twenty-five point thirty-one (125.31), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The alcoholic substance abuser and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic substance abuser shall be legally liable to the county of the alcoholic's substance abuser's residence for twenty-five percent of the total amount and to the division department for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic substance abuser 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. 42. Section one hundred twenty-five point thirty-three (125.33), Code 1977, 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~~ substance abuser and shall keep an index of the names of the ~~alcoholics~~ substance abusers for whose benefit county funds are expended pursuant to section 125.28 for those services. The index shall be used only for audit purposes by the state or county and shall not be considered a public record.

Sec. 43. Section one hundred twenty-five point thirty-four (125.34), Code 1977, is amended to read as follows:

125.34 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS.

The board of supervisors shall collect the total amount of all such liabilities as they become due, from those persons whom the board has found, under section 125.28, subsection 2, are able to pay. The board shall direct the county attorney to proceed with the collection of such liabilities as a part of the duties of that office. The county shall be entitled to keep the total amount of all such liabilities collected. The county attorney, with the consent of the board of supervisors, may execute an agreement providing for the acceptance of a lesser amount owed by ~~an alcoholic~~ a substance abuser, his or her spouse, or estate to the county. The execution of such agreement may provide that the same is in satisfaction of all moneys owed the county.

Sec. 44. Chapter one hundred twenty-five (125), Code 1977, is amended by adding the following new sections after section one hundred twenty-five point thirty-six (125.36):

NEW SECTION. USE OF FUNDS. The director shall not be required to distribute or guarantee funds:

1. To any program which does not meet licensing standards,
2. To any program providing unnecessary, duplicative or overlapping services within the same geographical area, or
3. To any program which has adequate resources at its disposal.

This section is effective January 1, 1978.

NEW SECTION. AUDITS. All licensed substance abuse programs shall be subject to regular audit by the auditor of state

or to special audits requested by the director.

This section is effective January 1, 1978.

NEW SECTION. FUTURE STATUS OF DEPARTMENT. The provisions of chapter one hundred twenty-five (125) of the Code are repealed effective July 1, 1982. The first session of the Sixty-ninth General Assembly meeting in the year 1981 shall review the activities and performance of the department and shall not later than July 1, 1981 make a determination concerning the status and duties of the department.

This section is effective January 1, 1978.

Sec. 45. Section two hundred twenty-nine point twenty-one (229.21), subsection one (1), Code 1977, is amended to read as follows:

1. As soon as practicable after the adoption of this Act the judges in each judicial district shall meet and shall determine, individually for each county in the district, whether it appears that one or more district judges will be sufficiently accessible in that county to make it feasible for them to perform at all times the duties prescribed by sections 229.7 to 229.20 and by ~~chapter-224~~ section thirty (30) of this Act. If the judges find that accessibility of district court judges in any county is not sufficient for this purpose, the chief judge of the district shall appoint in that county a judicial hospitalization referee. The judges in any district may at any time review their determination, previously made under this subsection with respect to any county in the district, and pursuant to that review may authorize appointment of a judicial hospitalization referee, or abolish the office, in that county.

Sec. 46. The governor shall make the initial appointments to the commission and the advisory council for terms for commencing July 1, 1977. The provisions of sections six (6) and thirteen (13) of this Act shall apply to the payment of per diem and expenses to commission and advisory council members as if the provisions of sections six (6) and thirteen (13) of this Act were in effect on July 1, 1977. The

provisions of this section shall be effective July 1, 1977.

Sec. 47. Chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) and sections one hundred twenty-five point one (125.1) and one hundred twenty-five point fourteen (125.14), Code 1977, are repealed.

Sec. 48. Sections one hundred twenty-five point thirty-seven (125.37) through one hundred twenty-five point forty-two (125.42), Code 1977, are repealed. Notwithstanding subsection one (1) of section four point one (4.1) of the Code, the repeal of section one hundred twenty-five point forty-two (125.42) of the Code shall not operate to repeal the provisions of chapter one hundred twenty-five (125) of the Code as they existed before the effective date of this section and as they are amended by this Act.

Sec. 49.

1. Sections two (2) through forty-three (43), sections forty-five (45), forty-seven (47) and sections fifty (50) through fifty-two (52) of this Act are effective January 1, 1978.

2. Section forty-eight (48) of this Act is effective July 1, 1977.

Sec. 50. The governor may by executive order delay the implementation of sections thirty-six (36) through forty-three (43) of this Act until July 1, 1978 if the governor finds that delayed implementation of sections thirty-six (36) through forty-three (43) of this Act would allow the state and local substance abuse programs the opportunity to solve any administrative and fiscal problems which may occur as the result of implementation of the funding formula for substance abuse programs contained in sections thirty-six (36) through forty-three (43) of this Act. If the implementation of sections thirty-six (36) through forty-three (43) of this Act is delayed pursuant to this section, the provisions of sections one hundred twenty-five point twenty-six (125.26) through one hundred twenty-five point thirty-four (125.34) of the Code shall continue to be in force as

they existed prior to January 1, 1978 until sections thirty-six (36) through forty-three (43) of this Act are implemented by the governor on July 1, 1978.

Sec. 51. The Code editor shall place sections seventeen (17) through twenty-four (24) of this Act following section one hundred twenty-five point thirteen (125.13) of the Code and shall renumber all sections in chapter one hundred twenty-five (125) of the Code and correct internal references in chapter one hundred twenty-five (125) of the Code in accordance with this Act.

Sec. 52. The Code editor shall change all references to the word "division" in chapter one hundred twenty-five (125) of the Code to the word "department".

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 594, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7/10, 1977

ROBERT D. RAY
Governor