

Reprinted 4/24

APR 16 1980

HOUSE FILE 2584

APPROPRIATIONS CAI FUND

By COMMITTEE ON APPROPRIATIONS

(Formerly Study Bill 753)

Passed House, Date 4/22/80 (p. 1884) Passed Senate, Date _____
 Vote: Ayes 94 Nays 0 Vote: Ayes _____ Nays _____
 Approved May 23, 1980

A BILL FOR

626 1 An Act to make appropriations to certain persons in settle-
 2 ment of claims made against the state of Iowa.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2584

1 Section 1. There is appropriated from the general fund
2 and road use tax fund of the state to the following persons
3 the amount set opposite their respective names in full settle-
4 ment of all claims which they may have against the state of
5 Iowa:

6	Claimant	Claim No.	Nature of Claim	Amount
7	1. Johnson and	4149-67-25	Legal services	\$ 195.00
8	Phelan Law Firm			
9	Elk Horn, Iowa			
10	2. Johnson and	4287-67-25	Legal services	150.00
11	Phelan Law Firm			
12	Elk Horn, Iowa			
13	3. Michael Aloysius	5002-68-25	Stolen property	34.00
14	Fedler			
15	Fort Madison,			
16	Iowa			
17	4. Northwest Iowa	5033-68-25	Title XX claim	13,230.62
18	Work Activity			
19	Center			
20	Sheldon, Iowa			
21	5. Gary Douglas	5110-68-25	Hospital bill	26.00
22	Des Moines, Iowa			
23	6. Charlotte E. Noor	5225-68-25	Day of pay	21.92
24	Rockwell City,			
25	Iowa			
26	7. Patrick Dean	5298-68-25	Property damage	86.52
27	Wilson			
28	Cedar Falls,			
29	Iowa			
30	8. Lyle C. Haner	5426-68-25	Lost wages and	3,712.16
31	Hastings, Iowa		benefits	
32	9. Darla Arends	5488-68-25	Medical costs	673.04
33	Zearing, Iowa			
34	10. Polk County	5616-68-25	Personal prop-	110,000.00
35	Des Moines, Iowa		erty credit	

1			refund	
2	11.	Wall Lake	5676-68-25	Prorate refund 342.84
3		Transfer		
4		Wall Lake, Iowa		
5	12.	James P.	5758-68-25	Broken eyeglasses 50.00
6		Farnsworth		
7		Lehigh, Iowa		
8	13.	Wilbur Dean	5830-68-25	Prorate refund 155.69
9		Durfey		
10		Clarinda, Iowa		
11	14.	Barbara B. Lyons	5903-68-25	Moving expenses 478.80
12		Cummings, Iowa		
13	15.	Margaret Ward	5126-68-25	Retroactive merit 97.52
14		Bryon		pay
15		Grinnell, Iowa		

16 Sec. 2. The amount of the claim against the state in sub-
17 sections eleven (11) and thirteen (13) of section one (1)
18 of this Act shall be paid from the road use tax fund. The
19 amount of the claim against the state in subsection fourteen
20 (14) of section one (1) of this Act shall be paid from funds
21 appropriated to the department of health. The remainder of
22 the claims listed in section one (1) of this Act shall be
23 paid from the general fund of the state.

24 Sec. 3. The general assembly disapproves of all other
25 claims submitted to and considered by the state appeal board
26 by and during the month of March, 1980.

27 EXPLANATION

28 This bill appropriates funds to pay various claims against
29 the state approved by the committee on claims. The bill takes
30 effect July first following its enactment.

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H-6272

1 Amend the amendment, H-6268, to House File 2584,
2 as follows:

3 1. Page 1, line 7, by striking the words "and
4 any".

5 2. Page 1, by striking lines 8 through 10, and .
6 by inserting in lieu thereof the words "is legally".

7 3. Page 1, line 14, by inserting after the period
8 the words "The substance abuser shall assign any claim
9 for reimbursement under any contract of indemnity, by
10 insurance or otherwise, providing for the abuser's
11 care, maintenance, and treatment in the facility to
12 the department."

H-6272 FILED APRIL 22, 1980 By CONLON of Muscatine
adopted 4/22 (p.1883) DIELEMAN of Marion

HOUSE FILE 2584

H-6268

1 Amend House File 2584 as follows:

2 1. Page 2, by inserting after line 26 the
3 following:

4 "Sec. _____. Section one hundred twenty-five point
5 forty-four (125.44), Code 1979, is amended by adding
6 the following new subsections:

627 7 NEW SUBSECTION. The substance abuser and any
8 person, firm, corporation, or insurance company bound
9 by contract to provide support, hospitalization, or
10 medical services for the substance abuser is legally
11 liable to the facility for the total amount of the
12 cost of providing care, maintenance, and treatment
13 for the substance abuser while a voluntary or committed
14 patient in a facility. This section does not prohibit
15 any individual from paying any portion of the cost
16 of treatment.

17 NEW SUBSECTION. The department is liable for the
18 cost of care, treatment, and maintenance of a substance
19 abuser admitted to the facility voluntarily or pursuant
20 to section one hundred twenty-five point thirty-four
21 (125.34), one hundred twenty-five point thirty-five
22 (125.35), three hundred twenty-one point two hundred
23 eighty-one (321.281), three hundred twenty-one point
24 two hundred eighty-three (321.283), subsection three
25 (3), two hundred four point four hundred nine
26 (204.409), subsection two (2) or two hundred twenty-
27 nine point fifty-two (229.52) of the Code only to
28 those facilities that have a contract with the
29 department under section one hundred twenty-five point
30 forty-four (125.44) of the Code, only for the amount
31 computed according to and within the limits of
32 liability prescribed by this section, and only when
33 the substance abuser is unable to pay such costs and
34 there is no other person, firm, corporation or
35 insurance company bound to pay such costs.

36 NEW SUBSECTION. The department's maximum liability
37 for the costs of care, treatment and maintenance of
38 substance abusers in a contracting facility is limited
39 to the total amount agreed upon by the parties and
40 specified in the contract under this section.

41 Sec. _____. Chapter one hundred twenty-five (125),
42 Code 1979, is amended by adding the following new
43 section:

44 NEW SECTION. LIST OF CONTRACTING FACILITIES.
45 The department shall provide a current list of
46 facilities that have a contract with the department
47 to the clerk of each district court in the state.
48 The clerk shall provide the list to all district court
49 judges and judicial magistrates in the district.

50 Sec. _____. Section two hundred four point four

H-6268

Page two

1 hundred nine (204.409), subsection two (2), Code 1979,
2 is amended to read as follows:
3 2. Whenever the court finds that a person who
4 is charged with a violation of section 204.401 and
5 who consents thereto, or who has entered a plea of
6 guilty to or been found guilty of a violation of said
7 that section, and who is addicted to, dependent upon,
8 or a chronic abuser of any controlled substance and
9 that such person will be aided by proper medical
10 treatment and rehabilitative services, it may order
11 that he the person be committed as an in-patient or
12 out-patient to a facility approved licensed by the
13 state department of health substance abuse for such
14 medical treatment and rehabilitative services. A
15 The costs of treatment of a person committed under
16 this subsection who is not possessed of sufficient
17 income or estate to enable him to make payment of
18 the costs of such treatment in whole or in part shall
19 be considered a state patient shall be paid as provided
20 in section one hundred twenty-five point forty-four
21 (125.44) of the Code. The determination of ability
22 to pay shall be made by the court. The court shall
23 require the patient, or his the patient's parent,
24 guardian, or custodian to complete under oath a
25 detailed financial statement. The court may enter
26 appropriate orders requiring the patient or those
27 legally liable for his the patient's support to
28 reimburse the state with the costs, or any part
29 thereof. In order to obtain the most effective results
30 from such medical treatment and rehabilitative
31 services, the court may commit such the person to
32 the custody of a public or private agency or any other
33 responsible person and impose such other conditions
34 upon such the commitment as is necessary to insure
35 compliance with the court's order and to insure that
36 such the person will not, during such the period of
37 treatment and rehabilitation, again violate any
38 provisions a provision of this chapter. If it is
39 established thereafter to the satisfaction of the
40 court that the person has again violated any a
41 provision of this chapter, he the person may be
42 returned to custody or sentenced upon his conviction
43 as provided by law. The public or private agency
44 or responsible person to whom the accused person was
45 committed by the court shall immediately report to
46 the court when the person has received maximum benefit
47 from the program or has recovered from his addiction,
48 dependency, or tendency to chronically abuse any
49 controlled substance. The person shall then be
50 returned to the court for disposition of his the case.

H-6268

Page three

1 If the person has been charged or indicted, but not
2 convicted, such charge shall proceed to trial or final
3 disposition. If the person has been convicted or
4 is thereafter convicted, the court shall sentence
5 ~~him~~ the person as provided by law but may remit all
6 or any part of ~~such~~ the sentence and place the person
7 on probation upon ~~such~~ terms and conditions as the
8 court may prescribe.

9 Sec. _____. Section two hundred twenty-nine point
10 fifty-two (229.52), subsection three (3), Code 1979,
11 is amended to read as follows:

12 3. A respondent committed under this section shall
13 remain in the custody of a facility for treatment
14 for a period of thirty days unless sooner discharged.
15 The costs of treatment of a person committed under
16 this division shall be paid as provided in section
17 one hundred twenty-five point forty-four (125.44)
18 of the Code subject to the qualifications of this
19 subsection. This division shall not be construed
20 to require the department to pay the cost of any
21 medication or procedure provided the person during
22 that period which is not necessary or appropriate
23 to the specific objectives of detoxification and
24 treatment of substance abuse. At the end of the
25 thirty-day period, the respondent shall be discharged
26 automatically unless the administrator of the facility
27 before expiration of the period petitions the court
28 for an order for the respondent's recommitment upon
29 the grounds set forth in subsection 1 of section
30 229.51 for a further period not to exceed ninety days.

31 Sec. _____. Section three hundred twenty-one point
32 two hundred eighty-one (321.281), unnumbered paragraph
33 two (2), Code 1979, is amended to read as follows:

34 In lieu of, or prior to imposition of, the
35 punishment above described for second offense, third
36 offense and each offense thereafter, the court upon
37 hearing may commit the defendant for treatment of
38 alcoholism or drug addiction or dependency to any
39 hospital or institution in Iowa providing such
40 treatment. The court may prescribe the length of
41 time for such treatment or it may request that the
42 hospital to which the person is committed immediately
43 report to the court when the person has received
44 maximum benefit from the program of the hospital or
45 institution or has recovered from his or her addiction,
46 dependency or tendency to chronically abuse alcohol
47 or drugs. The costs of treatment of a person
48 committed under this section shall be considered-a
49 state-patient paid as provided in section one hundred
50 twenty-five point forty-four (125.44) of the Code.

H-6268
Page four

1 Sec. _____. Section three hundred twenty-one point
2 two hundred eighty-three (321.283), subsection three
3 (3), Code 1979, is amended to read as follows:
4 3. REFERRED ON CONVICTION. After any conviction
5 for operating a motor vehicle while under the influence
6 of an alcoholic beverage under section 321.281, the
7 court may refer the defendant for treatment at a
8 facility as defined in sections 125.1 to 125.43 and
9 designated by the ~~division on alcoholism~~ Iowa
10 department of substance abuse. The court may prescribe
11 the length of time for treatment or it may be left
12 to the discretion of the facility to which the
13 defendant was referred. ~~A person referred under this~~
14 ~~section shall be considered a state patient, and~~
15 ~~charges and~~ The costs for treatment of a person
16 referred under this section shall be paid for in the
17 manner provided for payment for treatment of alcoholics
18 who have no legal residence in this state as provided
19 in section one hundred twenty-five point forty-four
20 (125.44) of the Code.

21 Sec. _____. Section one hundred twenty-five point
22 forty-eight (125.48), Code 1979, is repealed."

23 2. Renumber sections and correct internal
24 references as necessary.

25 3. Amend the title, line 1, by striking the words
26 "to make" and inserting in lieu thereof the words
27 "relating to claims against the state of Iowa by
28 providing for payment of certain substance abuse
29 claims and making".

H-6268 FILED APRIL 21, 1980 By MILLER of Buchanan SCHROEDER of Pottawattamie
Adopted as amended CONLON of Muscatine WELDEN of Hardin
by 6272 4/22 (p. 1884) BYERLY of Polk CUSACK of Scott

HOUSE FILE 2584

H-6257

1 Amend House File 2584 as follows:

2 1. Page 1, line 9, by striking the words
3 "Elk Horn" and inserting in lieu thereof the words
4 "Fort Madison".

5 2. Page 1, line 12, by striking the words
6 "Elk Horn" and inserting in lieu thereof the words
7 "Fort Madison".

H-6257 FILED APRIL 21, 1980 By SPEAR of Lee
Adopted 4/22 (p. 1879)

Sen. Appropriations 4/23
Do Pass 4/25 (p. 1778)

HOUSE FILE 2584

By COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House)

Passed House, Date 4/26/80 (p. 2229) Passed Senate, Date 4/26/80 (p. 1818)

Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0

Approved May 23, 1980

A BILL FOR

1 An Act relating to claims against the state of Iowa by
2 providing for payment of certain substance abuse claims
3 and making appropriations to certain persons in
4 settlement of claims made against the state of Iowa.

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

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House Amendments _____

HOUSE FILE 2584

S-5957

1 Amend House File 2584 as amended, passed and reprinted
2 as follows:
3 1. Page 2, by inserting after line 15 the following:
4 "16. Marian Health Center, 5705-68-25 Alcoholism \$1,862.50"
5 St. Vincent Unit treatment
6 Sioux City, Iowa reimbursement

S-5957 FILED
APRIL 25, 1980

BY JOHN S. MURRAY

Adopted 4/26 (p. 1793)

1 Section 1. There is appropriated from the general fund
 2 and road use tax fund of the state to the following persons
 3 the amount set opposite their respective names in full settle-
 4 ment of all claims which they may have against the state of
 5 Iowa:

6	Claimant	Claim No.	Nature of Claim	Amount
7	1. Johnson and	4149-67-25	Legal services	\$ 195.00
8	Phelan Law Firm			
9	<u>Fort Madison, Iowa</u>			
10	2. Johnson and	4287-67-25	Legal services	150.00
11	Phelan Law Firm			
12	<u>Fort Madison, Iowa</u>			
13	3. Michael Aloysius	5002-68-25	Stolen property	34.00
14	Fedler			
15	Fort Madison,			
16	Iowa			
17	4. Northwest Iowa	5033-68-25	Title XX claim	13,230.62
18	Work Activity			
19	Center			
20	Sheldon, Iowa			
21	5. Gary Douglas	5110-68-25	Hospital bill	26.00
22	Des Moines, Iowa			
23	6. Charlotte E. Noor	5225-68-25	Day of pay	21.92
24	Rockwell City,			
25	Iowa			
26	7. Patrick Dean	5298-68-25	Property damage	86.52
27	Wilson			
28	Cedar Falls,			
29	Iowa			
30	8. Lyle C. Haner	5426-68-25	Lost wages and	3,712.16
31	Hastings, Iowa		benefits	
32	9. Darla Arends	5488-68-25	Medical costs	673.04
33	Zearing, Iowa			
34	10. Polk County	5616-68-25	Personal prop-	110,000.00
35	Des Moines, Iowa		erty credit	

1			refund	
2	11.	Wall Lake	5676-68-25 Prorate refund	342.84
3		Transfer		
4		Wall Lake, Iowa		
5	12.	James P.	5758-68-25 Broken eyeglasses	50.00
6		Farnsworth		
7		Lehigh, Iowa		
8	13.	Wilbur Dean	5830-68-25 Prorate refund	155.69
9		Durfey		
10		Clarinda, Iowa		
11	14.	Barbara B. Lyons	5903-68-25 Moving expenses	478.80
12		Cummings, Iowa		
13	15.	Margaret Ward	5126-68-25 Retroactive merit	97.52
14		Bryon	pay	
15		Grinnell, Iowa		

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16 Sec. 2. The amount of the claim against the state in sub-
17 sections eleven (11) and thirteen (13) of section one (1)
18 of this Act shall be paid from the road use tax fund. The
19 amount of the claim against the state in subsection fourteen
20 (14) of section one (1) of this Act shall be paid from funds
21 appropriated to the department of health. The remainder of
22 the claims listed in section one (1) of this Act shall be
23 paid from the general fund of the state.

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24 Sec. 3. The general assembly disapproves of all other
25 claims submitted to and considered by the state appeal board
26 by and during the month of March, 1980.

27 Sec. 4. Section one hundred twenty-five point forty-four
28 (125.44), Code 1979, is amended by adding the following new
29 subsections:

30 NEW SUBSECTION. The substance abuser is legally liable
31 to the facility for the total amount of the cost of providing
32 care, maintenance, and treatment for the substance abuser
33 while a voluntary or committed patient in a facility. The
34 substance abuser shall assign any claim for reimbursement
35 under any contract of indemnity, by insurance or otherwise,

1 providing for the abuser's care, maintenance, and treatment
2 in the facility to the department. This section does not
3 prohibit any individual from paying any portion of the cost
4 of treatment.

5 NEW SUBSECTION. The department is liable for the cost
6 of care, treatment, and maintenance of a substance abuser
7 admitted to the facility voluntarily or pursuant to section
8 one hundred twenty-five point thirty-four (125.34), one hundred
9 twenty-five point thirty-five (125.35), three hundred twenty-
10 one point two hundred eighty-one (321.281), three hundred
11 twenty-one point two hundred eighty-three (321.283), subsection
12 three (3), two hundred four point four hundred nine (204.409),
13 subsection two (2) or two hundred twenty-nine point fifty-
14 two (229.52) of the Code only to those facilities that have
15 a contract with the department under section one hundred
16 twenty-five point forty-four (125.44) of the Code, only for
17 the amount computed according to and within the limits of
18 liability prescribed by this section, and only when the
19 substance abuser is unable to pay such costs and there is
20 no other person, firm, corporation or insurance company bound
21 to pay such costs.

22 NEW SUBSECTION. The department's maximum liability for
23 the costs of care, treatment and maintenance of substance
24 abusers in a contracting facility is limited to the total
25 amount agreed upon by the parties and specified in the contract
26 under this section.

27 Sec. 5. Chapter one hundred twenty-five (125), Code 1979,
28 is amended by adding the following new section:

29 NEW SECTION. LIST OF CONTRACTING FACILITIES. The
30 department shall provide a current list of facilities that
31 have a contract with the department to the clerk of each
32 district court in the state. The clerk shall provide the
33 list to all district court judges and judicial magistrates
34 in the district.

35 Sec. 6. Section two hundred four point four hundred nine

1 (204.409), subsection two (2), Code 1979, is amended to read
2 as follows:

5-78 3 2. Whenever the court finds that a person who is charged
4 with a violation of section 204.401 and who consents thereto,
5 or who has entered a plea of guilty to or been found guilty
6 of a violation of said that section, and who is addicted to,
7 dependent upon, or a chronic abuser of any controlled substance
8 and that such person will be aided by proper medical treatment
9 and rehabilitative services, it may order that he the person
10 be committed as an in-patient or out-patient to a facility
11 approved licensed by the state department of health substance
12 abuse for such medical treatment and rehabilitative services.
13 A The costs of treatment of a person committed under this
14 subsection who-is-not-possessed-of-sufficient-income-or-estate
15 to-enable-him-to-make-payment-of-the-costs-of-such-treatment
16 in-whole-or-in-part-shall-be-considered-a-state-patient shall
17 be paid as provided in section one hundred twenty-five point
18 forty-four (125.44) of the Code. The determination of ability
19 to pay shall be made by the court. The court shall require
20 the patient, or his the patient's parent, guardian, or
21 custodian to complete under oath a detailed financial
22 statement. The court may enter appropriate orders requiring
23 the patient or those legally liable for his the patient's
24 support to reimburse the state with the costs, or any part
25 thereof. In order to obtain the most effective results from
26 such medical treatment and rehabilitative services, the court
27 may commit such the person to the custody of a public or
28 private agency or any other responsible person and impose
29 such other conditions upon such the commitment as is necessary
30 to insure compliance with the court's order and to insure
31 that such the person will not, during such the period of
32 treatment and rehabilitation, again violate any-provisions
33 a provision of this chapter. If it is established thereafter
34 to the satisfaction of the court that the person has again
35 violated any a provision of this chapter, he the person may

1 be returned to custody or sentenced upon his conviction as
2 provided by law. The public or private agency or responsible
3 person to whom the accused person was committed by the court
4 shall immediately report to the court when the person has
5 received maximum benefit from the program or has recovered
6 from his addiction, dependency, or tendency to chronically
7 abuse any controlled substance. The person shall then be
8 returned to the court for disposition of his the case. If
9 the person has been charged or indicted, but not convicted,
10 such charge shall proceed to trial or final disposition.
11 If the person has been convicted or is thereafter convicted,
12 the court shall sentence him the person as provided by law
13 but may remit all or any part of such the sentence and place
14 the person on probation upon such terms and conditions as
15 the court may prescribe.

16 Sec. 7. Section two hundred twenty-nine point fifty-two
17 (229.52), subsection three (3), Code 1979, is amended to read
18 as follows:

19 3. A respondent committed under this section shall remain
20 in the custody of a facility for treatment for a period of
21 thirty days unless sooner discharged. The costs of treatment
22 of a person committed under this division shall be paid as
23 provided in section one hundred twenty-five point forty-four
24 (125.44) of the Code subject to the qualifications of this
25 subsection. This division shall not be construed to require
26 the department to pay the cost of any medication or procedure
27 provided the person during that period which is not necessary
28 or appropriate to the specific objectives of detoxification
29 and treatment of substance abuse. At the end of the thirty-
30 day period, the respondent shall be discharged automatically
31 unless the administrator of the facility before expiration
32 of the period petitions the court for an order for the
33 respondent's recommitment upon the grounds set forth in
34 subsection 1 of section 229.51 for a further period not to
35 exceed ninety days.

1 Sec. 8. Section three hundred twenty-one point two hundred
 2 eighty-one (321.281), unnumbered paragraph two (2), Code 1979,
 3 is amended to read as follows:

5978 4 In lieu of, or prior to imposition of, the punishment above
 5 described for second offense, third offense and each offense
 6 thereafter, the court upon hearing may commit the defendant
 7 for treatment of alcoholism or drug addiction or dependency
 8 to any hospital or institution in Iowa providing such
 9 treatment. The court may prescribe the length of time for
 10 such treatment or it may request that the hospital to which
 11 the person is committed immediately report to the court when
 12 the person has received maximum benefit from the program of
 13 the hospital or institution or has recovered from his or her
 14 addiction, dependency or tendency to chronically abuse alcohol
 15 or drugs. A The costs of treatment of a person committed
 16 under this section shall be ~~considered-a-state-patient~~ paid
 17 as provided in section one hundred twenty-five point forty-
 18 four (125.44) of the Code.

19 Sec. 9. Section three hundred twenty-one point two hundred
 20 eighty-three (321.283), subsection three (3), Code 1979, is
 21 amended to read as follows:

5978 22 3. REFERRED ON CONVICTION. After any conviction for
 23 operating a motor vehicle while under the influence of an
 24 alcoholic beverage under section 321.281, the court may refer
 25 the defendant for treatment at a facility as defined in
 26 sections 125.1 to 125.43 and designated by the ~~division-on~~
 27 ~~alcoholism~~ Iowa department of substance abuse. The court
 28 may prescribe the length of time for treatment or it may be
 29 left to the discretion of the facility to which the defendant
 30 was referred. ~~A-person-referred-under-this-section-shall~~
 31 ~~be-considered-a-state-patient,-and-charges-and~~ The costs for
 32 treatment of a person referred under this section shall be
 33 paid ~~for-in-the-manner-provided-for-payment-for-treatment~~
 34 ~~of-alcoholics-who-have-no-legal-residence-in-this-state~~ as
 35 provided in section one hundred twenty-five point forty-four

1 (125.44) of the Code.

2 Sec. 10. Section one hundred twenty-five point forty-eight

3 (125.48), Code 1979, is repealed.

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HOUSE FILE 2584

S-5978

1 Amend House File 2584, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 26 the
4 following:

5 "Sec. ____ . Section one hundred twenty-five point
6 forty-four (125.44), unnumbered paragraph one (1),
7 Code 1979, is amended to read as follows:

8 The director may, consistent with the comprehensive
9 substance abuse program, enter into written agreements
10 with a facility as defined in section 125.2 to pay
11 for seventy-five percent of the cost of the care,
12 maintenance and treatment of a substance abuser,
13 except that the state's liability shall be one hundred
14 percent of the total cost of care, maintenance and
15 treatment when a substance abuser is a state patient.

16 All payments for state patients shall be made in
17 accordance with the limitations of this section.

18 Such contracts shall be for a period of no more than
19 one year. The commission shall review and evaluate
20 at least once each year all such agreements and
21 determine whether or not they shall be continued."

22 2. Page 4, by striking lines 13 through 18 and
23 inserting in lieu thereof the words "A person committed
24 under this subsection who is not possessed of
25 sufficient income or estate to enable him or her to
26 make payment of the costs of such treatment in whole
27 or in part shall be considered a state patient and
28 the costs of treatment shall be paid as provided in
29 section one hundred twenty-five point forty-four
30 (125.44) of the Code. The determination of ability".

31 3. Page 6, by striking lines 15 through 18 and
32 inserting in lieu thereof the words "or drugs. A
33 person committed under this section who is not
34 possessed of sufficient income or estate to enable
35 him or her to make payment of the costs of such
36 treatment in whole or in part shall be considered
37 a state patient and the costs of treatment shall be
38 paid as provided in section one hundred twenty-five
39 point forty-four (125.44) of the Code."

40 4. By striking page 6, line 30 through page 7,
41 line 1 and inserting in lieu thereof the words "was
42 referred. A person referred under ~~this section~~ who is not
43 possessed of sufficient income or estate to enable him
44 or her to make payment of the costs of such treatment
45 in whole or in part shall be considered a state
46 patient, and charges and costs for treatment shall
47 be paid for in the manner provided for payment for
48 treatment of alcoholics who have no legal residence
49 in this state as provided in section one hundred
50 twenty-five point forty-four (125.44) of the Code."

1 Amend House File 2584 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 15 the following:
 4 "16. Marian Health Center, 5705-68-25 Alcoholism \$1,862.50"
 5 St. Vincent Unit treatment
 6 Sioux City, Iowa reimbursement

7 2. Page 2, by inserting after line 26 the
 8 following:

9 "Sec. ____ . Section one hundred twenty-five point
 10 forty-four (125.44), unnumbered paragraph one (1),
 11 Code 1979, is amended to read as follows:

12 The director may, consistent with the comprehensive
 13 substance abuse program, enter into written agreements
 14 with a facility as defined in section 125.2 to pay
 15 for seventy-five percent of the cost of the care,
 16 maintenance and treatment of a substance abuser,
 17 except that the state's liability shall be one hundred
 18 percent of the total cost of care, maintenance and
 19 treatment when a substance abuser is a state patient.

20 All payments for state patients shall be made in
 21 accordance with the limitations of this section.

22 Such contracts shall be for a period of no more than
 23 one year. The commission shall review and evaluate
 24 at least once each year all such agreements and
 25 determine whether or not they shall be continued."

26 3. Page 4, by striking lines 13 through 18 and
 27 inserting in lieu thereof the words "A person committed
 28 under this subsection who is not possessed of
 29 sufficient income or estate to enable him or her to
 30 make payment of the costs of such treatment in whole
 31 or in part shall be considered a state patient and
 32 the costs of treatment shall be paid as provided in
 33 section one hundred twenty-five point forty-four
 34 (125.44) of the Code. The determination of ability".

35 4. Page 6, by striking lines 15 through 18 and
 36 inserting in lieu thereof the words "or drugs. A
 37 person committed under this section who is not
 38 possessed of sufficient income or estate to enable
 39 him or her to make payment of the costs of such
 40 treatment in whole or in part shall be considered
 41 a state patient and the costs of treatment shall be
 42 paid as provided in section one hundred twenty-five
 43 point forty-four (125.44) of the Code."

44 5. By striking page 6, line 30 through page 7,
 45 line 1 and inserting in lieu thereof the words "was
 46 referred. A person referred under this section who is not
 47 possessed of sufficient income or estate to enable him
 48 or her to make payment of the costs of such treatment
 49 in whole or in part shall be considered a state
 50 patient, and charges and costs for treatment shall

1 be paid for in the manner provided for payment for
 2 treatment of alcoholics who have no legal residence
 3 in this state as provided in section one hundred
 4 twenty-five point forty-four (125.44) of the Code."

HOUSE FILE 2584

AN ACT

RELATING TO CLAIMS AGAINST THE STATE OF IOWA BY PROVIDING FOR PAYMENT OF CERTAIN SUBSTANCE ABUSE CLAIMS AND MAKING APPROPRIATIONS TO CERTAIN PERSONS IN SETTLEMENT OF CLAIMS MADE AGAINST THE STATE OF IOWA.

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

Section 1. There is appropriated from the general fund and road use tax fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

Claimant	Claim No.	Nature of Claim	Amount
1. Johnson and Phelan Law Firm Fort Madison, Iowa	4149-67-25	Legal services	\$ 195.00
2. Johnson and Phelan Law Firm Fort Madison, Iowa	4287-67-25	Legal services	150.00
3. Michael Aloysius Fedler Fort Madison, Iowa	5002-68-25	Stolen property	34.00
4. Northwest Iowa Work Activity Center Sheldon, Iowa	5033-68-25	Title XX claim	13,230.62
5. Gary Douglas	5110-68-25	Hospital bill	26.00

Des Moines, Iowa			
6. Charlotte E. Noor	5225-68-25	Day of pay	21.92
Rockwell City, Iowa			
7. Patrick Dean	5298-68-25	Property damage	86.52
Wilson Cedar Falls, Iowa			
8. Lyle C. Haner	5426-68-25	Lost wages and benefits	3,712.16
Hastings, Iowa			
9. Darla Arends	5488-68-25	Medical costs	673.04
Zearing, Iowa			
10. Polk County	5616-68-25	Personal property credit refund	110,000.00
Des Moines, Iowa			
11. Wall Lake Transfer	5676-68-25	Prorate refund	342.84
Wall Lake, Iowa			
12. James P. Farnsworth	5758-68-25	Broken eyeglasses	50.00
Lehigh, Iowa			
13. Wilbur Dean	5830-68-25	Prorate refund	155.69
Durfey Clarinda, Iowa			
14. Barbara B. Lyons	5903-68-25	Moving expenses	478.80
Cummings, Iowa			
15. Margaret Ward	5126-68-25	Retroactive merit pay	97.52
Bryon Grinnell, Iowa			
16. Marion Health Center,	5705-68-25	Alcoholism treatment reimbursement	1,862.50
St. Vincent Unit Sioux City, Iowa			

Sec. 2. The amount of the claim against the state in subsections eleven (11) and thirteen (13) of section one (1)

of this Act shall be paid from the road use tax fund. The amount of the claim against the state in subsection fourteen (14) of section one (1) of this Act shall be paid from funds appropriated to the department of health. The remainder of the claims listed in section one (1) of this Act shall be paid from the general fund of the state.

Sec. 3. The general assembly disapproves of all other claims submitted to and considered by the state appeal board by and during the month of March, 1980.

Sec. 4. Section one hundred twenty-five point forty-four (125.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The director may, consistent with the comprehensive 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 a substance abuser, except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient. All payments for state patients shall be made in accordance with the limitations of this section. 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.

Sec. 5. Section one hundred twenty-five point forty-four (125.44), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. The substance abuser is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser while a voluntary or committed patient in a facility. The substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment

in the facility to the department. This section does not prohibit any individual from paying any portion of the cost of treatment.

NEW SUBSECTION. The department is liable for the cost of care, treatment, and maintenance of a substance abuser admitted to the facility voluntarily or pursuant to section one hundred twenty-five point thirty-four (125.34), one hundred twenty-five point thirty-five (125.35), three hundred twenty-one point two hundred eighty-one (321.281), three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), two hundred four point four hundred nine (204.409), subsection two (2) or two hundred twenty-nine point fifty-two (229.52) of the Code only to those facilities that have a contract with the department under section one hundred twenty-five point forty-four (125.44) of the Code, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the substance abuser is unable to pay such costs and there is no other person, firm, corporation or insurance company bound to pay such costs.

NEW SUBSECTION. The department's maximum liability for the costs of care, treatment and maintenance of substance abusers in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section.

Sec. 6. Chapter one hundred twenty-five (125), Code 1979, is amended by adding the following new section:

NEW SECTION. LIST OF CONTRACTING FACILITIES. The department shall provide a current list of facilities that have a contract with the department to the clerk of each district court in the state. The clerk shall provide the list to all district court judges and judicial magistrates in the district.

Sec. 7. Section two hundred four point four hundred nine (204.409), subsection two (2), Code 1979, is amended to read as follows:

2. Whenever the court finds that a person who is charged with a violation of section 204.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of ~~said~~ that section, ~~and who~~ is addicted to, dependent upon, or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, it may order that ~~he~~ the person be committed as an in-patient or out-patient to a facility ~~approved~~ licensed by the state department of health ~~substance abuse~~ for ~~such~~ medical treatment and rehabilitative services. A person committed under this subsection who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code. The determination of ability to pay shall be made by the court. The court shall require the patient, or ~~his~~ the patient's parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for ~~his~~ the patient's support to reimburse the state with the costs, or any part thereof. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit ~~such~~ the person to the custody of a public or private agency or any other responsible person and impose ~~such~~ other conditions upon ~~such~~ the commitment as ~~is~~ necessary to insure compliance with the court's order and to insure that ~~such~~ the person will not, during ~~such~~ the period of treatment and rehabilitation, again violate ~~any provisions~~ a provision of this chapter. If it is established thereafter to the satisfaction of the court that the person has again violated ~~any~~ a provision of this chapter, ~~he~~ the person may be returned to custody or sentenced upon ~~his~~ conviction as provided by law. The public or private agency or responsible

person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from ~~his~~ addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of ~~his~~ the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence ~~him~~ the person as provided by law but may remit all or any part of ~~such~~ the sentence and place the person on probation upon ~~such~~ terms and conditions as the court may prescribe.

Sec. 8. Section two hundred twenty-nine point fifty-two (229.52), subsection three (3), Code 1979, is amended to read as follows:

3. A respondent committed under this section shall remain in the custody of a facility for treatment for a period of thirty days unless sooner discharged. The costs of treatment of a person committed under this division shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code subject to the qualifications of this subsection. This division shall not be construed to require the 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 substance abuse. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility before expiration of the period petitions the court for an order for the respondent's recommitment upon the grounds set forth in subsection 1 of section 229.51 for a further period not to exceed ninety days.

Sec. 9. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

In lieu of, or prior to imposition of, the punishment above described for second offense, third offense and each offense thereafter, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his or her addiction, dependency or tendency to chronically abuse alcohol or drugs. A person committed under this section who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code.

Sec. 10. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1979, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.43 and designated by the ~~division on alcoholism~~ Iowa department of substance abuse. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient, ~~and charges~~ and costs for treatment shall be paid ~~for-in-the-manner provided-for-payment-for-treatment-of-alcoholics-who-have no-legal-residence-in-this-state~~ as provided in section one hundred twenty-five point forty-four (125.44) of the Code.

Sec. 11. Section one hundred twenty-five point forty-eight (125.48), Code 1979, is repealed.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2584, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved May 23, 1980

ROBERT D. RAY
Governor