

Judiciary  
Murray, Chair  
Small  
Kudart

*Do Pass 2/24 (p. 496)*

JAN 29 1982

Place On Calendar

HOUSE FILE 2240

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly Study Bill 587)  
*Substituted for S.F. 2130 3/5*

Passed House, Date 2-8-82 (p. 292) Passed Senate, Date 3-5-82 (p. 615)

Vote: Ayes 95 Nays 0 Vote: Ayes 45 Nays 0

Approved May 7 1982

*Repassed House as amended by Senate  
4-13-82 (p. 1416)  
95-0*

# A BILL FOR

- 1 An Act relating to the notice and hearing requirements
- 2 applicable to proceedings for the commitment of persons
- 3 receiving treatment as outpatients under chapter 229.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
HOUSE FILE 2240

S-5203

- 1 Amend House File 2240 as follows:
- 2 1. Page 2, line 10, by striking the words
- 3 "voluntarily enter the hospital" and inserting in
- 4 lieu thereof the words "be admitted voluntarily to
- 5 the hospital".
- 6 2. Page 2, line 15, by striking the words
- 7 "voluntarily enter the hospital" and inserting in
- 8 lieu thereof the words "be admitted voluntarily to
- 9 the hospital".

S-5203 FILED & ADOPTED  
MARCH 5, 1982 (p. 616)

BY C. JOSEPH COLEMAN  
JOHN S. MURRAY

H-5351

SENATE AMENDMENT TO HOUSE FILE 2240

- 1 Amend House File 2240 as follows:
- 2 1. Page 2, line 10, by striking the words
- 3 "voluntarily enter the hospital" and inserting in
- 4 lieu thereof the words "be admitted voluntarily to
- 5 the hospital".
- 6 2. Page 2, line 15, by striking the words
- 7 "voluntarily enter the hospital" and inserting in
- 8 lieu thereof the words "be admitted voluntarily to
- 9 the hospital".

H-5351 FILED MARCH 9, 1982

RECEIVED FROM SENATE  
*House concurred 4/13 (p. 1416)*

1 Section 1. Section 229.14, subsection 3, Code 1981, is  
2 amended to read as follows:

3 3. That the respondent is seriously mentally impaired  
4 and in need of treatment, but does not require full-time  
5 hospitalization. If the report so states it shall include  
6 the chief medical officer's recommendation for treatment of  
7 the respondent on an outpatient or other appropriate basis,  
8 and the court may enter an order directing the respondent  
9 to submit to the recommended treatment. The order shall  
10 provide that if the respondent fails or refuses to submit  
11 to treatment as directed by the court's order, ~~he-or-she-shall~~  
12 be-taken-into-custody-and the court may order that the  
13 respondent be taken into immediate custody as provided by  
14 section 229.11 and, following notice and hearing held in  
15 accordance with the procedures of section 229.12, may order  
16 the respondent treated as a patient requiring full-time  
17 custody, care and treatment in a hospital until such time  
18 as the chief medical officer reports that the respondent does  
19 not require further treatment for serious mental impairment  
20 or has indicated ~~he-or-she~~ the respondent is willing to submit  
21 to treatment on another basis as ordered by the court.

22 Sec. 2. Section 229.15, subsection 2, Code 1981, is amended  
23 to read as follows:

5203 24 2. Not more than sixty days after the entry of a court  
25 order for treatment of a patient under section 229.14,  
26 subsection 3, and thereafter at successive intervals as ordered  
27 by the court but not to exceed ninety days so long as that  
28 court order remains in effect, the medical director of the  
29 facility treating the patient shall report to the court which  
30 entered the order. The report shall state whether the  
31 patient's condition has improved, remains unchanged, or has  
32 deteriorated, and shall indicate if possible the further  
33 length of time the patient will require treatment by the  
34 facility. If at any time the patient without good cause fails  
35 or refuses to submit to treatment as ordered by the court,

1 the medical director shall at once so notify the court, which  
 2 shall order the patient hospitalized as provided by section  
 3 229.14, subsection 3, unless the court finds that the failure  
 4 or refusal was with good cause and that the patient is willing  
 5 to receive treatment as provided in the court's order, or  
 6 in a revised order if the court sees fit to enter one. If  
 7 at any time the medical director ~~at any time~~ reports to the  
 8 court that in ~~his~~ the director's opinion the patient requires  
 9 full-time custody, care and treatment in a hospital, and the  
 10 patient is willing to voluntarily enter the hospital for these  
 11 purposes, the court may ~~order the patient's involuntary enter~~  
 12 an order approving hospitalization for appropriate treatment  
 13 upon consultation with the chief medical officer of the  
 14 hospital in which the patient is to be hospitalized. If the  
 15 patient is unwilling to voluntarily enter the hospital, the  
 16 procedure for determining involuntary hospitalization, as  
 17 set out in section 229.14, subsection 3, in section 1 of this  
 18 Act shall be followed.

19 EXPLANATION

20 This bill would modify two provisions relating to the  
 21 involuntary hospitalization of outpatients receiving treat-  
 22 ment under chapter 229 to assure that commitment cannot be  
 23 ordered except after notice and a hearing that establishes  
 24 need. The supreme court recommends these changes in order  
 25 to assure statutory compliance with constitutional standards  
 26 established by the federal courts.

27 The bill would take effect July 1 following enactment.

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HOUSE FILE 2240

AN ACT  
RELATING TO THE NOTICE AND HEARING REQUIREMENTS APPLICABLE  
TO PROCEEDINGS FOR THE COMMITMENT OF PERSONS RECEIVING  
TREATMENT AS OUTPATIENTS UNDER CHAPTER 229.

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

Section 1. Section 229.14, subsection 3, Code 1981, is amended to read as follows:

3. That the respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. If the report so states it shall include the chief medical officer's recommendation for treatment of the respondent on an outpatient or other appropriate basis, and the court may enter an order directing the respondent to submit to the recommended treatment. The order shall provide that if the respondent fails or refuses to submit to treatment as directed by the court's order, ~~he-or-she-shall be-taken-into-custody-and~~ the court may order that the respondent be taken into immediate custody as provided by section 229.11 and, following notice and hearing held in accordance with the procedures of section 229.12, may order the respondent treated as a patient requiring full-time

custody, care and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated ~~he-or-she~~ the respondent is willing to submit to treatment on another basis as ordered by the court.

Sec. 2. Section 229.15, subsection 2, Code 1981, is amended to read as follows:

2. Not more than sixty days after the entry of a court order for treatment of a patient under section 229.14, subsection 3, and thereafter at successive intervals as ordered by the court but not to exceed ninety days so long as that court order remains in effect, the medical director of the facility treating the patient shall report to the court which entered the order. The report shall state whether the patient's condition has improved, remains unchanged, or has deteriorated, and shall indicate if possible the further length of time the patient will require treatment by the facility. If at any time the patient without good cause fails or refuses to submit to treatment as ordered by the court, the medical director shall at once so notify the court, which shall order the patient hospitalized as provided by section 229.14, subsection 3, unless the court finds that the failure or refusal was with good cause and that the patient is willing to receive treatment as provided in the court's order, or in a revised order if the court sees fit to enter one. If at any time the medical director ~~at-any-time~~ reports to the court that in ~~his~~ the director's opinion the patient requires full-time custody, care and treatment in a hospital, and the patient is willing to be admitted voluntarily to the hospital for these purposes, the court may ~~order-the-patient-s~~ involuntary enter an order approving hospitalization for appropriate treatment upon consultation with the chief medical officer of the hospital in which the patient is to be hospitalized. If the patient is unwilling to be admitted voluntarily to the hospital, the procedure for determining

involuntary hospitalization, as set out in section 229.14, subsection 3, in section 1 of this Act shall be followed.

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DELWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2240, Sixty-ninth General Assembly.

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ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved 5/7, 1982

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ROBERT D. RAY  
Governor