

Reprinted 3/87

Human Resources: Hammond, Chair: Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

Amend (3217) & Do Pass 3/16/87 (p. 687)

FEB 10 1987

HOUSE FILE 210

HUMAN RESOURCES

BY BLACK

Passed House, Date 3-30-87 (p. 935) Passed Senate, Date 4/20/87 (p. 1388)

Vote: Ayes 94 Nays 0 Vote: Ayes 43 Nays 1

Approved June 4, 1987

A BILL FOR

1 An Act relating to certain admissions to county care facilities.

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

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HF 210

1 Section. Section 135C.23, subsection 2, unnumbered
2 paragraph 2, Code 1987, is amended to read as follows:

3 This section does not prohibit the admission of a patient
4 with a history of dangerous or disturbing behavior to an
5 intermediate care facility, or skilled nursing facility, or
6 county care facility when the intermediate care facility, or
7 skilled nursing facility, or county care facility has a
8 program which has received prior approval from the department
9 to properly care for and manage the patient. An intermediate
10 care facility, or skilled nursing facility, or county care
11 facility is required to transfer or discharge a resident with
12 dangerous or disturbing behavior when the intermediate care
13 facility, or skilled nursing facility, or county care facility
14 cannot control the resident's dangerous or disturbing
15 behavior. The department, in coordination with the state
16 mental health and mental retardation commission, shall adopt
17 rules pursuant to chapter 17A for programs to be required in
18 intermediate care facilities, and skilled nursing facilities,
19 and county care facilities that admit patients or have
20 residents with histories of dangerous or disturbing behavior.

21 Sec. 2. Section 135C.23, Code 1987, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 6. Notwithstanding section 229.21, the
24 placement of a person with a history of dangerous or
25 disturbing behavior to a county care facility made by a judge,
26 magistrate, or judicial hospitalization referee shall be
27 approved by the administrator of the county care facility
28 before admittance. The administrator shall consider the
29 services provided by the county care facility, whether the
30 needs of the person can be met in the county care facility,
31 the history of violence of the person which may harm residents
32 or staff of the county care facility, and whether there is
33 reason to believe the person's behavior could be modified
34 within the limits of the resources of the county care facility
35 and without undue risk to others.

1 Sec. 3. Section 229.21, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. When an application for involuntary hospitalization
4 under this chapter or an application for involuntary
5 commitment or treatment of substance abusers under sections
6 125.75 to 125.94 is filed with the clerk of the district court
7 in any county for which a judicial hospitalization referee has
8 been appointed, and no district judge is accessible in the
9 county, the clerk shall immediately notify the referee in the
10 manner required by section 229.7 or section 125.77. The
11 referee shall discharge all of the duties imposed upon judges
12 of the district court or magistrates by sections 229.7 to
13 229.19 or sections 125.75 to 125.94 in the proceeding so
14 initiated. If an emergency hospitalization proceeding is
15 initiated under section 229.22 a judicial hospitalization
16 referee may perform the duties imposed upon a magistrate by
17 that section. However, placement of a person with a history
18 of dangerous or disturbing behavior in a county care facility
19 shall be approved by the administrator of the county care
20 facility prior to admittance of the person, pursuant to
21 section 135C.23, subsection 6.

22 Sec. 4. Section 253.9, Code 1987, is amended by adding the
23 following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or judicial
25 hospitalization referee shall not place a person with a
26 history of dangerous or disturbing behavior in a county care
27 facility without approval of the administrator of the county
28 care facility pursuant to section 135C.23, subsection 6.

29 EXPLANATION

30 This bill permits admittance of a patient with a history of
31 dangerous or disturbing behavior to a county care facility
32 when the facility has a program to properly care for and
33 manage the patient. Such patients may be admitted under the
34 same conditions to an intermediate care facility and a skilled
35 nursing facility under current law.

1 The bill also prohibits admission of such a person by a
2 judge, magistrate, or judicial hospitalization referee to a
3 county care facility without approval by the administrator of
4 the county care facility.

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HOUSE FILE 210

H-3217

- 1 Amend House File 210 as follows:
- 2 1. Page 1, line 4, by striking the word "an" and
3 inserting the following: "an a".
- 4 2. Page 1, by striking lines 5 through 7 and in-
5 serting the following: "intermediate-care-facility-or
6 skilled-nursing-facility health care facility when one
7 intermediate-care-facility or-skilled-nursing-facility
8 health care facility has 3".
- 9 3. Page 1, by striking lines 9 through 10 and in-
10 serting the following: "to properly care for and
11 manage the patient. An intermediate-care-facility-or
12 skilled-nursing-facility health care".
- 13 4. Page 1, by striking lines 12 and 13 and
14 inserting the following: "dangerous or disturbing
15 behavior when the intermediate-care-facility-or
16 skilled-nursing-facility health care facility".
- 17 5. Page 1, by striking lines 18 and 19 and
18 inserting the following: "intermediate-care
19 facilities-and-skilled-nursing-facilities health care
20 facilities that admit patients or have".
- 21 6. Page 1, line 25, by striking the word "county"
22 and inserting the following: "health".
- 23 7. Page 1, line 27, by striking the word "county"
24 and inserting the following: "health".
- 25 8. Page 1, line 29, by striking the word "county"
26 and inserting the following: "health".
- 27 9. Page 1, line 30, by striking the word "county"
28 and inserting the following: "health".
- 29 10. Page 1, line 32, by striking the word
30 "county" and inserting the following: "health".
- 31 11. Page 1, line 34, by striking the word
32 "county" and inserting the following: "health".
- 33 12. Page 2, line 18, by striking the words
34 "county care facility" and inserting the following:
35 "health care facility as defined pursuant to section
36 135C.1, subsection 4".
- 37 13. Page 2, line 19, by striking the word
38 "county" and inserting the following: "health".
- 39 14. Title page, line 1, by striking the word
40 "county" and inserting the following: "health".

H-3217 FILED MARCH 18, 1987

BY COMMITTEE ON HUMAN RESOURCES

Adopted 3/30/87 (p 934)

HOUSE FILE 210

BY BLACK

Sub. for S.F. 280 4/10/87

(As Amended and Passed by the House March 30, 1987)

Re Passed House, Date 5/6/87 (p. 2023) Passed Senate, Date 4-20-87 (p. 1388)

Vote: Ayes 91 Nays 0 Vote: Ayes 45 Nays 1

Approved June 4, 1987

*Motion to reconsider (S.F. 1700)
" prevailed 4/30/87*

A BILL FOR *Repassed Senate 4/30/87 (p. 1625)
45-0*

1 An Act relating to certain admissions to health care facilities.

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

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House Amendments

1 Section. Section 135C.23, subsection 2, unnumbered
2 paragraph 2, Code 1987, is amended to read as follows:

3 This section does not prohibit the admission of a patient
4 with a history of dangerous or disturbing behavior to an a
5 ~~intermediate-care-facility-or-skilled-nursing-facility~~ health
6 ~~care facility~~ when the ~~intermediate-care-facility-or-skilled~~
7 ~~nursing-facility~~ health care facility has a program which has
8 received prior approval from the department to properly care
9 for and manage the patient. ~~An-intermediate-care-facility-or~~
10 ~~skilled-nursing-facility~~ A health care facility is required to
11 transfer or discharge a resident with dangerous or disturbing
12 behavior when the intermediate-care-facility-or-skilled
13 nursing-facility health care facility cannot control the
14 resident's dangerous or disturbing behavior. The department,
15 in coordination with the state mental health and mental
16 retardation commission, shall adopt rules pursuant to chapter
17 17A for programs to be required in intermediate-care
18 facilities-and-skilled-nursing-facilities health care
19 facilities that admit patients or have residents with
20 histories of dangerous or disturbing behavior.

21 Sec. 2. Section 135C.23, Code 1987, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 6. Notwithstanding section 229.21, the
24 placement of a person with a history of dangerous or
25 disturbing behavior to a health care facility made by a judge,
26 magistrate, or judicial hospitalization referee shall be
27 approved by the administrator of the health care facility
28 before admittance. The administrator shall consider the
29 services provided by the health care facility, whether the
30 needs of the person can be met in the health care facility,
31 the history of violence of the person which may harm residents
32 or staff of the health care facility, and whether there is
33 reason to believe the person's behavior could be modified
34 within the limits of the resources of the health care facility
35 and without undue risk to others.

1 Sec. 3. Section 229.21, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. When an application for involuntary hospitalization
4 under this chapter or an application for involuntary
5 commitment or treatment of substance abusers under sections
6 125.75 to 125.94 is filed with the clerk of the district court
7 in any county for which a judicial hospitalization referee has
8 been appointed, and no district judge is accessible in the
9 county, the clerk shall immediately notify the referee in the
10 manner required by section 229.7 or section 125.77. The
11 referee shall discharge all of the duties imposed upon judges
12 of the district court or magistrates by sections 229.7 to
13 229.19 or sections 125.75 to 125.94 in the proceeding so
14 initiated. If an emergency hospitalization proceeding is
15 initiated under section 229.22 a judicial hospitalization
16 referee may perform the duties imposed upon a magistrate by
17 that section. However, placement of a person with a history
18 of dangerous or disturbing behavior in a health care facility
19 as defined pursuant to section 135C.1, subsection 4 shall be
20 approved by the administrator of the health care facility
21 prior to admittance of the person, pursuant to section
22 135C.23, subsection 6.

23 Sec. 4. Section 253.9, Code 1987, is amended by adding the
24 following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or judicial
26 hospitalization referee shall not place a person with a
27 history of dangerous or disturbing behavior in a county care
28 facility without approval of the administrator of the county
29 care facility pursuant to section 135C.23, subsection 6.

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1 Amend House File 210, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 4, by striking the words "an a"
4 and inserting the following: "an".

5 2. Page 1, by striking lines 5 through 7 and in-
6 serting the following: "intermediate care facility,
7 or skilled nursing facility, or county care facility
8 has a program which has".

9 3. Page 1, by striking lines 9 and 10 and in-
10 serting the following: "for and manage the patient.
11 An intermediate care facility, or skilled nursing
12 facility, or county care facility is required to".

13 4. Page 1, by striking lines 12 and 13 and in-
14 serting the following: "behavior when the
15 intermediate care facility, or skilled nursing
16 facility, or county care facility cannot control the".

17 5. Page 1, by striking lines 17 and 18 and
18 inserting the following: "17A for programs to be
19 required in intermediate care facilities, and skilled
20 nursing facilities, and county care".

21 6. Page 1, by striking lines 21 through 35.

22 7. Page 2, by striking lines 17 through 22 and
23 inserting the following: "that section. However, any
24 commitment to a facility regulated and operated under
25 chapter 135C, shall be in accordance with section
26 135C.23."

27 8. Page 2, by striking lines 25 through 29 and
28 inserting the following:

29 "NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or
30 judicial hospitalization referee shall make all
31 placements to a county care facility pursuant to sec-
32 tion 135C.23."

33 9. By renumbering as necessary.

S-3535

Filed April 13, 1987
Adopted 4/20/87 (S.F. 1388)

BY JULIA GENTLEMAN
BEVERLY A. HANNON

S-3697

1 Amend amendment S-3535 to House File 210, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 5 through 8 and
5 inserting in lieu thereof the following:

6 "____. Page 1, by striking lines 5 through 7 and
7 inserting the following: "intermediate care facility,
8 or skilled nursing facility, or county care facility
9 when the intermediate care facility, or skilled
10 nursing facility, or county care facility has a
11 program which has"."

S-3697

Filed April 20, 1987
Adopted 4/20/87 (S.F. 1613)

BY EMIL J. HUSAK

HOUSE FILE 210

S-3802

- 1 Amend amendment, S-3535, to House File 210 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 22 through 26.

S-3802

Filed April 24, 1987

BY EUGENE S. FRIASE

FILED 4/30 (p. 1625)

HOUSE FILE 210

S-3922

- 1 Amend the amendment, S-3535, to House File 210, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 22 through 26 and
- 5 inserting in lieu thereof the following:
- 6 "____. Page 2, by striking lines 18 through 22 and
- 7 inserting the following: "of dangerous or disturbing
- 8 behavior in an intermediate care facility, a skilled
- 9 nursing facility, or a county care facility shall be
- 10 approved by the administrator of the facility prior to
- 11 assistance of the person, provided in Section
- 12 135C.23."

S-3922

Filed April 30, 1987

BY EUGENE S. FRIASE

FILED (p. 1625)

SENATE AMENDMENT TO HOUSE FILE 210

H-4111

1 Amend House File 210, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 4, by striking the words "an a"
4 and inserting the following: "an".

5 2. Page 1, by striking lines 5 through 7 and
6 inserting the following: "intermediate care facility,
7 or skilled nursing facility, or county care facility
8 when the intermediate care facility, or skilled
9 nursing facility, or county care facility has a
10 program which has".

11 3. Page 1, by striking lines 9 and 10 and in-
12 serting the following: "for and manage the patient.
13 An intermediate care facility, or skilled nursing
14 facility, or county care facility is required to".

15 4. Page 1, by striking lines 12 and 13 and in-
16 serting the following: "behavior when the
17 intermediate care facility, or skilled nursing
18 facility, or county care facility cannot control the".

19 5. Page 1, by striking lines 17 and 18 and
20 inserting the following: "17A for programs to be
21 required in intermediate care facilities, and skilled
22 nursing facilities, and county care".

23 6. Page 1, by striking lines 21 through 35.

24 7. Page 2, by striking lines 17 through 22 and
25 inserting the following: "that section. However, any
26 commitment to a facility regulated and operated under
27 chapter 135C, shall be in accordance with section
28 135C.23."

29 8. Page 2, by striking lines 25 through 29 and
30 inserting the following:

31 "NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or
32 judicial hospitalization referee shall make all
33 placements to a county care facility pursuant to sec-
34 tion 135C.23."

35 9. By renumbering as necessary.

H-4111 FILED APRIL 30, 1987 RECEIVED FROM THE SENATE

House concurred 5/6/87 (p. 2023)

program which has received prior approval from the department to properly care for and manage the patient. An intermediate care facility, or skilled nursing facility, or county care facility is required to transfer or discharge a resident with dangerous or disturbing behavior when the intermediate care facility, or skilled nursing facility, or county care facility cannot control the resident's dangerous or disturbing behavior. The department, in coordination with the state mental health and mental retardation commission, shall adopt rules pursuant to chapter 17A for programs to be required in intermediate care facilities, and skilled nursing facilities, and county care facilities that admit patients or have residents with histories of dangerous or disturbing behavior.

Sec. 2. Section 229.21, subsection 3, Code 1987, is amended to read as follows:

3. When an application for involuntary hospitalization under this chapter or an application for involuntary commitment or treatment of substance abusers under sections 125.75 to 125.94 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge is accessible in the county, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon judges of the district court or magistrates by sections 229.7 to 229.19 or sections 125.75 to 125.94 in the proceeding so initiated. If an emergency hospitalization proceeding is initiated under section 229.22 a judicial hospitalization referee may perform the duties imposed upon a magistrate by that section. However, any commitment to a facility regulated and operated under chapter 135C, shall be in accordance with section 135C.23.

Sec. 3. Section 253.9, Code 1987, is amended by adding the following new unnumbered paragraph:

HOUSE FILE 210

AN ACT

RELATING TO CERTAIN ADMISSIONS TO HEALTH CARE FACILITIES.

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

Section 1. Section 135C.23, subsection 2, unnumbered paragraph 2, Code 1987, is amended to read as follows:

This section does not prohibit the admission of a patient with a history of dangerous or disturbing behavior to an intermediate care facility, or skilled nursing facility, or county care facility when the intermediate care facility, or skilled nursing facility, or county care facility has a

HF 210

NEW UNNUMBERED PARAGRAPH. A judge, magistrate, or judicial hospitalization referee shall make all placements to a county care facility pursuant to section 135C.23.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 210, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 4, 1987

TERRY E. BRANSTAD
Governor