

Reprinted

JAN 23 1990

HUMAN RESOURCES

HOUSE FILE 2153

BY ROSENBERG

Passed House, Date 2/26/90 (p.643) Passed Senate, Date _____
Vote: Ayes 94 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the fifteen-day report filed by an
2 administrator or chief medical officer of a hospital or
3 facility with the court after the commitment hearing in civil
4 commitment proceedings.

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

HOUSE FILE 2153

H-5218

1 Amend House File 2153 as follows:
2 1. Page 1, by striking lines 26 through 28, and
3 inserting the following: "requested, the
4 administrator is guilty of contempt and shall be
5 punished under chapter 665. The court shall order a
6 rehearing on the application to determine whether the
7 respondent should continue to be held at the
8 facility."
9 2. Page 3, by striking lines 20 through 22, and
10 inserting the following: "requested, the chief
11 medical officer is guilty of contempt and shall be
12 punished under chapter 665. The court shall order a
13 rehearing on the application to determine whether the
14 respondent should continue to be held at the
15 facility."

By COMMITTEE ON HUMAN RESOURCES
FEY of Scott, Chairperson

H-5218 FILED FEBRUARY 20, 1990

Adopted 2/26 (p.643)

HF 2153

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1 Section 1. Section 125.83, Code 1989, is amended to read
2 as follows:

3 125.83 PLACEMENT FOR EVALUATION.

52184 If upon completion of the commitment hearing, the court
5 finds that the contention that the respondent is a substance
6 abuser has been sustained by clear and convincing evidence,
7 the court shall order the respondent placed at a facility as
8 expeditiously as possible for a complete evaluation and
9 appropriate treatment. The court shall furnish to the
10 facility at the time of admission, a written statement of
11 facts setting forth the evidence on which the finding is
12 based. The administrator of the facility shall report to the
13 court no more than fifteen days after the individual is
14 admitted to the facility, which shall include the chief
15 medical officer's recommendation concerning substance abuse
16 treatment. An extension of time may be granted for a period
17 not to exceed seven days upon a showing of good cause. A copy
18 of the report shall be sent to the respondent's attorney who
19 may contest the need for an extension of time if one is
20 requested. If the request is contested, the court shall make
21 an inquiry as it deems appropriate and may either order the
22 respondent released from the facility or grant extension of
23 time for further evaluation. If the administrator fails to
24 report to the court within fifteen days after the individual
25 is admitted to the facility, and no extension of time has been
26 requested, the court shall terminate the commitment
27 proceedings and order the respondent to be discharged from the
28 facility.

29 Sec. 2. Section 125.84, subsections 2, 3, and 4, Code
30 1989, are amended to read as follows:

31 2. That the respondent is a substance abuser who is in
32 need of full-time custody, care, and treatment in a facility,
33 and is considered likely to benefit from treatment. If the
34 report so states, the court may shall enter an order which may
35 require the respondent's continued placement and commitment to

1 a facility for appropriate treatment.

2 3. That the respondent is a substance abuser who is in
3 need of treatment, but does not require full-time placement in
4 a facility. If the report so states, the report shall include
5 the chief medical officer's recommendation for treatment of
6 the respondent on an outpatient or other appropriate basis,
7 and the court may shall enter an order directing which may
8 direct the respondent to submit to the recommended treatment.
9 The order shall provide that if the respondent fails or
10 refuses to submit to treatment, as directed by the court's
11 order, the court may order that the respondent be taken into
12 immediate custody as provided by section 125.81 and, following
13 notice and hearing held in accordance with the procedures of
14 sections 125.77 and 125.82, may order the respondent treated
15 as a patient requiring full-time custody, care, and treatment
16 as provided in subsection 2, and may order the respondent
17 involuntarily committed to a facility.

18 4. That the respondent is a substance abuser who is in
19 need of treatment, but in the opinion of the chief medical
20 officer is not responding to the treatment provided. If the
21 report so states, the report shall include the facility
22 administrator's recommendation for alternative placement, and
23 the court may shall enter an order which may direct the
24 respondent's transfer to the recommended placement or to
25 another placement after consultation with respondent's
26 attorney and the facility administrator who made the report
27 under this subsection.

28 Sec. 3. Section 229.13, Code 1989, is amended to read as
29 follows:

30 229.13 HOSPITALIZATION FOR EVALUATION.

31 If upon completion of the hearing the court finds that the
32 contention that the respondent is seriously mentally impaired
33 has been sustained by clear and convincing evidence, it shall
34 order the respondent placed in a hospital or other suitable
35 facility as expeditiously as possible for a complete

1 psychiatric evaluation and appropriate treatment. The court
2 shall furnish to the hospital or facility at the time the
3 respondent arrives there a written finding of fact setting
4 forth the evidence on which the finding is based. The chief
5 medical officer of the hospital or facility shall report to
6 the court no more than fifteen days after the individual is
7 admitted to the hospital or facility, making a recommendation
8 for disposition of the matter. An extension of time may be
9 granted for not to exceed seven days upon a showing of cause.
10 A copy of the report shall be sent to the respondent's
11 attorney, who may contest the need for an extension of time if
12 one is requested. Extension of time shall be granted upon
13 request unless the request is contested, in which case the
14 court shall make such inquiry as it deems appropriate and may
15 either order the respondent's release from the hospital or
16 facility or grant extension of time for psychiatric

52/817 evaluation. If the chief medical officer fails to report to
18 the court within fifteen days after the individual is admitted
19 to the hospital or facility, and no extension of time has been
20 requested, the court shall terminate the commitment
21 proceedings and order the respondent to be discharged from the
22 hospital or facility.

23 Sec. 4. Section 229.14, subsections 2, 3, and 4, Code
24 1989, are amended to read as follows:

25 2. That the respondent is seriously mentally impaired and
26 in need of full-time custody, care and treatment in a
27 hospital, and is considered likely to benefit from treatment.
28 If the report so states, the court may shall enter an order
29 which may require the respondent's continued hospitalization
30 for appropriate treatment.

31 3. That the respondent is seriously mentally impaired and
32 in need of treatment, but does not require full-time
33 hospitalization. If the report so states it shall include the
34 chief medical officer's recommendation for treatment of the
35 respondent on an outpatient or other appropriate basis, and

1 the court ~~may~~ shall enter an order ~~directing~~ which may direct
2 the respondent to submit to the recommended treatment. The
3 order shall provide that if the respondent fails or refuses to
4 submit to treatment as directed by the court's order, the
5 court may order that the respondent be taken into immediate
6 custody as provided by section 229.11 and, following notice
7 and hearing held in accordance with the procedures of section
8 229.12, may order the respondent treated as a patient
9 requiring full-time custody, care and treatment in a hospital
10 until such time as the chief medical officer reports that the
11 respondent does not require further treatment for serious
12 mental impairment or has indicated the respondent is willing
13 to submit to treatment on another basis as ordered by the
14 court.

15 4. The respondent is seriously mentally impaired and in
16 need of full-time custody and care, but is unlikely to benefit
17 from further treatment in a hospital. If the report so states,
18 the chief medical officer shall recommend an alternative
19 placement for the respondent and the court ~~may~~ shall enter an
20 order which may direct the respondent's transfer to the
21 recommended placement. If the court or the respondent's
22 attorney consider the placement inappropriate, an alternative
23 placement may be arranged upon consultation with the chief
24 medical officer and approval of the court.

25 EXPLANATION

26 This bill requires an involuntary commitment proceeding for
27 substance abuse or mental impairment to be terminated and a
28 respondent discharged, if the chief medical officer or
29 administrator of a hospital or facility fails to make the
30 required fifteen-day report on a respondent's condition and
31 also fails to ask for an extension of time to report to the
32 court.

33 The bill also requires the court to enter an order with
34 respect to a respondent's care, treatment, and placement once
35 the fifteen-day report is received by the court.

2/29 To Pa. 3/3 (p. 962)

HOUSE FILE 2153
BY ROSENBERG

(As Amended and Passed by the House February 26, 1990)

Passed House, Date 2/26/90 (p. 143) Passed Senate, Date 3/13/90 (p. 1042)
Vote: Ayes 47 Nays 0 Vote: Ayes 47 Nays 0
Approved March 19, 1990 (p. 1325)

A BILL FOR

1 An Act relating to the fifteen-day report filed by an
2 administrator or chief medical officer of a hospital or
3 facility with the court after the commitment hearing in civil
4 commitment proceedings.

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

House Amendments _____

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1 Section 1. Section 125.83, Code 1989, is amended to read
2 as follows:

3 125.83 PLACEMENT FOR EVALUATION.

4 If upon completion of the commitment hearing, the court
5 finds that the contention that the respondent is a substance
6 abuser has been sustained by clear and convincing evidence,
7 the court shall order the respondent placed at a facility as
8 expeditiously as possible for a complete evaluation and
9 appropriate treatment. The court shall furnish to the
10 facility at the time of admission, a written statement of
11 facts setting forth the evidence on which the finding is
12 based. The administrator of the facility shall report to the
13 court no more than fifteen days after the individual is
14 admitted to the facility, which shall include the chief
15 medical officer's recommendation concerning substance abuse
16 treatment. An extension of time may be granted for a period
17 not to exceed seven days upon a showing of good cause. A copy
18 of the report shall be sent to the respondent's attorney who
19 may contest the need for an extension of time if one is
20 requested. If the request is contested, the court shall make
21 an inquiry as it deems appropriate and may either order the
22 respondent released from the facility or grant extension of
23 time for further evaluation. If the administrator fails to
24 report to the court within fifteen days after the individual
25 is admitted to the facility, and no extension of time has been
26 requested, the administrator is guilty of contempt and shall
27 be punished under chapter 665. The court shall order a
28 rehearing on the application to determine whether the
29 respondent should continue to be held at the facility.

30 Sec. 2. Section 125.84, subsections 2, 3, and 4, Code
31 1989, are amended to read as follows:

32 2. That the respondent is a substance abuser who is in
33 need of full-time custody, care, and treatment in a facility,
34 and is considered likely to benefit from treatment. If the
35 report so states, the court may shall enter an order which may

1 require the respondent's continued placement and commitment to
2 a facility for appropriate treatment.

3 3. That the respondent is a substance abuser who is in
4 need of treatment, but does not require full-time placement in
5 a facility. If the report so states, the report 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 shall enter an order directing which may
9 direct the respondent to submit to the recommended treatment.
10 The order shall provide that if the respondent fails or
11 refuses to submit to treatment, as directed by the court's
12 order, the court may order that the respondent be taken into
13 immediate custody as provided by section 125.81 and, following
14 notice and hearing held in accordance with the procedures of
15 sections 125.77 and 125.82, may order the respondent treated
16 as a patient requiring full-time custody, care, and treatment
17 as provided in subsection 2, and may order the respondent
18 involuntarily committed to a facility.

19 4. That the respondent is a substance abuser who is in
20 need of treatment, but in the opinion of the chief medical
21 officer is not responding to the treatment provided. If the
22 report so states, the report shall include the facility
23 administrator's recommendation for alternative placement, and
24 the court may shall enter an order which may direct the
25 respondent's transfer to the recommended placement or to
26 another placement after consultation with respondent's
27 attorney and the facility administrator who made the report
28 under this subsection.

29 Sec. 3. Section 229.13, Code 1989, is amended to read as
30 follows:

31 229.13 HOSPITALIZATION FOR EVALUATION.

32 If upon completion of the hearing the court finds that the
33 contention that the respondent is seriously mentally impaired
34 has been sustained by clear and convincing evidence, it shall
35 order the respondent placed in a hospital or other suitable

1 facility as expeditiously as possible for a complete
2 psychiatric evaluation and appropriate treatment. The court
3 shall furnish to the hospital or facility at the time the
4 respondent arrives there a written finding of fact setting
5 forth the evidence on which the finding is based. The chief
6 medical officer of the hospital or facility shall report to
7 the court no more than fifteen days after the individual is
8 admitted to the hospital or facility, making a recommendation
9 for disposition of the matter. An extension of time may be
10 granted for not to exceed seven days upon a showing of cause.
11 A copy of the report shall be sent to the respondent's
12 attorney, who may contest the need for an extension of time if
13 one is requested. Extension of time shall be granted upon
14 request unless the request is contested, in which case the
15 court shall make such inquiry as it deems appropriate and may
16 either order the respondent's release from the hospital or
17 facility or grant extension of time for psychiatric
18 evaluation. If the chief medical officer fails to report to
19 the court within fifteen days after the individual is admitted
20 to the hospital or facility, and no extension of time has been
21 requested, the chief medical officer is guilty of contempt and
22 shall be punished under chapter 665. The court shall order a
23 rehearing on the application to determine whether the
24 respondent should continue to be held at the facility.

25 Sec. 4. Section 229.14, subsections 2, 3, and 4, Code
26 1989, are amended to read as follows:

27 2. That the respondent is seriously mentally impaired and
28 in need of full-time custody, care and treatment in a
29 hospital, and is considered likely to benefit from treatment.
30 If the report so states, the court may shall enter an order
31 which may require the respondent's continued hospitalization
32 for appropriate treatment.

33 3. That the respondent is seriously mentally impaired and
34 in need of treatment, but does not require full-time
35 hospitalization. If the report so states it shall include the

1 chief medical officer's recommendation for treatment of the
2 respondent on an outpatient or other appropriate basis, and
3 the court may shall enter an order directing which may direct
4 the respondent to submit to the recommended treatment. The
5 order shall provide that if the respondent fails or refuses to
6 submit to treatment as directed by the court's order, the
7 court may order that the respondent be taken into immediate
8 custody as provided by section 229.11 and, following notice
9 and hearing held in accordance with the procedures of section
10 229.12, may order the respondent treated as a patient
11 requiring full-time custody, care and treatment in a hospital
12 until such time as the chief medical officer reports that the
13 respondent does not require further treatment for serious
14 mental impairment or has indicated the respondent is willing
15 to submit to treatment on another basis as ordered by the
16 court.

17 4. The respondent is seriously mentally impaired and in
18 need of full-time custody and care, but is unlikely to benefit
19 from further treatment in a hospital. If the report so states,
20 the chief medical officer shall recommend an alternative
21 placement for the respondent and the court may shall enter an
22 order which may direct the respondent's transfer to the
23 recommended placement. If the court or the respondent's
24 attorney consider the placement inappropriate, an alternative
25 placement may be arranged upon consultation with the chief
26 medical officer and approval of the court.

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HOUSE FILE 2153

AN ACT

RELATING TO THE FIFTEEN-DAY REPORT FILED BY AN ADMINISTRATOR OR CHIEF MEDICAL OFFICER OF A HOSPITAL OR FACILITY WITH THE COURT AFTER THE COMMITMENT HEARING IN CIVIL COMMITMENT PROCEEDINGS.

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

Section 1. Section 125.83, Code 1989, is amended to read as follows:

125.83 PLACEMENT FOR EVALUATION.

If upon completion of the commitment hearing, the court finds that the contention that the respondent is a substance abuser has been sustained by clear and convincing evidence, the court shall order the respondent placed at a facility as expeditiously as possible for a complete evaluation and appropriate treatment. The court shall furnish to the facility at the time of admission, a written statement of facts setting forth the evidence on which the finding is based. The administrator of the facility shall report to the court no more than fifteen days after the individual is admitted to the facility, which shall include the chief medical officer's recommendation concerning substance abuse treatment. An extension of time may be granted for a period not to exceed seven days upon a showing of good cause. A copy of the report shall be sent to the respondent's attorney who may contest the need for an extension of time if one is requested. If the request is contested, the court shall make an inquiry as it deems appropriate and may either order the respondent released from the facility or grant extension of time for further evaluation. If the administrator fails to report to the court within fifteen days after the individual

is admitted to the facility, and no extension of time has been requested, the administrator is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be held at the facility.

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3. That the respondent is a substance abuser who is in need of treatment, but does not require full-time placement in a facility. If the report so states, the report shall include the chief medical officer's recommendation for treatment of the respondent on an outpatient or other appropriate basis, and the court may shall enter an order directing which may direct 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, the court may order that the respondent be taken into immediate custody as provided by section 125.81 and, following notice and hearing held in accordance with the procedures of sections 125.77 and 125.82, may order the respondent treated as a patient requiring full-time custody, care, and treatment as provided in subsection 2, and may order the respondent involuntarily committed to a facility.

4. That the respondent is a substance abuser who is in need of treatment, but in the opinion of the chief medical officer is not responding to the treatment provided. If the report so states, the report shall include the facility administrator's recommendation for alternative placement, and the court may shall enter an order which may direct the

respondent's transfer to the recommended placement or to another placement after consultation with respondent's attorney and the facility administrator who made the report under this subsection.

Sec. 3. Section 229.13, Code 1989, is amended to read as follows:

229.13 HOSPITALIZATION FOR EVALUATION.

If upon completion of the hearing the court finds that the contention that the respondent is seriously mentally impaired has been sustained by clear and convincing evidence, it shall order the respondent placed in a hospital or other suitable facility as expeditiously as possible for a complete psychiatric evaluation and appropriate treatment. The court shall furnish to the hospital or facility at the time the respondent arrives there a written finding of fact setting forth the evidence on which the finding is based. The chief medical officer of the hospital or facility shall report to the court no more than fifteen days after the individual is admitted to the hospital or facility, making a recommendation for disposition of the matter. An extension of time may be granted for not to exceed seven days upon a showing of cause. A copy of the report shall be sent to the respondent's attorney, who may contest the need for an extension of time if one is requested. Extension of time shall be granted upon request unless the request is contested, in which case the court shall make such inquiry as it deems appropriate and may either order the respondent's release from the hospital or facility or grant extension of time for psychiatric evaluation. If the chief medical officer fails to report to the court within fifteen days after the individual is admitted to the hospital or facility, and no extension of time has been requested, the chief medical officer is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be held at the facility.

Sec. 4. Section 229.14, subsections 2, 3, and 4, Code 1989, are amended to read as follows:

2. That the respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital, and is considered likely to benefit from treatment. If the report so states, the court may shall enter an order which may require the respondent's continued hospitalization for appropriate treatment.

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 shall enter an order directing which may direct 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, 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 the respondent is willing to submit to treatment on another basis as ordered by the court.

4. The respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. If the report so states, the chief medical officer shall recommend an alternative placement for the respondent and the court may shall enter an order which may direct the respondent's transfer to the recommended placement. If the court or the respondent's attorney consider the placement inappropriate, an

alternative placement may be arranged upon consultation with the chief medical officer and approval of the court.

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 2153, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 19, 1990

TERRY E. BRANSTAD
Governor

HF 2153