

Reprinted

*3-16-95 Do Pass
5-4-4-95 Human Resources*

MAR 9 1995
HUMAN RESOURCES

HOUSE FILE 337
BY GRUNDBERG

Passed House, Date ^(p.1209) 4-4-95 Passed Senate, Date 4/11/95 (P.1117)
Vote: Ayes 95 Nays 2 Vote: Ayes 46 Nays 4
Approved April 17, 1995

A BILL FOR

1 An Act to amend the criteria necessary to establish that a person
2 is seriously mentally impaired for purposes of involuntary
3 hospitalization.

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

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HF 337

1 Section 1. Section 229.1, subsection 14, paragraph c, Code
2 1995, is amended to read as follows:

3 c. Is unable to satisfy the person's needs for
4 nourishment, clothing, essential medical care, or shelter so
5 that it is likely that the person will suffer substantial
6 physical injury, serious physical debilitation, or death
7 ~~within-the-reasonably-foreseeable-future.~~

8 EXPLANATION

9 This bill strikes language from one of the criteria that
10 may be used to establish that a person is seriously mentally
11 impaired for purposes of an involuntary hospitalization
12 proceeding. The bill strikes language which requires that the
13 physical injuries likely to be suffered are to be substantial;
14 that requires that the physical debilitation that is likely to
15 be suffered be serious; and that the physical injury, physical
16 debilitation, or death be likely to occur within the
17 reasonable foreseeable future.

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HOUSE FILE 337

H-3548

1 Amend House File 337 as follows:

2 1. Page 1, by inserting after line 7 the
3 following:

4 "Sec. ____ . Section 229.22, subsection 2, Code
5 1995, is amended to read as follows:

6 2. In the circumstances described in subsection 1,
7 any peace officer who has reasonable grounds to
8 believe that a person is mentally ill, and because of
9 that illness is likely to physically injure the
10 person's self or others if not immediately detained,
11 may without a warrant take or cause that person to be
12 taken to the nearest available facility as defined in
13 section 229.11, subsections 2 and 3. A person
14 believed mentally ill, and likely to injure the
15 person's self or others if not immediately detained,
16 may be delivered to a hospital by someone other than a
17 peace officer. Upon delivery of the person believed
18 mentally ill to the hospital, the chief medical
19 officer may order treatment of that person, including
20 chemotherapy, but only to the extent necessary to
21 preserve the person's life or to appropriately control
22 behavior by the person which is likely to result in
23 physical injury to that person or others if allowed to
24 continue. The peace officer who took the person into
25 custody, or other party who brought the person to the
26 hospital, shall describe the circumstances of the
27 matter to the chief medical officer. If the chief
28 medical officer finds that there is reason to believe
29 that the person is seriously mentally impaired, and
30 because of that impairment is likely to physically
31 injure the person's self or others if not immediately
32 detained, the chief medical officer shall at once
33 communicate with the nearest available magistrate as
34 defined in section 801.4, subsection 10. The
35 magistrate shall ~~immediately-proceed-to-the-facility~~
36 ~~where-the-person-is-detained, except that if the chief~~
37 ~~medical-officer's-communication-with-the-magistrate~~
38 ~~occurs-between-the-hours-of-midnight-and-the-next~~
39 ~~succeeding-seven-o'clock-a.m.-and-the-magistrate-deems~~
40 ~~it-appropriate-under, based upon~~ the circumstances
41 described by the chief medical officer, ~~the-magistrate~~
42 ~~may-delay-going-to-the-facility-and-in-that-case-shall~~
43 give the chief medical officer verbal instructions
44 either directing that the person be released forthwith
45 or authorizing the person's continued detention at
46 that facility. In the latter case, the magistrate
47 shall:

48 a. By the close of business on the next working
49 day, file with the clerk a written report stating the
50 substance of the information on the basis of which the

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Page 2

1 person's continued detention was ordered; and
2 b. ~~Arrive-at~~ Proceed to the facility where the
3 ~~person is being detained not-later-than-eight-o'clock~~
4 ~~a.m.-of-the-same-day-on-which-the-chief-medical~~
5 ~~officer's-notification-occurs~~ within twenty-four hours
6 of giving instructions that the person be detained."
7 2. Title page, line 1, by inserting after the
8 word "criteria" the following: "and procedures".

By WISE of Lee

MYERS of Johnson

WITT of Black Hawk

H-3548 FILED MARCH 28, 1995

adapted 4-4-95
(p. 1209)

1-1-75 Summary Res.
5-4-5-95 Do Pass

HOUSE FILE 337
BY GRUNDBERG

(As Amended and Passed by the House April 4, 1995)

Passed House, Date 4-4-95 Passed Senate, Date 4/11/95 (p.1112)
Vote: Ayes 95 Nays 2 Vote: Ayes 46 Nays 4
Approved April 17, 1995

A BILL FOR

1 An Act to amend the criteria and procedures necessary to
2 establish that a person is seriously mentally impaired for
3 purposes of involuntary hospitalization.

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

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House Amendments _____

1 Section 1. Section 229.1, subsection 14, paragraph c, Code
2 1995, is amended to read as follows:

3 c. Is unable to satisfy the person's needs for
4 nourishment, clothing, essential medical care, or shelter so
5 that it is likely that the person will suffer ~~substantial~~
6 physical injury, ~~serious~~ physical debilitation, or death
7 ~~within-the-reasonably-foreseeable-future.~~

8 Sec. 2. Section 229.22, subsection 2, Code 1995, is
9 amended to read as follows:

10 2. In the circumstances described in subsection 1, any
11 peace officer who has reasonable grounds to believe that a
12 person is mentally ill, and because of that illness is likely
13 to physically injure the person's self or others if not
14 immediately detained, may without a warrant take or cause that
15 person to be taken to the nearest available facility as
16 defined in section 229.11, subsections 2 and 3. A person
17 believed mentally ill, and likely to injure the person's self
18 or others if not immediately detained, may be delivered to a
19 hospital by someone other than a peace officer. Upon delivery
20 of the person believed mentally ill to the hospital, the chief
21 medical officer may order treatment of that person, including
22 chemotherapy, but only to the extent necessary to preserve the
23 person's life or to appropriately control behavior by the
24 person which is likely to result in physical injury to that
25 person or others if allowed to continue. The peace officer
26 who took the person into custody, or other party who brought
27 the person to the hospital, shall describe the circumstances
28 of the matter to the chief medical officer. If the chief
29 medical officer finds that there is reason to believe that the
30 person is seriously mentally impaired, and because of that
31 impairment is likely to physically injure the person's self or
32 others if not immediately detained, the chief medical officer
33 shall at once communicate with the nearest available
34 magistrate as defined in section 801.4, subsection 10. The
35 magistrate shall ~~immediately-proceed-to-the-facility-where-the~~

1 ~~person is detained, except that if the chief medical officer's~~
2 ~~communication with the magistrate occurs between the hours of~~
3 ~~midnight and the next succeeding seven o'clock a.m. and the~~
4 ~~magistrate deems it appropriate under, based upon the~~
5 ~~circumstances described by the chief medical officer, the~~
6 ~~magistrate may delay going to the facility and in that case~~
7 ~~shall give the chief medical officer verbal instructions~~
8 ~~either directing that the person be released forthwith or~~
9 ~~authorizing the person's continued detention at that facility.~~
10 In the latter case, the magistrate shall:

11 a. By the close of business on the next working day, file
12 with the clerk a written report stating the substance of the
13 information on the basis of which the person's continued
14 detention was ordered; and

15 b. Arrive at Proceed to the facility where the person is
16 being detained not later than eight o'clock a.m. of the same
17 day on which the chief medical officer's notification occurs
18 within twenty-four hours of giving instructions that the
19 person be detained.

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HOUSE FILE 337

AN ACT

TO AMEND THE CRITERIA AND PROCEDURES NECESSARY TO ESTABLISH THAT A PERSON IS SERIOUSLY MENTALLY IMPAIRED FOR PURPOSES OF INVOLUNTARY HOSPITALIZATION.

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

Section 1. Section 229.1, subsection 14, paragraph c, Code 1995, is amended to read as follows:

c. Is unable to satisfy the person's needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer ~~substantial~~ physical injury, serious physical debilitation, or death ~~within the reasonably foreseeable future.~~

Sec. 2. Section 229.22, subsection 2, Code 1995, is amended to read as follows:

2. In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility as defined in section 229.11, subsections 2 and 3. A person believed mentally ill, and likely to injure the person's self

or others if not immediately detained, may be delivered to a hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the hospital, the chief medical officer may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the hospital, shall describe the circumstances of the matter to the chief medical officer. If the chief medical officer finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the chief medical officer shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. ~~The magistrate shall immediately proceed to the facility where the person is detained, except that if the chief medical officer's communication with the magistrate occurs between the hours of midnight and the next succeeding seven o'clock a.m. and the magistrate deems it appropriate under, based upon the~~ circumstances described by the chief medical officer, ~~the magistrate may delay going to the facility and in that case shall~~ give the chief medical officer verbal instructions either directing that the person be released forthwith or authorizing the person's continued detention at that facility. In the latter case, the magistrate shall:

a. By the close of business on the next working day, file with the clerk a written report stating the substance of the information on the basis of which the person's continued detention was ordered; and

b. ~~Arrive at~~ Proceed to the facility where the person is being detained ~~not later than eight o'clock a.m. of the same day on which the chief medical officer's notification occurs~~

within twenty-four hours of giving instructions that the person be detained.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 337, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 17, 1995

TERRY E. BRANSTAD
Governor