

MAR 9 1995

HUMAN RESOURCES

HOUSE FILE 338

BY GRUNDBERG

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the time period for hearing on an application  
2 for hospitalization of a person alleged to be seriously  
3 mentally impaired.

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

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HF 338

1 Section 1. Section 229.4, subsection 3, Code 1995, is  
2 amended to read as follows:

3 3. If the chief medical officer of the hospital, not later  
4 than the end of the next secular day on which the office of  
5 the clerk of the district court for the county in which the  
6 hospital is located is open and which follows the submission  
7 of the written request for release of the patient, files with  
8 that clerk a certification that in the chief medical officer's  
9 opinion the patient is seriously mentally impaired, the  
10 release may be postponed for the period of time the court  
11 determines is necessary to permit commencement of judicial  
12 procedure for involuntary hospitalization. That period of  
13 time may not exceed five three days from the date on which the  
14 respondent is detained, exclusive of days on which the clerk's  
15 office is not open unless the period of time is extended by  
16 order of a district court judge for good cause shown. Until  
17 disposition of the application for involuntary hospitalization  
18 of the patient, if one is timely filed, the chief medical  
19 officer may detain the patient in the hospital and may provide  
20 treatment which is necessary to preserve the patient's life,  
21 or to appropriately control behavior by the patient which is  
22 likely to result in physical injury to the patient or to  
23 others if allowed to continue, but may not otherwise provide  
24 treatment to the patient without the patient's consent.

25 Sec. 2. Section 229.8, subsection 3, paragraph a, Code  
26 1995, is amended to read as follows:

27 a. If not previously done, set a time and place for a  
28 hospitalization hearing, which shall be at the earliest  
29 practicable time not less than forty-eight hours after notice  
30 to the respondent, unless the respondent waives such minimum  
31 prior notice requirement and not more than three days from the  
32 date on which the respondent is taken into custody or receives  
33 notice, unless that time is extended for good cause shown; and

34 Sec. 3. Section 229.10, subsection 4, Code 1995, is  
35 amended to read as follows:

1 4. If the report of the court-designated physician or  
2 physicians is to the effect that the respondent is seriously  
3 mentally impaired, the court shall schedule a hearing on the  
4 application as soon as possible. The hearing shall be held not  
5 more than ~~forty-eight hours after the report is filed~~ three  
6 days from the date on which the respondent is taken into  
7 custody or, if the respondent is not taken into custody, not  
8 more than three days from the date that the respondent is  
9 served notice of the filing of application, excluding  
10 Saturdays, Sundays and holidays, unless an extension for good  
11 cause is requested by the respondent or the court-designated  
12 physician, or as soon thereafter as possible if the court  
13 considers that sufficient grounds exist for delaying the  
14 hearing.

15 Sec. 4. Section 229.11, unnumbered paragraph 1, Code 1995,  
16 is amended to read as follows:

17 If the applicant requests that the respondent be taken into  
18 immediate custody and the judge, upon reviewing the  
19 application and accompanying documentation, finds probable  
20 cause to believe that the respondent is seriously mentally  
21 impaired and is likely to injure the respondent or other  
22 persons if allowed to remain at liberty, the judge may enter a  
23 written order directing that the respondent be taken into  
24 immediate custody by the sheriff or the sheriff's deputy and  
25 be detained until the hospitalization hearing, which shall be  
26 held no more than ~~five~~ three days after the date ~~of the order~~  
27 on which the respondent is taken into custody, except that if  
28 the ~~fifth~~ third day after the date of the order is a Saturday,  
29 Sunday, or a holiday, the hearing may be held on the next  
30 succeeding business day. The physician conducting the  
31 examination under section 229.10 may request that the date set  
32 for hearing on the application be extended, for up to an  
33 additional forty-eight hours, for purposes of conducting the  
34 examination prior to hearing. The judge may order the  
35 respondent detained for the period of time until the hearing

1 is held, and no longer, in accordance with subsection 1 if  
2 possible, and if not then in accordance with subsection 2 or,  
3 only if neither of these alternatives are available, in  
4 accordance with subsection 3. Detention may be:

5 EXPLANATION

6 This bill shortens the time period in which hearings on  
7 applications for the commitment of persons alleged to be  
8 seriously mentally impaired must be held from five to three  
9 days from the date on which the respondent is taken into  
10 custody or served with notice of the filing of the  
11 application. Provision is made for the granting of an  
12 extension of time, of up to 48 hours, to the examining  
13 physician for purposes of conducting the examination of the  
14 respondent or by the respondent.

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