

FEB 25 1998

JUDICIARY

HOUSE FILE
BY CARROLL

2442

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act providing for the facsimile transmission of commitment
 2 orders, related factual findings, and acknowledgment of
 3 receipt of the order and findings, in substance abuse
 4 commitments, mental retardation commitments, and mental
 5 illness commitments; and related requirements.

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

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HF 2442

1 Section 1. NEW SECTION. 125.93A TRANSMISSION BY
2 FACSIMILE.

3 1. Notwithstanding any provision of this chapter to the
4 contrary, the following documents may be transmitted to the
5 intended recipient, according to the confidentiality
6 provisions in section 125.37, via facsimile:

7 a. An order of commitment or detention and the related
8 statement of facts by a court or magistrate that must be
9 delivered to an appropriate facility.

10 b. An acknowledgement of receipt of the order of
11 commitment or detention and the related statement of facts by
12 the facility.

13 2. If an order of commitment or detention and the related
14 statement of facts are delivered to a facility via facsimile
15 transmission under this section, the order shall indicate on
16 its face the facsimile number to which the acknowledgment of
17 receipt may be transmitted, and shall contain a notice of
18 confidentiality of the information contained in the order and
19 related statement of facts, including instructions for return
20 of the facsimile in the event of a transmittal error.

21 Sec. 2. NEW SECTION. 222.40A TRANSMISSION BY FACSIMILE.

22 1. Notwithstanding sections 222.37 through 222.40, the
23 following documents may be transmitted to the intended
24 recipient via facsimile:

25 a. An order of commitment by a court that must be
26 delivered to an institution, hospital-school, or special unit.

27 b. An acknowledgement of receipt of the order of
28 commitment from the superintendent of the institution,
29 hospital-school, or special unit designated by the court on
30 the order of commitment.

31 2. If an order of commitment is delivered to an
32 institution, hospital-school, or special unit via facsimile
33 transmission under this section:

34 a. A duplicate of such order is not necessary,
35 notwithstanding sections 222.37 through 222.40.

1 b. The order of commitment shall indicate on its face the
2 facsimile number to which the acknowledgment of receipt may be
3 transmitted, and shall contain a notice of confidentiality of
4 the information contained in the order, including instructions
5 for return of the facsimile in the event of a transmittal
6 error.

7 Sec. 3. Section 229.34, Code 1997, is amended to read as
8 follows:

9 229.34 FINDING AND ORDER FILED.

10 1. The finding and order of the judge, with the report and
11 other papers, shall be filed in the office of the clerk of the
12 court where the complaint was filed. Said

13 2. The clerk of court shall enter a memorandum thereof on
14 the appropriate record, and forthwith notify the chief medical
15 officer of the hospital of the finding and order of the judge,
16 and the chief medical officer shall carry out the order.

17 3. Notwithstanding any provisions of this chapter to the
18 contrary, the following documents may be transmitted to the
19 intended recipient via facsimile:

20 a. An order of commitment and the related findings by a
21 court that must be delivered to the chief medical officer of a
22 hospital.

23 b. An acknowledgement of receipt of the order of
24 commitment and findings by the chief medical officer to the
25 clerk of court.

26 4. If the findings and order of commitment are delivered
27 to the chief medical officer via facsimile transmission under
28 this section, the order of commitment shall indicate on its
29 face the facsimile number to which the acknowledgment of
30 receipt may be transmitted, and shall contain a notice of
31 confidentiality of the information contained in the order,
32 including instructions for return of the facsimile in the
33 event of a transmittal error.

34 EXPLANATION

35 This bill permits the facsimile transmission (fax) of

1 commitment orders, related factual findings, and
2 acknowledgement of receipt of the order and findings, in three
3 different kinds of cases: substance abuse commitments, mental
4 retardation commitments, and mental illness commitments. The
5 bill also requires that any order of commitment which is faxed
6 be labeled as confidential, and include instructions for the
7 return of the document to the court in the case of a
8 transmission error.

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