

FEB 24 2004
HUMAN RESOURCES

HOUSE FILE 2354
BY CARROLL

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

A BILL FOR

1 An Act requiring a placement recommendation for persons subject
2 to a court order for involuntary hospitalization.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2354

1 Section 1. Section 229.11, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 If the applicant requests that the respondent be taken into
4 immediate custody and the judge, upon reviewing the
5 application and accompanying documentation, finds probable
6 cause to believe that the respondent has a serious mental
7 impairment and is likely to injure the respondent or other
8 persons if allowed to remain at liberty, the judge may enter a
9 written order directing that the respondent be taken into
10 immediate custody by the sheriff or the sheriff's deputy and
11 be detained until the hospitalization hearing. The
12 hospitalization hearing shall be held no more than five days
13 after the date of the order, except that if the fifth day
14 after the date of the order is a Saturday, Sunday, or a
15 holiday, the hearing may be held on the next succeeding
16 business day. If the expenses of a respondent are payable in
17 whole or in part by a county, for a placement in accordance
18 with subsection 1, the judge shall give notice of the
19 placement to the single entry point process, and for a
20 placement in accordance with subsection 2 or 3, the judge
21 shall order the placement in a hospital or facility designated
22 through the single entry point process. The single entry
23 point process administrator shall provide the court with a
24 placement recommendation identifying one or more appropriate
25 hospitals or facilities with an opening available for
26 placement of the respondent. The judge may order the
27 respondent detained for the period of time until the hearing
28 is held, and no longer, in accordance with subsection 1 if
29 possible, and if not then in accordance with subsection 2 or,
30 only if neither of these alternatives is available, in
31 accordance with subsection 3. Detention may be:

32 Sec. 2. Section 229.13, subsection 1, paragraph a, Code
33 2003, is amended to read as follows:

34 a. The court shall order a respondent whose expenses are
35 payable in whole or in part by a county placed under the care

1 of an appropriate hospital or facility designated through the
2 single entry point process on an inpatient or outpatient
3 basis. The single entry point process administrator shall
4 provide the court with a placement recommendation identifying
5 one or more appropriate hospitals or facilities with an
6 opening available for placement of the respondent.

7 Sec. 3. Section 229.14, subsection 2, paragraph a, Code
8 2003, is amended to read as follows:

9 a. For a respondent whose expenses are payable in whole or
10 in part by a county, placement as designated through the
11 single entry point process in the care of an appropriate
12 hospital or facility on an inpatient or outpatient basis, or
13 other appropriate treatment, or in an appropriate alternative
14 placement. The single entry point process administrator shall
15 provide the court with a placement recommendation identifying
16 one or more appropriate hospitals or facilities with an
17 opening available for placement of the respondent.

18 Sec. 4. Section 229.14A, subsection 7, Code 2003, is
19 amended to read as follows:

20 7. If a respondent's expenses are payable in whole or in
21 part by a county through the single entry point process,
22 notice of a placement hearing shall be provided to the county
23 attorney and the county's single entry point process
24 administrator. At the hearing, the county may present
25 evidence regarding appropriate placement. The single entry
26 point process administrator shall provide the court with a
27 placement recommendation identifying one or more appropriate
28 hospitals or facilities with an opening available for
29 placement of the respondent.

30 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
31 3, shall not apply to this Act.

32 EXPLANATION

33 This bill requires the county single entry point process
34 administrator to provide the court with a placement
35 recommendation for persons subject to a court order for

1 involuntary hospitalization. The recommendation must identify
2 one or more appropriate hospitals or facilities with an
3 opening available for placement of the person.

4 Under current law in Code chapter 229, relating to
5 hospitalization of persons with mental illness, the single
6 entry point process used to manage county services and funding
7 provided on behalf of persons with mental illness, mental
8 retardation or developmental disabilities, or brain injury,
9 designates the placements for treatment ordered by the court.
10 The bill amends various Code chapter 229 placement provisions
11 involving the single entry point process by requiring the
12 process administrator to provide the court with a placement
13 recommendation for those cases in which the county is
14 involved.

15 The bill may include a state mandate as defined in Code
16 section 25B.3. The bill makes inapplicable Code section
17 25B.2, subsection 3, which would relieve a political
18 subdivision from complying with a state mandate if funding for
19 the cost of the state mandate is not provided or specified.
20 Therefore, political subdivisions are required to comply with
21 any state mandate included in the bill.

22
23
24
25
26
27
28
29
30
31
32
33
34
35