

MAR 5 2004
Place On Calendar

HOUSE FILE 2473
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2354)

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

A BILL FOR

1 An Act relating to involuntary hospitalization procedures
2 involving the county single entry point process and patient
3 advocates.

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

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HF 2473

1 Section 1. Section 229.9A, Code 2003, is amended to read
2 as follows:

3 229.9A PATIENT ADVOCATE INFORMED.

4 The court shall direct the clerk to furnish the patient
5 advocate and the single entry point process administrator of
6 the respondent's county of legal settlement with a copy of
7 application and any order issued pursuant to section 229.8,
8 subsection 3. The advocate may attend the hospitalization
9 hearing of any respondent for whom the advocate has received
10 notice of a hospitalization hearing.

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

13 If the applicant requests that the respondent be taken into
14 immediate custody and the judge, upon reviewing the
15 application and accompanying documentation, finds probable
16 cause to believe that the respondent has a serious mental
17 impairment and is likely to injure the respondent or other
18 persons if allowed to remain at liberty, the judge may enter a
19 written order directing that the respondent be taken into
20 immediate custody by the sheriff or the sheriff's deputy and
21 be detained until the hospitalization hearing. The
22 hospitalization hearing shall be held no more than five days
23 after the date of the order, except that if the fifth day
24 after the date of the order is a Saturday, Sunday, or a
25 holiday, the hearing may be held on the next succeeding
26 business day. If the expenses of a respondent are payable in
27 whole or in part by a county, for a placement in accordance
28 with subsection 1, the judge shall give notice of the
29 placement to the single entry point process, and for a
30 placement in accordance with subsection 2 or 3, the judge
31 shall order the placement in a hospital or facility designated
32 through the single entry point process. The single entry
33 point process administrator or the administrator's designee
34 shall provide the court with a placement recommendation
35 identifying one or more appropriate hospitals or facilities

1 with an opening available for placement of the respondent.

2 The judge may order the respondent detained for the period of
3 time until the hearing is held, and no longer, in accordance
4 with subsection 1 if possible, and if not then in accordance
5 with subsection 2 or, only if neither of these alternatives is
6 available, in accordance with subsection 3. Detention may be:

7 Sec. 3. Section 229.13, subsection 1, paragraph a, Code
8 2003, is amended to read as follows:

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

18 Sec. 4. Section 229.14, subsection 2, paragraph a, Code
19 2003, is amended to read as follows:

20 a. For a respondent whose expenses are payable in whole or
21 in part by a county, placement as designated through the
22 single entry point process in the care of an appropriate
23 hospital or facility on an inpatient or outpatient basis, or
24 other appropriate treatment, or in an appropriate alternative
25 placement. The single entry point process administrator or
26 the administrator's designee 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. Section 229.14A, subsection 1, Code 2003, is
31 amended to read as follows:

32 1. With respect to a chief medical officer's report made
33 pursuant to section 229.14, subsection 1, paragraph "b", "c",
34 or "d", or any other provision of this chapter related to
35 involuntary commitment for which the court issues a placement

1 order or a transfer of placement is authorized, the court
2 shall provide notice to the respondent and the respondent's
3 attorney or ~~mental-health~~ patient advocate pursuant to section
4 229.19 concerning the placement order and the respondent's
5 right to request a placement hearing to determine if the order
6 for placement or transfer of placement is appropriate. A copy
7 of the placement order or transfer authorization shall also be
8 provided to the single entry point process administrator of
9 the respondent's county of legal settlement.

10 Sec. 6. Section 229.14A, subsection 7, Code 2003, is
11 amended to read as follows:

12 7. If a respondent's expenses are payable in whole or in
13 part by a county through the single entry point process,
14 notice of a placement hearing shall be provided to the county
15 attorney and the county's single entry point process
16 administrator. At the hearing, the county may present
17 evidence regarding appropriate placement. The single entry
18 point process administrator or the administrator's designee
19 shall provide the court with a placement recommendation
20 identifying one or more appropriate hospitals or facilities
21 with an opening available for placement of the respondent.

22 Sec. 7. STUDY GROUP. The supreme court is requested to
23 convene a study group to consider issues relating to the
24 functions performed by patient advocates appointed under
25 chapter 229 and the interaction of patient advocates with
26 other portions of the legal and service systems for persons
27 with mental illness. The study group membership should
28 include but is not limited to representatives of the
29 following: judicial branch, county boards of supervisors,
30 patient advocates, county single entry point process
31 administrators, persons with mental illness, case managers,
32 and attorneys who provide legal representation of persons
33 alleged to have a serious mental impairment. If established,
34 the study group shall issue a report to the judicial branch,
35 governor, and general assembly with findings and

1 recommendations on or before December 15, 2004.

2 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection
3 3, shall not apply to this Act.

4 EXPLANATION

5 This bill relates to involuntary hospitalization procedures
6 involving the county single entry point process and patient
7 advocates.

8 The bill requires the county single entry point process
9 administrator or the administrator's designee to provide the
10 court with a placement recommendation for persons subject to a
11 court order for involuntary hospitalization. The
12 recommendation must identify one or more appropriate hospitals
13 or facilities with an opening available for placement of the
14 person.

15 Under current law in Code chapter 229, relating to
16 hospitalization of persons with mental illness, the single
17 entry point process used to manage county services and funding
18 provided on behalf of persons with mental illness, mental
19 retardation or developmental disabilities, or brain injury,
20 designates the placements for treatment ordered by the court.
21 The bill amends various Code chapter 229 placement provisions
22 involving the single entry point process by requiring the
23 process administrator or the administrator's designee to
24 provide the court with a placement recommendation for those
25 cases in which the county is involved.

26 The bill amends Code sections 229.9A and 229.14A, relating
27 to information provided to the patient advocate and placement
28 orders, to require copies of applications, orders, and
29 authorizations to be provided to the county single entry point
30 process administrator when they are provided to the patient
31 advocate.

32 The bill requests the supreme court to convene a study
33 group to consider issues relating to the functions performed
34 by patient advocates and the interaction of patient advocates
35 with other portions of the legal and service systems for

1 persons with mental illness.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill makes inapplicable Code section
4 25B.2, subsection 3, which would relieve a political
5 subdivision from complying with a state mandate if funding for
6 the cost of the state mandate is not provided or specified.
7 Therefore, political subdivisions are required to comply with
8 any state mandate included in the bill.

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HOUSE FILE 2473

H-8183

1 Amend House File 2473 as follows:

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

4 "Section 1. Section 229.1B, Code 2003, is amended
5 to read as follows:

6 229.1B SINGLE ENTRY POINT PROCESS.

7 1. Notwithstanding any provision of this chapter
8 to the contrary, any person whose hospitalization
9 expenses are payable in whole or in part by a county
10 shall be subject to all requirements of the single
11 entry point process.

12 2. The county single entry point process
13 administrator shall develop a plan for addressing
14 emergency examinations and placements made under this
15 chapter. The plan shall be developed in consultation
16 with representatives of the community mental health
17 centers and hospitals providing emergency services in
18 that county. The plan shall include but is not
19 limited to a process for the administrator or the
20 administrator's designee to provide the court with a
21 placement recommendation as required by this chapter."

By SMITH of Marshall

H-8183 FILED MARCH 8, 2004

HOUSE FILE 2473

H-8205

1 Amend House File 2473 as follows:

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

4 "Section 1. Section 229.1B, Code 2003, is amended
5 to read as follows:

6 229.1B SINGLE ENTRY POINT PROCESS.

7 Notwithstanding any provision of this chapter to
8 the contrary, any person whose hospitalization
9 expenses are payable in whole or in part by a county
10 shall be subject to all requirements of the single
11 entry point process. A person who receives
12 confidential information under this chapter due to the
13 person's responsibilities relating to the single entry
14 point process is subject to the requirements of
15 chapter 228, the federal Health Insurance Portability
16 and Accountability Act of 1996, Pub. L. No. 104-191,
17 and other applicable requirements intended to protect
18 the confidentiality of information pertaining to a
19 respondent or person subject to a commitment order
20 under this chapter."

21 2. Page 1, by striking line 5 and inserting the
22 following: "advocate of".

23 3. Page 1, line 8, by inserting after the number
24 "3." the following: "If an order is issued, the clerk
25 shall also provide a copy of the order to the single
26 entry point process administrator of the respondent's
27 county of legal settlement."

28 4. By renumbering as necessary.

By SMITH of Marshall

H-8205 FILED MARCH 9, 2004

HOUSE FILE 2473

H-8258

1 Amend House File 2473 as follows:

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

4 "Section 1. Section 229.1B, Code 2003, is amended
5 to read as follows:

6 229.1B SINGLE ENTRY POINT PROCESS.

7 Notwithstanding any provision of this chapter to
8 the contrary, any person whose hospitalization
9 expenses are payable in whole or in part by a county
10 shall be subject to all requirements of the single
11 entry point process. The single entry point process
12 administrator or the administrator's designee shall
13 assist the court by determining the person's county of
14 legal settlement and notifying the court of the
15 determination. In addition, the administrator or
16 designee shall identify one or more appropriate
17 hospitals or facilities with an opening available for
18 placement of the person and provide this information
19 to the court along with a placement recommendation.

20 Sec. ____ . Section 229.8, subsection 2, Code 2003,
21 is amended to read as follows:

22 2. Cause copies of the application and supporting
23 documentation to be sent to the county attorney or the
24 county attorney's attorney-designate for review, and
25 to the county's single entry point process
26 administrator."

27 2. Page 1, line 32, by striking the word "The"
28 and inserting the following: "Prior to the hearing,
29 the".

30 3. Page 2, line 1, by inserting after the word
31 "respondent." the following: "If determined to be in
32 the best interest of the respondent, the judge may
33 order placement of the respondent in an alternative
34 facility in which an opening is available."

35 4. Page 2, line 17, by inserting after the word
36 "respondent." the following: "If determined to be in
37 the best interest of the respondent, the judge may
38 order placement of the respondent in an alternative
39 facility in which an opening is available."

40 5. Page 2, line 29, by inserting after the word
41 "respondent." the following: "If determined to be in
42 the best interest of the respondent, the judge may
43 order placement of the respondent in an alternative
44 facility in which an opening is available."

45 6. Page 3, by inserting after line 21 the
46 following:

47 "Sec. ____ . Section 229.22, subsection 2,
48 unnumbered paragraph 2, Code Supplement 2003, is
49 amended to read as follows:

50 If the magistrate orders that the person be

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Page 2

1 detained, the magistrate shall, by the close of
2 business on the next working day, file a written order
3 with the clerk in the county where it is anticipated
4 that an application may be filed under section 229.6.
5 The order may be filed by facsimile if necessary. The
6 order shall state the circumstances under which the
7 person was taken into custody or otherwise brought to
8 a facility, and the grounds supporting the finding of
9 probable cause to believe that the person is seriously
10 mentally impaired and likely to injure the person's
11 self or others if not immediately detained. The order
12 shall confirm the oral order authorizing the person's
13 detention including any order given to transport the
14 person to an appropriate facility. The clerk shall
15 provide a copy of that order to the single entry point
16 process administrator of the county where it is
17 anticipated that an application may be filed under
18 section 229.6, to the chief medical officer of the
19 facility to which the person was originally taken, to
20 any subsequent facility to which the person was
21 transported, and to any law enforcement department or
22 ambulance service that transported the person pursuant
23 to the magistrate's order.

24 Sec. _____. Section 229.24, subsection 1, Code 2003,
25 is amended to read as follows:

26 1. All papers and records pertaining to any
27 involuntary hospitalization or application for
28 involuntary hospitalization of any person under this
29 chapter, whether part of the permanent record of the
30 court or a county or of a file in the department of
31 human services, are subject to inspection only upon an
32 order of the court for good cause shown. Nothing in
33 this section shall prohibit a hospital from complying
34 with the requirements of this chapter and of chapter
35 230 relative to financial responsibility for the cost
36 of care and treatment provided a patient in that
37 hospital, nor from properly billing any responsible
38 relative or third-party payer for such care and
39 treatment."

40 7. Page 3, by striking lines 27 through 33 and
41 inserting the following: "with mental illness. If
42 established,".

43 8. By renumbering as necessary.

By CARROLL of Poweshiek
SMITH of Marshall

H-8258 FILED MARCH 16, 2004

HOUSE FILE 2473**H-8295**

1 Amend House File 2473 as follows:

2 1. Page 3, by inserting after line 21 the
3 following:

4 "Sec. ____ . Section 331.424A, Code Supplement 2003,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 6. a. Notwithstanding contrary
7 provisions of this section, a county may request
8 approval of a waiver by the department of management
9 to create a special program fund to receive moneys and
10 to pay the direct and indirect costs of special
11 program services provided to persons eligible for
12 services payable from the services fund. In
13 requesting the waiver, the county shall provide
14 information detailing how the special fund will be
15 used, the basis upon which moneys will be credited and
16 expended from the special fund, and other information
17 specified by the department of management in order for
18 the department to determine whether the special fund
19 will be used in a manner that is appropriate to
20 distinguish those uses from the uses of the services
21 fund. The department of management may authorize a
22 waiver for a specific term or an indefinite term and a
23 waiver is subject to other conditions that the
24 department may apply to ensure that the special fund
25 is operated solely for the purposes for which the
26 special fund is authorized. The department's approval
27 of a waiver shall be based upon the department's
28 determination that the special fund will be only be
29 used for managing money for special program services
30 provided to persons eligible for services paid from
31 the services fund and are appropriate to distinguish
32 those uses from the uses of the services fund.

33 b. The special program services may be provided to
34 persons whose service costs are attributable to the
35 county that created the special program fund or to
36 other counties. In addition to receipts from the
37 services fund of the county that created the special
38 program fund, receipts from federal, state, and other
39 county and governments, and any other revenues
40 associated with the provision of special program
41 services shall be credited to the special program
42 fund. The levy limitation established pursuant to
43 subsection 4 is not subject to increase as a result of
44 the creation or administration of the special program
45 fund. The management plans approved pursuant to
46 section 331.439 for the counties purchasing services
47 from the special program fund shall address the
48 services payable from the special program fund and the
49 administration of the special program fund."

50 2. Title page, by striking lines 1 through 3 and

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Page 2

1 inserting the following: "An Act relating to mental
2 health, mental retardation, and developmental
3 disabilities services by revising involuntary
4 hospitalization procedures involving the county single
5 entry point process and patient advocates and
6 authorizing counties to create a special program fund
7 for these services."

8 3. By renumbering as necessary.

By CARROLL of Poweshiek
COHOON of Des Moines

H-8295 FILED MARCH 23, 2004

OUT OF ORDER

HOUSE FILE 2473

H-8304

1 Amend the amendment, H-8258, to House File 2473, as
2 follows:

3 1. Page 1, line 7, by inserting before the word
4 "Notwithstanding" the following: "1."

5 2. Page 1, by inserting after line 19 the
6 following:

7 "2. The county single entry point process
8 administrator shall develop a plan for addressing
9 emergency examinations and placements made under this
10 chapter. The plan shall be developed in consultation
11 with representatives of the community mental health
12 centers and hospitals providing emergency services in
13 that county. The plan shall include but is not
14 limited to a process for the administrator or the
15 administrator's designee to provide the court with a
16 placement recommendation as required by this chapter.

17 3. A person who receives confidential information
18 under this chapter due to the person's
19 responsibilities relating to the single entry point
20 process is subject to the requirements of chapter 228,
21 the federal Health Insurance Portability and
22 Accountability Act of 1996, Pub. L. No. 104-191, and
23 other applicable requirements intended to protect the
24 confidentiality of information pertaining to a
25 respondent or person subject to a commitment order
26 under this chapter."

27 3. Page 1, by inserting after line 26 the
28 following:

29 " . Page 1, by striking line 5 and inserting
30 the following: "advocate of".

31 " . Page 1, line 8, by inserting after the
32 figure "3." the following: "If an order is issued,
33 the clerk shall also provide a copy of the order to
34 the single entry point process administrator of the
35 respondent's county of legal settlement."

36 4. Page 2, by inserting after line 39 the
37 following:

38 " . Page 3, by inserting before line 22 the
39 following:

40 "Sec. . Section 331.424A, Code Supplement 2003,
41 is amended by adding the following new subsection:

42 NEW SUBSECTION. 6. a. Notwithstanding contrary
43 provisions of this section, a county may request
44 approval of a waiver by the department of management
45 to create a special program fund to receive moneys and
46 to pay the direct and indirect costs of special
47 program services provided to persons eligible for
48 services payable from the services fund. In
49 requesting the waiver, the county shall provide
50 information detailing how the special fund will be

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Page 2

1 used, the basis upon which moneys will be credited and
2 expended from the special fund, and other information
3 specified by the department of management in order for
4 the department to determine whether the special fund
5 will be used in a manner that is appropriate to
6 distinguish those uses from the uses of the services
7 fund. The department of management may authorize a
8 waiver for a specific term or an indefinite term and a
9 waiver is subject to other conditions that the
10 department may apply to ensure that the special fund
11 is operated solely for the purposes for which the
12 special fund is authorized. The department's approval
13 of a waiver shall be based upon the department's
14 determination that the special fund will be only be
15 used for managing money for special program services
16 provided to persons eligible for services paid from
17 the services fund and are appropriate to distinguish
18 those uses from the uses of the services fund.

19 b. The special program services may be provided to
20 persons whose service costs are attributable to the
21 county that created the special program fund or to
22 other counties. In addition to receipts from the
23 services fund of the county that created the special
24 program fund, receipts from federal, state, and other
25 county and governments, and any other revenues
26 associated with the provision of special program
27 services shall be credited to the special program
28 fund. The levy limitation established pursuant to
29 subsection 4 is not subject to increase as a result of
30 the creation or administration of the special program
31 fund. The management plans approved pursuant to
32 section 331.439 for the counties purchasing services
33 from the special program fund shall address the
34 services payable from the special program fund and the
35 administration of the special program fund.""

36 5. Page 2, by inserting after line 42 the
37 following:

38 "___ . Title page, by striking lines 1 through 3
39 and inserting the following: "An Act relating to
40 mental health, mental retardation, and developmental
41 disabilities services by revising involuntary
42 hospitalization procedures involving the county single
43 entry point process and patient advocates and
44 authorizing counties to create a special program fund
45 for these services.""

46 6. By renumbering as necessary.

By CARROLL of Poweshiek
SMITH of Marshall
COHOON of Des Moines

H-8304 FILED MARCH 23, 2004

ADOPTED

HOUSE FILE 2473

S-5231

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 15, by inserting after the word
4 "recommendation." the following: "For purposes of
5 identifying an opening available for placement and
6 providing the court with a placement recommendation,
7 the administrator or the administrator's designee
8 shall be considered an employee of the state under
9 chapter 669 and shall be afforded protection as an
10 employee of the state under section 669.21."

11 2. Page 1, by striking lines 21 through 24 and
12 inserting the following: "emergency services in that
13 county."

14 3. Page 1, by inserting after line 32 the
15 following:

16 "Sec. ____ . Section 229.6, Code 2003, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. If the person's
19 hospitalization expenses are payable in whole or in
20 part by a county, the hospitalization application
21 shall be accompanied by the county's application for
22 the person to receive assistance through the county's
23 single entry point process."

24 4. By striking page 6, line 4, through page 7,
25 line 8.

26 5. Page 7, by striking lines 9 through 17.

27 6. Page 7, by inserting before line 18 the
28 following:

29 "Sec. ____ . INITIAL PLAN. The initial plan
30 developed by a county single entry point process
31 administrator pursuant to section 229.1B, subsection
32 2, as enacted in this Act, for addressing emergency
33 examinations and placement made under chapter 229,
34 shall be completed on or before December 31, 2004."

35 7. Title page, by striking lines 4 and 5 and
36 inserting the following: "point process."

37 8. By renumbering as necessary.

By HUBERT M. HOUSER

S-5231 FILED MARCH 31, 2004

HOUSE FILE 2473

S-5266

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 15, by inserting after the word
4 "recommendation." the following: "If the respondent
5 has no county of legal settlement or the legal
6 settlement is unknown, the state shall provide the
7 placement recommendation and facility identification
8 in lieu of the administrator or designee."

9 2. Page 3, line 7, by inserting after the word
10 "respondent." the following: "If the respondent has
11 no county of legal settlement or the legal settlement
12 is unknown, the state shall provide the placement
13 recommendation and facility identification in lieu of
14 the administrator or designee."

15 3. Page 3, line 26, by inserting after the word
16 "respondent." the following: "If the respondent has
17 no county of legal settlement or the legal settlement
18 is unknown, the state shall provide the placement
19 recommendation and facility identification in lieu of
20 the administrator or designee."

21 4. Page 4, line 6, by inserting after the word
22 "respondent." the following: "If the respondent has
23 no county of legal settlement or the legal settlement
24 is unknown, the state shall provide the placement
25 recommendation and facility identification in lieu of
26 the administrator or designee."

27 5. Page 5, line 1, by inserting after the word
28 "respondent." the following: "If the respondent has
29 no county of legal settlement or the legal settlement
30 is unknown, the state shall provide the placement
31 recommendation and facility identification in lieu of
32 the administrator or designee."

By HUBERT M. HOUSER

S-5266 FILED APRIL 5, 2004

HOUSE FILE 2473

S-5374

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 18 and 19.

By STEVEN H. WARNSTADT

S-5374 FILED APRIL 15, 2004

HOUSE FILE 2473

S-5375

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 229.10, subsection 1,
6 unnumbered paragraph 1, Code 2003, is amended to read
7 as follows:

8 An examination of the respondent shall be conducted
9 by one or more licensed physicians, as required by the
10 court's order, within a reasonable time. If the
11 respondent is detained pursuant to section 229.11,
12 subsection 2, the examination shall be conducted
13 within twenty-four hours. If the respondent is
14 detained pursuant to section 229.11, subsection 1 or
15 3, the examination shall be conducted within forty-
16 eight hours. If the respondent so desires, the
17 respondent shall be entitled to a separate examination
18 by a licensed physician of the respondent's own
19 choice. The reasonable cost of ~~such separate~~ each
20 examination shall, if the respondent lacks sufficient
21 funds to pay the cost, be paid from county funds upon
22 order of the court."

23 2. By renumbering as necessary.

By STEVEN H. WARNSTADT

S-5375 FILED APRIL 15, 2004

HOUSE FILE 2473
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2354)

(As Amended and Passed by the House March 23, 2004)

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

A BILL FOR

1 An Act relating to mental health, mental retardation, and
2 developmental disabilities services by revising involuntary
3 hospitalization procedures involving the county single entry
4 point process and patient advocates and authorizing counties
5 to create a special program fund for these services.

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

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House Amendments _____

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1 Section 1. Section 229.1B, Code 2003, is amended to read
2 as follows:

3 229.1B SINGLE ENTRY POINT PROCESS.

4 1. Notwithstanding any provision of this chapter to the
5 contrary, any person whose hospitalization expenses are
6 payable in whole or in part by a county shall be subject to
7 all requirements of the single entry point process. The
8 single entry point process administrator or the
9 administrator's designee shall assist the court by determining
10 the person's county of legal settlement and notifying the
11 court of the determination. In addition, the administrator or
12 designee shall identify one or more appropriate hospitals or
13 facilities with an opening available for placement of the
14 person and provide this information to the court along with a
15 placement recommendation.

16 2. The county single entry point process administrator
17 shall develop a plan for addressing emergency examinations and
18 placements made under this chapter. The plan shall be
19 developed in consultation with representatives of the
20 community mental health centers and hospitals providing
21 emergency services in that county. The plan shall include but
22 is not limited to a process for the administrator or the
23 administrator's designee to provide the court with a placement
24 recommendation as required by this chapter.

25 3. A person who receives confidential information under
26 this chapter due to the person's responsibilities relating to
27 the single entry point process is subject to the requirements
28 of chapter 228, the federal Health Insurance Portability and
29 Accountability Act of 1996, Pub. L. No. 104-191, and other
30 applicable requirements intended to protect the
31 confidentiality of information pertaining to a respondent or
32 person subject to a commitment order under this chapter.

33 Sec. 2. Section 229.8, subsection 2, Code 2003, is amended
34 to read as follows:

35 2. Cause copies of the application and supporting

1 documentation to be sent to the county attorney or the county
2 attorney's attorney-designate for review, and to the county's
3 single entry point process administrator.

4 Sec. 3. Section 229.9A, Code 2003, is amended to read as
5 follows:

6 229.9A PATIENT ADVOCATE INFORMED.

7 The court shall direct the clerk to furnish the patient
8 advocate of the respondent's county of legal settlement with a
9 copy of application and any order issued pursuant to section
10 229.8, subsection 3. If an order is issued, the clerk shall
11 also provide a copy of the order to the single entry point
12 process administrator of the respondent's county of legal
13 settlement. The advocate may attend the hospitalization
14 hearing of any respondent for whom the advocate has received
15 notice of a hospitalization hearing.

16 Sec. 4. Section 229.11, unnumbered paragraph 1, Code 2003,
17 is amended to read as follows:

18 If the applicant requests that the respondent be taken into
19 immediate custody and the judge, upon reviewing the
20 application and accompanying documentation, finds probable
21 cause to believe that the respondent has a serious mental
22 impairment and is likely to injure the respondent or other
23 persons if allowed to remain at liberty, the judge may enter a
24 written order directing that the respondent be taken into
25 immediate custody by the sheriff or the sheriff's deputy and
26 be detained until the hospitalization hearing. The
27 hospitalization hearing shall be held no more than five days
28 after the date of the order, except that if the fifth day
29 after the date of the order is a Saturday, Sunday, or a
30 holiday, the hearing may be held on the next succeeding
31 business day. If the expenses of a respondent are payable in
32 whole or in part by a county, for a placement in accordance
33 with subsection 1, the judge shall give notice of the
34 placement to the single entry point process, and for a
35 placement in accordance with subsection 2 or 3, the judge

1 shall order the placement in a hospital or facility designated
2 through the single entry point process. Prior to the hearing,
3 the single entry point process administrator or the
4 administrator's designee shall provide the court with a
5 placement recommendation identifying one or more appropriate
6 hospitals or facilities with an opening available for
7 placement of the respondent. If determined to be in the best
8 interest of the respondent, the judge may order placement of
9 the respondent in an alternative facility in which an opening
10 is available. The judge may order the respondent detained for
11 the period of time until the hearing is held, and no longer,
12 in accordance with subsection 1 if possible, and if not then
13 in accordance with subsection 2 or, only if neither of these
14 alternatives is available, in accordance with subsection 3.
15 Detention may be:

16 Sec. 5. Section 229.13, subsection 1, paragraph a, Code
17 2003, is amended to read as follows:

18 a. The court shall order a respondent whose expenses are
19 payable in whole or in part by a county placed under the care
20 of an appropriate hospital or facility designated through the
21 single entry point process on an inpatient or outpatient
22 basis. The single entry point process administrator or the
23 administrator's designee 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. If determined to be in the best
27 interest of the respondent, the judge may order placement of
28 the respondent in an alternative facility in which an opening
29 is available.

30 Sec. 6. Section 229.14, subsection 2, paragraph a, Code
31 2003, is amended to read as follows:

32 a. For a respondent whose expenses are payable in whole or
33 in part by a county, placement as designated through the
34 single entry point process in the care of an appropriate
35 hospital or facility on an inpatient or outpatient basis, or

1 other appropriate treatment, or in an appropriate alternative
2 placement. The single entry point process administrator or
3 the administrator's designee shall provide the court with a
4 placement recommendation identifying one or more appropriate
5 hospitals or facilities with an opening available for
6 placement of the respondent. If determined to be in the best
7 interest of the respondent, the judge may order placement of
8 the respondent in an alternative facility in which an opening
9 is available.

10 Sec. 7. Section 229.14A, subsection 1, Code 2003, is
11 amended to read as follows:

12 1. With respect to a chief medical officer's report made
13 pursuant to section 229.14, subsection 1, paragraph "b", "c",
14 or "d", or any other provision of this chapter related to
15 involuntary commitment for which the court issues a placement
16 order or a transfer of placement is authorized, the court
17 shall provide notice to the respondent and the respondent's
18 attorney or ~~mental-health~~ patient advocate pursuant to section
19 229.19 concerning the placement order and the respondent's
20 right to request a placement hearing to determine if the order
21 for placement or transfer of placement is appropriate. A copy
22 of the placement order or transfer authorization shall also be
23 provided to the single entry point process administrator of
24 the respondent's county of legal settlement.

25 Sec. 8. Section 229.14A, subsection 7, Code 2003, is
26 amended to read as follows:

27 7. If a respondent's expenses are payable in whole or in
28 part by a county through the single entry point process,
29 notice of a placement hearing shall be provided to the county
30 attorney and the county's single entry point process
31 administrator. At the hearing, the county may present
32 evidence regarding appropriate placement. The single entry
33 point process administrator or the administrator's designee
34 shall provide the court with a placement recommendation
35 identifying one or more appropriate hospitals or facilities

1 with an opening available for placement of the respondent.

2 Sec. 9. Section 229.22, subsection 2, unnumbered paragraph
3 2, Code Supplement 2003, is amended to read as follows:

4 If the magistrate orders that the person be detained, the
5 magistrate shall, by the close of business on the next working
6 day, file a written order with the clerk in the county where
7 it is anticipated that an application may be filed under
8 section 229.6. The order may be filed by facsimile if
9 necessary. The order shall state the circumstances under
10 which the person was taken into custody or otherwise brought
11 to a facility, and the grounds supporting the finding of
12 probable cause to believe that the person is seriously
13 mentally impaired and likely to injure the person's self or
14 others if not immediately detained. The order shall confirm
15 the oral order authorizing the person's detention including
16 any order given to transport the person to an appropriate
17 facility. The clerk shall provide a copy of that order to the
18 single entry point process administrator of the county where
19 it is anticipated that an application may be filed under
20 section 229.6, to the chief medical officer of the facility to
21 which the person was originally taken, to any subsequent
22 facility to which the person was transported, and to any law
23 enforcement department or ambulance service that transported
24 the person pursuant to the magistrate's order.

25 Sec. 10. Section 229.24, subsection 1, Code 2003, is
26 amended to read as follows:

27 1. All papers and records pertaining to any involuntary
28 hospitalization or application for involuntary hospitalization
29 of any person under this chapter, whether part of the
30 permanent record of the court or a county or of a file in the
31 department of human services, are subject to inspection only
32 upon an order of the court for good cause shown. Nothing in
33 this section shall prohibit a hospital from complying with the
34 requirements of this chapter and of chapter 230 relative to
35 financial responsibility for the cost of care and treatment

1 provided a patient in that hospital, nor from properly billing
2 any responsible relative or third-party payer for such care
3 and treatment.

4 Sec. 11. Section 331.424A, Code Supplement 2003, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 6. a. Notwithstanding contrary
7 provisions of this section, a county may request approval of a
8 waiver by the department of management to create a special
9 program fund to receive moneys and to pay the direct and
10 indirect costs of special program services provided to persons
11 eligible for services payable from the services fund. In
12 requesting the waiver, the county shall provide information
13 detailing how the special fund will be used, the basis upon
14 which moneys will be credited and expended from the special
15 fund, and other information specified by the department of
16 management in order for the department to determine whether
17 the special fund will be used in a manner that is appropriate
18 to distinguish those uses from the uses of the services fund.
19 The department of management may authorize a waiver for a
20 specific term or an indefinite term and a waiver is subject to
21 other conditions that the department may apply to ensure that
22 the special fund is operated solely for the purposes for which
23 the special fund is authorized. The department's approval of
24 a waiver shall be based upon the department's determination
25 that the special fund will be only be used for managing money
26 for special program services provided to persons eligible for
27 services paid from the services fund and are appropriate to
28 distinguish those uses from the uses of the services fund.

29 b. The special program services may be provided to persons
30 whose service costs are attributable to the county that
31 created the special program fund or to other counties. In
32 addition to receipts from the services fund of the county that
33 created the special program fund, receipts from federal,
34 state, and other county and governments, and any other
35 revenues associated with the provision of special program

1 services shall be credited to the special program fund. The
2 levy limitation established pursuant to subsection 4 is not
3 subject to increase as a result of the creation or
4 administration of the special program fund. The management
5 plans approved pursuant to section 331.439 for the counties
6 purchasing services from the special program fund shall
7 address the services payable from the special program fund and
8 the administration of the special program fund.

9 Sec. 12. STUDY GROUP. The supreme court is requested to
10 convene a study group to consider issues relating to the
11 functions performed by patient advocates appointed under
12 chapter 229 and the interaction of patient advocates with
13 other portions of the legal and service systems for persons
14 with mental illness. If established, the study group shall
15 issue a report to the judicial branch, governor, and general
16 assembly with findings and recommendations on or before
17 December 15, 2004.

18 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection
19 3, shall not apply to this Act.

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