

FILED FEB 12 2014

LOCAL GOVERNMENT

SENATE FILE 2114

BY HOUSER

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the appointment and duties of mental health
2 patient advocates.

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

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SF 2114
LOCAL GOVERNMENT

1 Section 1. Section 225C.4, subsection 1, paragraph m, Code
2 2003, is amended to read as follows:

3 m. Provide consultation and technical assistance to
4 patients' advocates appointed pursuant to section 229.19, in
5 cooperation with the ~~judicial-branch-and-the~~ resident advocate
6 committees appointed for health care facilities pursuant to
7 section 135C.25.

8 Sec. 2. Section 229.2, subsection 1, paragraph f, Code
9 2003, is amended to read as follows:

10 f. Upon approval of the admission of a minor over the
11 minor's objections, the juvenile court shall ~~appoint-an~~
12 ~~individual-to-act-as-an~~ inform the patient advocate
13 ~~representing~~ appointed for that county pursuant to section
14 229.19 who shall represent the interests of the minor in the
15 same manner as ~~an~~ the advocate ~~representing~~ represents the
16 interests of patients involuntarily hospitalized ~~pursuant-to~~
17 ~~section-229-19~~ under this chapter.

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

20 229.9A PATIENT ADVOCATE INFORMED.

21 The court shall direct the clerk to furnish the patient
22 advocate and the single entry point process administrator of
23 the respondent's county of legal settlement with a copy of
24 application and any order issued pursuant to section 229.8,
25 subsection 3. The advocate may attend the hospitalization
26 hearing of any respondent for whom the advocate has received
27 notice of a hospitalization hearing.

28 Sec. 4. Section 229.14A, subsection 1, Code 2003, is
29 amended to read as follows:

30 1. With respect to a chief medical officer's report made
31 pursuant to section 229.14, subsection 1, paragraph "b", "c",
32 or "d", or any other provision of this chapter related to
33 involuntary commitment for which the court issues a placement
34 order or a transfer of placement is authorized, the court
35 shall provide notice to the respondent and the respondent's

1 attorney or mental-health patient advocate pursuant to section
2 229.19 concerning the placement order and the respondent's
3 right to request a placement hearing to determine if the order
4 for placement or transfer of placement is appropriate.

5 Sec. 5. Section 229.19, unnumbered paragraph 1, Code 2003,
6 is amended to read as follows:

7 ~~The district-court-in-each-county-with-a-population-of~~
8 ~~under-three-hundred-thousand-inhabitants-and-the~~ board of
9 supervisors in each county ~~with-a-population-of-three-hundred~~
10 ~~thousand-or-more-inhabitants~~ shall appoint an individual who
11 ~~has-demonstrated-by-prior-activities-an-informed-concern-for~~
12 ~~the-welfare-and-rehabilitation-of-persons-with-mental-illness,~~
13 ~~and-who-is-not-an-officer-or-employee-of-the-department-of~~
14 ~~human-services-nor-of-any-agency-or-facility-providing-care-or~~
15 ~~treatment-to-persons-with-mental-illness,~~ to act as advocate
16 representing the interests of patients involuntarily
17 hospitalized by the court, in any matter relating to the
18 patients' hospitalization or treatment under section 229.14 or
19 229.15. The appointed individual must possess a bachelor's
20 degree or higher degree from an accredited school, college, or
21 university and have one or more years of experience in a human
22 services-related field. In addition, the individual must have
23 demonstrated by prior activities an informed concern for the
24 welfare and rehabilitation of persons with mental illness, and
25 shall not be an officer or employee of the department or of
26 any agency or facility providing care or treatment to persons
27 with mental illness. ~~The court-or,-if-the-advocate-is~~
28 ~~appointed-by-the~~ county board of supervisors, ~~the-board~~ shall
29 assign the advocate appointed ~~from~~ by a patient's county of
30 legal settlement to represent the interests of the patient.
31 If a patient ~~has-no~~ does not have a county of legal
32 settlement, ~~the-court-or,-if-the-advocate-is-appointed-by~~ the
33 county board of supervisors, ~~the-board~~ shall assign the
34 advocate appointed from the county where the hospital or
35 facility is located to represent the interests of the patient.

1 The advocate's responsibility with respect to any patient
2 shall begin at whatever time the attorney employed or
3 appointed to represent that patient as respondent in
4 hospitalization proceedings, conducted under sections 229.6 to
5 229.13, reports to the court that the attorney's services are
6 no longer required and requests the court's approval to
7 withdraw as counsel for that patient. However, if the patient
8 is found to be seriously mentally impaired at the
9 hospitalization hearing, the attorney representing the patient
10 shall automatically be relieved of responsibility in the case
11 and an advocate shall be assigned to the patient at the
12 conclusion of the hearing unless the attorney indicates an
13 intent to continue the attorney's services and the court so
14 directs. If the court directs the attorney to remain on the
15 case the attorney shall assume all the duties of an advocate.
16 The clerk shall furnish the advocate with a copy of the
17 court's order approving the withdrawal or the court's
18 commitment or custody order and shall inform the patient of
19 the name of the patient's advocate. With regard to each
20 patient whose interests the advocate is required to represent
21 pursuant to this section, the advocate's duties shall include
22 all of the following:

23 Sec. 6. Section 229.19, Code 2003, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 7. If the costs of a patient's
26 evaluation, care, or treatment provided pursuant to this
27 chapter are payable in whole or in part by a county, to
28 provide to the county single entry point process the
29 information necessary for authorizing payment for the
30 evaluation, care, or treatment.

31 Sec. 7. Section 229.19, unnumbered paragraph 3, Code 2003,
32 is amended to read as follows:

33 ~~The court or, if the advocate is appointed by the~~ county
34 board of supervisors, ~~the board~~ shall prescribe reasonable
35 compensation for the services of the patient advocate. The

1 compensation shall be based upon the reports filed by the
2 advocate with the court. The advocate's compensation shall be
3 paid by the county in which the court is located, ~~either on~~
4 ~~order of the court or, if the advocate is appointed by the~~
5 ~~county board of supervisors,~~ on the direction of the county
6 board of supervisors. ~~If the advocate is appointed by the~~
7 ~~court, the advocate is an employee of the state for purposes~~
8 ~~of chapter 669.---If the advocate is appointed by the county~~
9 ~~board of supervisors,~~ The advocate is an employee of the
10 county for purposes of chapter 670. If the patient or the
11 person who is legally liable for the patient's support is not
12 indigent, the board shall recover the costs of compensating
13 the advocate from that person. If that person has an income
14 level as determined pursuant to section 815.9 greater than one
15 hundred percent but not more than one hundred fifty percent of
16 the poverty guidelines, at least one hundred dollars of the
17 advocate's compensation shall be recovered in the manner
18 prescribed by the county board of supervisors. If that person
19 has an income level as determined pursuant to section 815.9
20 greater than one hundred fifty percent of the poverty
21 guidelines, at least two hundred dollars of the advocate's
22 compensation shall be recovered in substantially the same
23 manner prescribed by the county board of supervisors as
24 provided in section 815.7.

25 Sec. 8. CURRENT ADVOCATES -- QUALIFICATIONS. An
26 individual serving as a mental health patient advocate under
27 section 229.19 as of July 1, 2004, shall be deemed to meet the
28 qualifications otherwise required by section 229.19, as
29 amended by this Act.

30 EXPLANATION

31 This bill relates to the appointment and duties of mental
32 health patient advocates in Code section 229.19.

33 Current law provides for appointment of a patient advocate
34 by the district court, except in counties with a population of
35 300,000 or more where the advocate is appointed by the county

1 board of supervisors. The bill provides for the county board
2 of supervisors to appoint the advocate in all counties. In
3 addition, the bill adds new qualifications to require that an
4 advocate must have at least a bachelor's degree and one or
5 more years of experience. Finally, the bill adds a duty for
6 those patients whose evaluation, care, or treatment costs are
7 paid in whole or part by the county. For these patients, the
8 advocate is directed to provide the county single entry point
9 process with the information necessary for authorizing payment
10 for the patients' evaluation, care, or treatment.

11 The bill amends Code section 229.9A, which requires the
12 clerk of court to provide the patient advocate with a copy of
13 the commitment application and order, to require that this
14 information also be provided to the administrator of the
15 county's single entry point process.

16 The bill provides conforming amendments in Code section
17 225C.4, relating to the duties of the administrator of the
18 department of human services division that deals with mental
19 health and developmental disability services, and Code section
20 229.14A, relating to involuntary placement hearings. In
21 addition, the bill amends Code section 229.2 to provide that
22 the patient advocate is to represent a minor who is
23 hospitalized over the minor's objections.

24 The bill includes an uncodified provision providing that an
25 individual serving as a mental health patient advocate as of
26 July 1, 2004, shall be deemed to meet the new qualifications
27 for the position that would otherwise be required by the bill.

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