

Senate File 2266 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3113)

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

A BILL FOR

1 An Act requiring a preliminary investigation to be conducted by
2 the county medical examiner in the event of the death of a
3 resident of certain state facilities administered by the
4 department of human services.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5423SV 82
7 jp/nh/5

PAG LIN

1 1 Section 1. NEW SECTION. 218.64 INVESTIGATION OF DEATH.

1 2 1. For the purposes of this section, unless the context
1 3 otherwise requires, "institution" and "resident" mean the same
1 4 as defined in section 218.13.

1 5 2. Upon the death of a resident of an institution, the
1 6 county medical examiner shall conduct a preliminary
1 7 investigation of the death as provided in section 331.802.
1 8 The cost of the preliminary investigation shall be paid by the
1 9 department of human services.

1 10 Sec. 2. Section 222.12, Code 2007, is amended to read as
1 11 follows:

1 12 222.12 DEATHS INVESTIGATED.

1 13 1. In the event of a sudden or mysterious death
1 14 of a patient of a resource center or the special unit or any
1 15 private institution for persons with mental retardation, an, a
1 16 preliminary investigation of the death shall be held conducted
1 17 as required by section 218.64 by the county medical examiner
1 18 as provided in section 331.802. Such a preliminary

1 19 investigation shall also be conducted in the event of a sudden
1 20 or mysterious death of a patient in a private institution for
1 21 persons with mental retardation. The superintendent of a
1 22 resource center or a special unit or chief administrative
1 23 officer of any private institution may request an
1 24 investigation of the death of any patient by the county
1 25 medical examiner.

1 26 2. Notice of the death of the patient, and the cause
1 27 thereof of death, shall be sent to the county board of
1 28 supervisors and to the judge of the court having that had
1 29 jurisdiction over a committed patient. The fact of death with
1 30 the time, place, and alleged cause shall be entered upon the
1 31 docket of the court.

1 32 3. The parent, guardian, or other person responsible for
1 33 the admission of a patient to such institutions a private
1 34 institution for persons with mental retardation may also
1 35 request an such a preliminary investigation by the county
2 1 medical examiner in the event of the death of the patient that
2 2 is not sudden or mysterious. The person or persons making the
2 3 request shall be are liable for the expense of such
2 4 preliminary investigation and payment therefor for the expense
2 5 may be required in advance. The expense of a county medical
2 6 examiner's investigation when requested by the superintendent
2 7 of a state resource center or a special unit shall be paid
2 8 from support funds of that institution.

2 9 Sec. 3. Section 226.34, Code 2007, is amended to read as
2 10 follows:

2 11 226.34 INVESTIGATION OF DEATH == NOTICE.

2 12 1. An Upon the death of a patient, the county medical
2 13 examiner shall conduct a preliminary investigation by the
2 14 county medical examiner shall be held in those cases where a
2 15 death shall occur suddenly and without apparent cause, or a

2 16 patient die and the patient's relatives so request, but in the
2 17 ~~latter case the relatives making the request shall be liable~~
2 18 ~~for the expense of the same, and payment therefor may be~~
2 19 ~~required in advance as required by section 218.64, in~~
2 20 ~~accordance with section 331.802.~~

2 21 ~~2. When if~~ a patient in ~~any~~ a mental health institute
2 22 ~~shall die~~ dies from any cause, the superintendent of ~~said the~~
2 23 institute shall within three days of the date of death, send
2 24 by certified mail a written notice of death to all of the
2 25 following:

2 26 ~~1- a.~~ The decedent's nearest relative.
2 27 ~~2- b.~~ The clerk of the district court of the county from
2 28 which the patient was committed, ~~and,~~
2 29 ~~3- c.~~ The sheriff of the county from which the patient
2 30 was committed.

2 31 Sec. 4. Section 331.802, subsection 2, Code 2007, is
2 32 amended to read as follows:

2 33 2. a. If a person's death affects the public interest,
2 34 the county medical examiner shall conduct a preliminary
2 35 investigation of the cause and manner of death, prepare a
3 1 written report of the findings, promptly submit the full
3 2 report to the state medical examiner on forms prescribed for
3 3 that purpose, and submit a copy of the report to the county
3 4 attorney.

3 5 b. ~~For Except as provided in section 218.64 or as~~
3 6 ~~otherwise provided by law, for each preliminary investigation~~
3 7 and the preparation and submission of the required reports,
3 8 the county medical examiner shall receive from the county of
3 9 appointment a fee determined by the board plus the examiner's
3 10 actual expenses. The fee and expenses paid by the county of
3 11 appointment shall be reimbursed to the county of appointment
3 12 by the county of the person's residence. However, if the
3 13 person's death is caused by a defendant for whom a judgment of
3 14 conviction and sentence is rendered under section 707.2,
3 15 707.3, 707.4, 707.5, or 707.6A, the county of the person's
3 16 residence may recover from the defendant the fee and expenses.

3 17 c. The fee and expenses of the county medical examiner who
3 18 performs an autopsy or conducts an investigation of a person
3 19 who dies after being brought into this state for emergency
3 20 medical treatment by or at the direction of an out-of-state
3 21 law enforcement officer or public authority shall be paid by
3 22 the state. A claim for payment shall be filed with the Iowa
3 23 department of public health. If moneys are not appropriated
3 24 to the Iowa department of public health for the payment of
3 25 autopsies under this ~~subsection paragraph~~, claims for payment
3 26 shall be forwarded to the state appeal board and, if
3 27 authorized by the board, shall be paid out of moneys in the
3 28 general fund of the state not otherwise appropriated.

3 29 Sec. 5. Section 331.802, subsection 3, Code 2007, is
3 30 amended by adding the following new paragraph:

3 31 NEW PARAGRAPH. k. Death of a person committed or admitted
3 32 to a state mental health institute, a state resource center,
3 33 the state training school, or the Iowa juvenile home.

3 34 EXPLANATION

3 35 This bill requires a preliminary investigation to be
4 1 conducted by the county medical examiner in the event of the
4 2 death of a person committed or admitted to certain state
4 3 facilities administered by the department of human services
4 4 (DHS). The cost of the preliminary investigation is required
4 5 to be paid by DHS. The facilities affected are the four state
4 6 mental health institutes, the two state resource centers, the
4 7 state training school in Eldora, and the Iowa juvenile home in
4 8 Toledo.

4 9 The requirements of a preliminary investigation are
4 10 outlined in current law in Code section 331.802 for any death
4 11 affecting the public interest and include a determination as
4 12 to whether the public interest in the death requires an
4 13 autopsy or other special investigation.

4 14 New Code section 218.64 applies the preliminary
4 15 investigation requirement in the event of the death of a
4 16 resident in Code chapter 218, which provides overall
4 17 requirements for these facilities. Existing definitions in
4 18 Code section 218.13 of the terms "institutions" (the affected
4 19 facilities) and "resident" (a person committed or admitted to
4 20 one of the facilities) are adopted by reference.

4 21 Existing law in Code section 222.12, relating to
4 22 investigation of deaths at a state resource center, special
4 23 unit, or a private institution for persons with mental
4 24 retardation, and Code section 226.34, relating to
4 25 investigation of the death of a patient in a state mental
4 26 health institute, are amended to provide the preliminary

4 27 investigation requirement for any death and reorganize the
4 28 sections.
4 29 However, under current law, Code section 222.12, an
4 30 investigation is required for a sudden or mysterious death in
4 31 a private institution for persons with mental retardation.
4 32 This requirement is maintained by the bill along with the
4 33 existing authorization for the parent, guardian, or other
4 34 person responsible for a patient's admission to the private
4 35 institution to request the preliminary investigation to be
5 1 conducted for a death that is not sudden or mysterious.
5 2 Code section 331.802 is amended to include the requirement
5 3 for preliminary investigation of a death of a resident of a
5 4 DHS institution in the list of deaths affecting the public
5 5 interest for which such a preliminary investigation is
5 6 required and to reference the payment responsibility assigned
5 7 by the bill to DHS.
5 8 LSB 5423SV 82
5 9 jp/nh/5