

Senate Study Bill 3113

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS'
AIDE/OMBUDSMAN BILL)

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 5423DP 82
7 jp/nh/5

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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 Sec. 2. Section 222.12, Code 2007, is amended to read as
1 9 follows:
1 10 222.12 DEATHS INVESTIGATED.
1 11 1. In the event of a sudden or mysterious death
1 12 of a patient of a resource center or the special unit or any
1 13 private institution for persons with mental retardation, an, a
1 14 preliminary investigation of the death shall be held conducted
1 15 as required by section 218.64 by the county medical examiner
1 16 as provided in section 331.802. Such a preliminary
1 17 investigation shall also be conducted in the event of a sudden
1 18 or mysterious death of a patient in a private institution for
1 19 persons with mental retardation. The superintendent of a
1 20 resource center or a special unit or chief administrative
1 21 officer of any private institution may request an
1 22 investigation of the death of any patient by the county
1 23 medical examiner.
1 24 2. Notice of the death of the patient, and the cause
1 25 thereof of death, shall be sent to the county board of
1 26 supervisors and to the judge of the court having that had
1 27 jurisdiction over a committed patient. The fact of death with
1 28 the time, place, and alleged cause shall be entered upon the
1 29 docket of the court.
1 30 3. The parent, guardian, or other person responsible for
1 31 the admission of a patient to such institutions a private
1 32 institution for persons with mental retardation may also
1 33 request an such a preliminary investigation by the county
1 34 medical examiner in the event of the death of the patient that
1 35 is not sudden or mysterious. The person or persons making the
2 1 request shall be are liable for the expense of such
2 2 preliminary investigation and payment therefor for the expense
2 3 may be required in advance. The expense of a county medical
2 4 examiner's investigation when requested by the superintendent
2 5 of a state resource center or a special unit shall be paid
2 6 from support funds of that institution.
2 7 Sec. 3. Section 226.34, Code 2007, is amended to read as
2 8 follows:
2 9 226.34 INVESTIGATION OF DEATH == NOTICE.
2 10 1. An Upon the death of a patient, the county medical
2 11 examiner shall conduct a preliminary investigation by the
2 12 county medical examiner shall be held in those cases where a
2 13 death shall occur suddenly and without apparent cause, or a
2 14 patient die and the patient's relatives so request, but in the
2 15 latter case the relatives making the request shall be liable
2 16 for the expense of the same, and payment therefor may be
2 17 required in advance as required by section 218.64, in

2 18 accordance with section 331.802.

2 19 ~~2. When If~~ a patient in ~~any~~ a mental health institute
2 20 ~~shall die dies~~ from any cause, the superintendent of ~~said the~~
2 21 institute shall within three days of the date of death, send
2 22 by certified mail a written notice of death to all of the
2 23 following:

2 24 ~~1- a.~~ The decedent's nearest relative.
2 25 ~~2- b.~~ The clerk of the district court of the county from
2 26 which the patient was committed, ~~and,~~
2 27 ~~3- c.~~ The sheriff of the county from which the patient
2 28 was committed.

2 29 Sec. 4. Section 331.802, subsection 3, Code 2007, is
2 30 amended by adding the following new paragraph:

2 31 NEW PARAGRAPH. k. Death of a person committed or admitted
2 32 to a state mental health institute, a state resource center,
2 33 the state training school, or the Iowa juvenile home.

2 34 EXPLANATION

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

3 8 The requirements of a preliminary investigation are
3 9 outlined in current law in Code section 331.802 for any death
3 10 affecting the public interest and include a determination as
3 11 to whether the public interest in the death requires an
3 12 autopsy or other special investigation.

3 13 New Code section 218.64 applies the preliminary
3 14 investigation requirement in the event of the death of a
3 15 resident in Code chapter 218, which provides overall
3 16 requirements for these facilities. Existing definitions in
3 17 Code section 218.13 of the terms "institutions" (the affected
3 18 facilities) and "resident" (a person committed or admitted to
3 19 one of the facilities) are adopted by reference.

3 20 Existing law in Code section 222.12, relating to
3 21 investigation of deaths at a state resource center, special
3 22 unit, or a private institution for persons with mental
3 23 retardation, and Code section 226.34, relating to
3 24 investigation of the death of a patient in a state mental
3 25 health institute, are amended to provide the preliminary
3 26 investigation requirement for any death and reorganize the
3 27 sections.

3 28 However, under current law, Code section 222.12, an
3 29 investigation is required for a sudden or mysterious death in
3 30 a private institution for persons with mental retardation.
3 31 This requirement is maintained by the bill along with the
3 32 existing authorization for the parent, guardian, or other
3 33 person responsible for a patient's admission to the private
3 34 institution to request the preliminary investigation to be
3 35 conducted for a death that is not sudden or mysterious.

4 1 Code section 331.802 is amended to include the requirement
4 2 for preliminary investigation of a death of a resident of a
4 3 DHS institution in the list of deaths affecting the public
4 4 interest for which such a preliminary investigation is
4 5 required.

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