

Senate Study Bill 3053 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to the findings of an examining physician
2 assistant for a person believed to be seriously mentally
3 impaired in an emergency situation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229.22, subsection 2, paragraph a,
2 subparagraph (4), Code 2014, is amended to read as follows:

3 (4) If the examining physician, examining physician
4 assistant, or examining psychiatric advanced registered
5 nurse practitioner finds that there is reason to believe that
6 the person is seriously mentally impaired, and because of
7 that impairment is likely to physically injure the person's
8 self or others if not immediately detained, the examining
9 physician, examining physician assistant, or examining
10 psychiatric advanced registered nurse practitioner shall at
11 once communicate with the nearest available magistrate as
12 defined in section 801.4, subsection 10. ~~For purposes of this~~
13 ~~subparagraph, the findings of the examining physician assistant~~
14 ~~must be approved by the examining physician assistant's~~
15 ~~supervising physician before the examining physician assistant~~
16 ~~communicates with the nearest available magistrate.~~

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EXPLANATION

18 Under existing law in Code section 229.22, if a person is
19 believed to have a mental illness, and due to that illness,
20 is believed likely to physically injure the person's self or
21 others if not immediately detained, a peace officer or another
22 person may take the person without a warrant or court order to
23 a hospital or a community facility licensed to care for persons
24 with mental illness or a substance-related disorder. This
25 procedure is only used when it appears that the person should
26 be immediately detained due to serious mental impairment,
27 but an involuntary commitment application has not been filed
28 with the court and the person cannot be ordered into immediate
29 custody and detained.

30 Upon delivery of the person to the facility or hospital,
31 if the examining physician, examining physician assistant, or
32 examining psychiatric advanced registered nurse practitioner
33 finds that there is reason to believe that the person is
34 seriously mentally impaired, and because of that impairment
35 is likely to physically injure the person's self or others if

1 not immediately detained, the examining physician, examining
2 physician assistant, or examining psychiatric advanced
3 registered nurse practitioner is required to contact the
4 nearest available magistrate. The findings of the examining
5 physician assistant must be approved by the examining physician
6 assistant's supervising physician before the examining
7 physician assistant communicates with the nearest available
8 magistrate. The bill eliminates the requirement that the
9 findings of the examining physician assistant be approved by
10 the examining physician assistant's supervising physician
11 before the examining physician assistant communicates with the
12 nearest available magistrate in these circumstances.