

**Senate Study Bill 1002 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MATHIS)

**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 2015, 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.~~

17

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

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

32 Upon delivery of the person to the facility or hospital,  
33 if the examining physician, examining physician assistant, or  
34 examining psychiatric advanced registered nurse practitioner  
35 finds that there is reason to believe that the person is

1 seriously mentally impaired, and because of that impairment  
2 is likely to physically injure the person's self or others if  
3 not immediately detained, the examining physician, examining  
4 physician assistant, or examining psychiatric advanced  
5 registered nurse practitioner is required to contact the  
6 nearest available magistrate. The findings of the examining  
7 physician assistant must be approved by the examining physician  
8 assistant's supervising physician before the examining  
9 physician assistant communicates with the nearest available  
10 magistrate. The bill eliminates the requirement that the  
11 findings of the examining physician assistant be approved by  
12 the examining physician assistant's supervising physician  
13 before the examining physician assistant communicates with the  
14 nearest available magistrate in these circumstances.