

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.