

Senate Study Bill 3151 - Introduced

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

A BILL FOR

1 An Act concerning treatment of a person with a serious mental
2 impairment who fails to comply with an outpatient treatment
3 order.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229.13, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. a. If the respondent is ordered to
4 undergo outpatient treatment and the respondent's failure to
5 comply with the course of treatment results in behavior by the
6 respondent which, in the opinion of the respondent's outpatient
7 treatment provider, is likely to result in physical injury to
8 the respondent's self or others if allowed to continue, all of
9 the following shall occur:

10 (1) The respondent's outpatient treatment provider shall
11 notify the committing judge in the appropriate county who
12 shall enter a written order directing that the respondent be
13 taken into immediate custody by the appropriate sheriff or
14 sheriff's deputy. The appropriate sheriff or sheriff's deputy
15 shall exercise all due diligence in taking the respondent into
16 protective custody to a hospital or other suitable facility.

17 (2) Once in protective custody, the respondent shall be
18 given the choice of being treated by the appropriate medication
19 which may include the use of injectable antipsychotic
20 medicine by an outpatient treatment provider at an outpatient
21 psychiatric clinic, hospital, or other suitable facility or
22 being placed for treatment under the care of a hospital or
23 other suitable facility for inpatient treatment.

24 (3) If the respondent chooses to be treated by the
25 appropriate medication which may include the use of injectable
26 antipsychotic medicine but the outpatient treatment provider at
27 the outpatient psychiatric clinic, hospital, or other suitable
28 facility determines that the respondent's behavior continues
29 to be likely to result in physical injury to the respondent's
30 self or others if allowed to continue, the outpatient treatment
31 provider shall comply with the provisions of subparagraph (1)
32 and, following notice and hearing held in accordance with
33 the procedures in section 229.12, the court may order the
34 respondent treated on an inpatient basis requiring full-time
35 custody, care, and treatment in a hospital until such time as

1 the chief medical officer reports that the respondent does not
2 require further treatment for serious mental impairment or has
3 indicated the respondent is willing to submit to treatment on
4 another basis as ordered by the court.

5 *b.* A region shall contract with outpatient treatment
6 providers to provide the appropriate treatment including
7 treatment by the use of injectable antipsychotic medicine
8 pursuant to this section.

9

EXPLANATION

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

12 This bill concerns outpatient treatment of a person with
13 a serious mental impairment who fails to comply with an
14 outpatient treatment order.

15 The bill relates to a person (respondent) who is under
16 a court order to undergo outpatient treatment for mental
17 illness upon the conclusion of an involuntary hospitalization
18 proceeding. The bill provides that if the respondent fails to
19 comply with the course of treatment and that failure results
20 in behavior by the respondent which, in the opinion of the
21 respondent's outpatient treatment provider, is likely to
22 result in physical injury to the respondent's self or others
23 if allowed to continue, the respondent's outpatient treatment
24 provider is required to notify the committing judge. The
25 committing judge shall enter a written order directing that the
26 respondent be taken into immediate custody by the appropriate
27 sheriff or sheriff's deputy. Once in protective custody, the
28 respondent shall be given the choice of being treated by the
29 appropriate medication which may include the use of injectable
30 antipsychotic medicine by an outpatient treatment provider
31 or being placed for treatment under the care of a hospital
32 or other suitable facility for inpatient treatment. If the
33 respondent chooses to be treated by the appropriate medication
34 which may include the use of injectable antipsychotic medicine
35 but the outpatient treatment provider determines that the

1 respondent's behavior continues to be likely to result in
2 physical injury to the respondent's self or others if allowed
3 to continue, the outpatient treatment provider is required to
4 notify the committing judge who shall order the respondent be
5 taken into immediate custody. Following notice and hearing
6 held in accordance with the procedures in Code section 229.12
7 (hospitalization hearing procedure), the court may order the
8 respondent treated on an inpatient basis requiring full-time
9 custody, care, and treatment in a hospital.

10 The bill requires a mental health and disability services
11 region to contract with outpatient treatment providers to
12 provide outpatient treatment by the appropriate medication
13 which may include treatment by the use of injectable
14 antipsychotic medicine.