

**House File 313 - Introduced**

HOUSE FILE 313  
BY COMMITTEE ON HEALTH AND HUMAN  
SERVICES

(SUCCESSOR TO HSB 85)

**A BILL FOR**

- 1 An Act relating to testimony at involuntary commitment hearings
- 2 by physician assistants and advanced registered nurse
- 3 practitioners.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 125.82, subsection 3, Code 2025, is  
2 amended to read as follows:

3 3. a. The person who filed the application, and a the  
4 licensed physician and surgeon, ~~or~~ osteopathic physician and  
5 surgeon, mental health professional, or ~~certified~~ alcohol and  
6 drug counselor certified by the nongovernmental Iowa board of  
7 certification who has examined the respondent in connection with  
8 the commitment hearing, shall be present at the hearing, unless  
9 ~~the court for good cause finds that their presence or testimony~~  
10 ~~is not necessary~~ any of the following apply:

11 (1) The court finds for good cause that the presence or  
12 testimony of the person who examined the respondent is not  
13 necessary. "Good cause" may include but is not limited to a  
14 waiver under subparagraph (3).

15 (2) The court grants an application to allow a physician  
16 assistant licensed under chapter 148C or an advanced registered  
17 nurse practitioner licensed under chapter 152 to be present  
18 and testify at the hearing on behalf of the licensed physician  
19 and surgeon, osteopathic physician and surgeon, mental health  
20 professional, or certified alcohol and drug counselor who  
21 examined the respondent in connection with the commitment  
22 hearing. An application under this subparagraph shall contain  
23 all of the following:

24 (a) A sworn statement that the physician assistant or  
25 advanced registered nurse practitioner witnessed the physician  
26 and surgeon, osteopathic physician and surgeon, mental health  
27 professional, or certified alcohol and drug counselor examine the  
28 respondent in connection with the commitment hearing.

29 (b) A sworn statement that the physician assistant or  
30 advanced registered nurse practitioner has reviewed the written  
31 report of the examination prepared pursuant to section 125.80.

32 (c) A sworn statement that the physician and surgeon,  
33 osteopathic physician and surgeon, mental health professional,  
34 or certified alcohol and drug counselor is unable to attend the  
35 hearing.

1     (3) The applicant, respondent, and the respondent's attorney  
2 may waive the presence, televised appearance, or telephonic  
3 appearance of the licensed physician and surgeon, ~~or osteopathic~~  
4 physician and surgeon, mental health professional, or certified  
5 alcohol and drug counselor who examined the respondent and  
6 agree to submit as evidence the written report of ~~the licensed~~  
7 ~~physician and surgeon or osteopathic physician and surgeon,~~  
8 ~~mental health professional, or certified alcohol and drug~~  
9 ~~counselor~~ of examination prepared pursuant to section 125.80.

10 The respondent's attorney shall inform the court if the  
11 respondent's attorney reasonably believes that the respondent,  
12 due to diminished capacity, cannot make an adequately considered  
13 waiver decision. ~~"Good cause" for finding that the testimony~~  
14 ~~of the licensed physician and surgeon or osteopathic physician~~  
15 ~~and surgeon, mental health professional, or certified alcohol and~~  
16 ~~drug counselor who examined the respondent is not necessary may~~  
17 ~~include but is not limited to such a waiver.~~

18     b. If the court determines that the testimony of the  
19 licensed physician and surgeon, ~~or osteopathic physician and~~  
20 surgeon, mental health professional, or certified alcohol and  
21 drug counselor is necessary, the court may allow the licensed  
22 physician and surgeon, ~~or osteopathic physician and surgeon,~~  
23 mental health professional, or certified alcohol and drug  
24 counselor to testify by telephone or televised means.

25     c. The respondent shall be present at the hearing unless  
26 prior to the hearing the respondent's attorney stipulates in  
27 writing that the attorney has conversed with the respondent,  
28 and that in the attorney's judgment either the respondent cannot  
29 make a meaningful contribution to the hearing, ~~or that~~ the  
30 respondent has waived the right to be present, and the basis for  
31 the attorney's conclusions. A stipulation to the respondent's  
32 absence shall be reviewed by the court before the hearing, and  
33 may be rejected if it appears that insufficient grounds are  
34 stated or that the respondent's interests would not be served by  
35 the respondent's absence.

1     Sec. 2. Section 229.12, subsection 3, paragraph b, Code 2025,  
2 is amended to read as follows:

3     b. (1) The licensed physician or mental health professional  
4 who examined the respondent shall be present at the hearing  
5 unless ~~the court for good cause finds that the licensed~~  
6 ~~physician's or mental health professional's presence or testimony~~  
7 ~~is not necessary~~ any of the following apply:

8     (a) The court finds for good cause that the licensed  
9 physician's or mental health professional's presence is not  
10 necessary. "Good cause" may include but is not limited to a  
11 waiver under subparagraph division (c).

12     (b) The court grants an application to allow a physician  
13 assistant licensed under chapter 148C or an advanced registered  
14 nurse practitioner licensed under chapter 152 to be present  
15 and testify at the hearing on behalf of the licensed physician  
16 or mental health professional who examined the respondent in  
17 connection with the commitment hearing. An application under  
18 this subparagraph division shall contain all of the following:

19     (i) A sworn statement that the physician assistant or  
20 advanced registered nurse practitioner witnessed the licensed  
21 physician or mental health professional examine the respondent.

22     (ii) A sworn statement that the physician assistant or  
23 advanced registered nurse practitioner has reviewed the written  
24 report of the examination prepared pursuant to section 229.10.

25     (iii) A sworn statement that the licensed physician or mental  
26 health professional who examined the respondent is unable to  
27 attend the hearing.

28     (c) The applicant, respondent, and the respondent's attorney  
29 ~~may~~ waive the presence, televised appearance, or the telephonic  
30 appearance of the licensed physician or mental health  
31 professional who examined the respondent and agree to submit  
32 as evidence the written report of the licensed physician or  
33 mental health professional of the examination prepared pursuant  
34 to section 229.10. The respondent's attorney shall inform the  
35 court if the respondent's attorney reasonably believes that the

1 respondent, due to diminished capacity, cannot make an adequately  
2 considered waiver decision. ~~"Good cause" for finding that the~~  
3 ~~testimony of the licensed physician or mental health professional~~  
4 ~~who examined the respondent is not necessary may include but is~~  
5 ~~not limited to such a waiver.~~

6 (2) If the court determines that the testimony of the  
7 licensed physician or mental health professional is necessary,  
8 the court may allow the licensed physician or the mental health  
9 professional to testify by telephone or televised means.

10

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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This bill relates to testimony at involuntary commitment  
14 hearings by physician assistants (assistant) and advanced  
15 registered nurse practitioners (ARNP).

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The bill allows an assistant or an ARNP to be present  
17 and testify on behalf of a licensed physician and surgeon,  
18 osteopathic physician and surgeon, mental health professional, or  
19 certified alcohol and drug counselor who examined a respondent in  
20 an involuntary commitment hearing for a substance abuse disorder  
21 if the court grants an application that contains certain sworn  
22 statements as detailed in the bill. The bill contains similar  
23 language to allow an assistant or ARNP to appear and testify on  
24 behalf of a licensed physician or a mental health professional  
25 at an involuntary commitment hearing for a respondent's serious  
26 mental impairment.