

House File 833 - Introduced

HOUSE FILE 833
BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO HSB 153)

A BILL FOR

1 An Act relating to services and support for youth, including
2 treatment, physical assessments, and behavioral health
3 evaluations for youth involved in involuntary commitment,
4 juvenile delinquency, child in need of assistance, and
5 family in need of assistance proceedings; the licensing and
6 certification of certain residential facilities; the provision
7 of home and community-based services and habilitation services
8 to certain youth by residential programs; administration and
9 supervision of juvenile court services; and the suspension of
10 Hawki eligibility for inmates of public institutions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

SERVICES AND SUPPORT FOR CHILDREN AND YOUTH

Section 1. Section 125.13, subsection 2, Code 2025, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. A psychiatric medical institution for children licensed under chapter 135H.

Sec. 2. Section 135H.1, Code 2025, is amended to read as follows:

135H.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Approved qualifying organization" means any of the following:

a. The joint commission.

b. The commission on accreditation of rehabilitation facilities.

c. The council on accreditation.

d. A nationally recognized accrediting organization with standards comparable to the entities listed in paragraphs "a" through "c" that are acceptable under federal regulations.

e. An entity specified by rule adopted by the department in consultation with the department of health and human services.

~~1.~~ 2. "Department" means the department of inspections, appeals, and licensing.

~~2.~~ 3. "Direction" means authoritative policy or procedural guidance for the accomplishment of a function or an activity.

~~3.~~ 4. "Licensee" means the holder of a license issued to operate a psychiatric medical institution for children.

~~4.~~ 5. "Medical care plan" means a plan of care and services designed to eliminate the need for inpatient care by improving the condition of a child youth. Services must be based upon a diagnostic evaluation, which includes an examination a physical assessment and behavioral health evaluation of the medical, psychological, social, behavioral, and developmental aspects of the child's youth's situation, reflecting the need for inpatient

1 care.

2 6. "Mental health disorder" means any of the following:

3 a. A mental disorder as defined by the most recent version
4 of the diagnostic and statistical manual of mental disorders
5 published by the American psychiatric association.

6 b. A mental disorder included in the mental, behavioral, or
7 neurodevelopmental disorders chapter in the most recent version
8 of the international classification of diseases published by the
9 world health organization.

10 ~~5.~~ 7. "Mental health professional" means an individual who
11 has all of the following qualifications:

12 a. The individual holds at least a master's degree in a
13 mental health field, including but not limited to, psychology,
14 counseling and guidance, nursing, and or social work, or the
15 individual is a physician.

16 b. The individual holds a current Iowa license if practicing
17 in a field covered by that requires an Iowa licensure law
18 license.

19 c. The individual has at least two years of post-degree
20 clinical experience, supervised by another mental health
21 professional, in assessing mental health needs and problems and
22 in providing appropriate mental health services.

23 ~~6.~~ 8. "Nursing care" means services which are provided under
24 the direction of a physician or registered nurse.

25 ~~7.~~ 9. "Physician" means a person licensed under chapter 148.

26 10. "Protective locked environment" means a setting that
27 prevents egress from a building or grounds as a protective
28 measure to ensure safety and security.

29 ~~8.~~ 11. "Psychiatric medical institution for children" or
30 "psychiatric institution" means an institution providing more
31 than twenty-four hours of continuous care involving long-term
32 psychiatric services to three or more children youth in residence
33 for expected periods of fourteen or more days for an assessment,
34 evaluation, and diagnosis and evaluation or for expected periods
35 of ninety days or more for treatment.

1 ~~9.~~ 12. "Psychiatric services" means services provided under
2 the direction of a physician which address mental, emotional,
3 medical, or behavioral problems.

4 13. "Record check evaluation system" means the same as
5 defined in section 135C.1.

6 ~~10.~~ 14. "Rehabilitative services" means services to
7 encourage and assist restoration of a resident's optimum mental
8 and physical capabilities.

9 ~~11.~~ 15. "Resident" means a ~~person who is less than~~
10 ~~twenty-one years of age and youth who~~ has been admitted by a
11 ~~physician~~ to a psychiatric medical institution for children.

12 16. "Serious emotional disturbance" means a diagnosable
13 disorder of sufficient duration to meet diagnostic criteria
14 specified within the most current diagnostic and statistical
15 manual of mental disorders published by the American psychiatric
16 association that results in a functional impairment. "Serious
17 emotional disturbance" does not include a substance use or
18 developmental disorder unless such disorder co-occurs with such
19 a diagnosable mental, behavioral, or emotional disorder.

20 17. "Substance use disorder" means the same as defined in
21 section 125.2.

22 ~~12.~~ 18. "Supervision" means direct oversight and inspection
23 of ~~the an~~ act of ~~accomplishing~~ that accomplishes a function or
24 activity.

25 19. "Youth" means a person who is less than twenty-one years
26 of age.

27 Sec. 3. Section 135H.3, Code 2025, is amended to read as
28 follows:

29 **135H.3 Nature of care.**

30 1. a. A psychiatric medical institution for children shall
31 provide shelter, food, supervision, care, assessment, evaluation,
32 diagnosis, treatment, counseling, rehabilitative services, and
33 related professional-directed services to youth who have a
34 serious emotional disturbance, a substance use disorder, or both,
35 with the intention of reducing or ameliorating the disorder, the

1 symptoms of the disorder, or the effects of the disorder.

2 b. A psychiatric medical institution for children shall
3 utilize a team of professionals to direct an organized program
4 of diagnostic services, psychiatric services, nursing care,
5 and rehabilitative services to meet the needs of residents in
6 accordance with a medical care plan developed for each resident.
7 The membership of the team of professionals may include but is
8 not limited to an advanced registered nurse practitioner or a
9 physician assistant. Social and rehabilitative services shall
10 be provided under the direction of a qualified mental health
11 professional.

12 2. If a child youth is diagnosed with a biologically
13 based mental illness as defined in section 514C.22 and meets
14 the medical assistance program criteria for admission to a
15 psychiatric medical institution for children, the child youth
16 shall be deemed to meet the acuity criteria for medically
17 necessary inpatient benefits under a group policy, contract, or
18 plan providing for third-party payment or prepayment of health,
19 medical, and surgical coverage benefits issued by a carrier, as
20 defined in section 513B.2, that is subject to section 514C.22.
21 Such medically necessary benefits shall not be excluded or denied
22 as care that is substantially custodial in nature under section
23 514C.22, subsection 8, paragraph "b".

24 Sec. 4. Section 135H.4, Code 2025, is amended to read as
25 follows:

26 **135H.4 Licensure — scope of license.**

27 1. A person shall not establish, operate, or maintain a
28 psychiatric medical institution for children unless the person
29 obtains a license ~~for the institution~~ under this chapter and
30 ~~either holds a license under section 237.3, subsection 2,~~
31 ~~paragraph "a", as a comprehensive residential facility for~~
32 ~~children or holds a license under section 125.13, if the facility~~
33 ~~provides substance use disorder treatment.~~

34 2. A licensee shall only provide serious emotional
35 disturbance or substance use disorder services for which the

1 licensee is licensed under this chapter.

2 Sec. 5. Section 135H.5, Code 2025, is amended to read as
3 follows:

4 **135H.5 Application for license — initial application and**
5 **annual fees.**

6 1. An application for a license under this chapter shall
7 be submitted on a form ~~requesting information~~ required by
8 the department, ~~which.~~ The application may include require
9 affirmative evidence of the applicant's ability to comply with
10 ~~the rules for standards~~ adopted pursuant to this chapter. The
11 application shall require the applicant to specify whether the
12 applicant intends to provide services for serious emotional
13 disturbances, substance use disorders, or both.

14 2. An application for a license shall be accompanied by the
15 required license fee which shall be credited to the general fund
16 of the state. The initial application fee and the annual license
17 fee is twenty-five dollars.

18 Sec. 6. Section 135H.6, subsections 1, 4, and 5, Code 2025,
19 are amended to read as follows:

20 1. The department shall issue a license to an applicant under
21 this chapter if all the following conditions exist:

22 a. The department has ascertained that the applicant's
23 medical facilities and staff are adequate to provide the care
24 and services required of a psychiatric medical institution for
25 children.

26 b. The proposed psychiatric institution is accredited by
27 ~~the joint commission on the accreditation of health care~~
28 ~~organizations, the commission on accreditation of rehabilitation~~
29 ~~facilities, the council on accreditation of services for families~~
30 ~~and children, or by any other recognized accrediting organization~~
31 ~~with comparable standards acceptable under federal regulation~~ an
32 approved qualifying organization.

33 c. The applicant complies with applicable state rules and
34 standards for a psychiatric institution adopted by the department
35 in accordance with federal requirements under 42 C.F.R. §441.150

1 - 441.156.

2 d. The department of health and human services has submitted
3 written approval of the application based on the department of
4 health and human services' determination of need. The department
5 of health and human services shall identify the location and
6 number of ~~children~~ youth in the state who require the services
7 of a psychiatric medical institution for children. Approval of
8 an application shall be based upon the location of the proposed
9 psychiatric institution relative to the need for services
10 identified by the department of health and human services and
11 an analysis of the applicant's ability to provide services
12 and support consistent with requirements under chapter 232,
13 ~~particularly regarding~~ specifically community-based treatment.
14 If the proposed psychiatric institution is not freestanding from
15 a facility licensed under chapter 135B or 135C, approval under
16 this paragraph shall not be given unless the department of
17 health and human services certifies that the proposed psychiatric
18 institution is capable of providing a resident with a living
19 environment similar to the living environment provided by a
20 licensee which is freestanding from a facility licensed under
21 chapter 135B or 135C.

22 ~~e. The proposed psychiatric institution is under the~~
23 ~~direction of an agency which has operated a facility licensed~~
24 ~~under section 237.3, subsection 2, paragraph "a", as a~~
25 ~~comprehensive residential facility for children for three years~~
26 ~~or of an agency which has operated a facility for three~~
27 ~~years providing psychiatric services exclusively to children or~~
28 ~~adolescents and the facility meets or exceeds requirements for~~
29 ~~licensure under section 237.3, subsection 2, paragraph "a", as a~~
30 ~~comprehensive residential facility for children.~~

31 ~~f. e.~~ If a ~~child~~ youth has an a serious emotional,
32 behavioral, or mental health disorder disturbance, the
33 psychiatric institution does not require ~~court~~ any of the
34 following as a condition for the youth to obtain treatment:

35 (1) Court proceedings to be initiated ~~or that a child's.~~

1 (2) For the youth's parent, guardian, or custodian ~~must to~~
2 terminate parental rights over, or transfer legal custody of,
3 the child for the purposes of obtaining treatment from the
4 psychiatric institution for the child youth.

5 (3) Relinquishment of a child's the youth's custody shall not
6 be a condition of the child receiving services.

7 4. The department of health and human services may give
8 approval to approve a conversion of beds approved under
9 subsection 2, ~~to~~ if the beds which are specialized to provide
10 substance use disorder treatment. However, the total number of
11 beds approved under subsection 2 and this subsection shall not
12 exceed four hundred thirty, unless approved for good cause by the
13 director pursuant to subsection 2. The limitations on the
14 number of beds under this section shall not apply to beds for
15 children youth who do not reside in this state and whose service
16 costs are not paid by public funds in this state are ~~not subject~~
17 ~~to the limitations on the number of beds requirements otherwise~~
18 ~~applicable under this section.~~

19 5. ~~A psychiatric institution licensed prior to July 1, 1999,~~
20 ~~may exceed the number of beds authorized under subsection 2~~
21 ~~if the excess beds are used to provide services funded from a~~
22 ~~source other than the medical assistance program under chapter~~
23 ~~249A. Notwithstanding subsection 1, paragraph "d", and subsection~~
24 ~~2, the provision of services using those excess beds does not~~
25 ~~require a review by the department of health and human services.~~

26 Sec. 7. Section 135H.7, subsection 2, paragraph a, Code 2025,
27 is amended to read as follows:

28 a. If a person who has been convicted of a crime or has a
29 record of founded child abuse is being considered for licensure
30 under this chapter, ~~or~~ for employment with a psychiatric
31 institution involving direct responsibility for a ~~child youth~~
32 or with access to a ~~child youth~~ when the ~~child youth~~ is alone,
33 by a licensed psychiatric institution, or if a person will
34 reside residence in a facility utilized by a licensee, and ~~if~~
35 ~~the person has been convicted of a crime or has a record of~~

1 ~~founded child abuse~~, the record check evaluation system and
2 the licensee for an employee of the licensee considering the
3 person for employment shall perform an evaluation to determine
4 whether the crime or founded child abuse warrants prohibition of
5 licensure, employment, or residence in the facility utilized by a
6 licensee. The record check evaluation system ~~of the department~~
7 ~~of health and human services~~ shall conduct criminal and child
8 abuse record checks in this state and may conduct these checks
9 in other states. The record check evaluation shall be performed
10 in accordance with procedures adopted for this purpose by the
11 department of health and human services.

12 Sec. 8. NEW SECTION. 135H.7A Protective locked environment
13 — rules.

14 The department, in cooperation with the department of health
15 and human services, shall adopt rules pursuant to chapter 17A
16 relating to the application of a protective locked environment in
17 a psychiatric medial institution for children.

18 Sec. 9. Section 135H.10, subsection 2, Code 2025, is amended
19 to read as follows:

20 2. This chapter shall not be construed as ~~prohibiting the use~~
21 ~~of~~ to prohibit funds appropriated for foster care ~~to~~ from being
22 used to provide payment to a psychiatric medical institution
23 for children for the financial participation required of a
24 ~~child~~ youth whose foster care placement is in a psychiatric
25 medical institution for children. In accordance with established
26 policies and procedures for foster care, the department of health
27 and human services shall act to recover any such payment for
28 financial participation, apply to be named payee for the ~~child's~~
29 youth's unearned income, and recommend parental liability for the
30 costs of a court-ordered foster care placement in a psychiatric
31 ~~medical~~ institution.

32 Sec. 10. Section 135H.13, subsection 1, Code 2025, is amended
33 to read as follows:

34 1. The department's final findings and the ~~survey~~ findings
35 of the ~~joint commission on the accreditation of health care~~

1 ~~organizations~~ an approved qualifying organization regarding
2 licensure or program accreditation shall be made available to the
3 public in a readily available form and place. Other information
4 relating to the psychiatric institution is confidential and
5 shall not be made available to the public except in ~~proceedings~~
6 a proceeding involving licensure, a civil suit involving a
7 resident, or an administrative action involving a resident.

8 Sec. 11. Section 229.13, subsection 1, paragraph c, Code
9 2025, is amended to read as follows:

10 c. (1) If the court orders evaluation and treatment of the
11 respondent on an inpatient basis under this section, the court
12 may order the respondent placed under the care of an appropriate
13 subacute care facility licensed under chapter 135G.

14 (2) If the court orders evaluation and treatment of a minor
15 respondent on an inpatient basis under this section, the court
16 may order the minor respondent placed under the care of an
17 appropriate public hospital.

18 Sec. 12. Section 229.13, subsection 5, Code 2025, is amended
19 to read as follows:

20 5. a. (1) The chief medical officer of the hospital or
21 facility at which the respondent is placed shall report to the
22 court and make a recommendation for disposition of the matter no
23 more than fifteen days after the date the respondent is placed,
24 ~~making a recommendation for disposition of the matter at the~~
25 hospital or facility. An

26 (2) If the respondent is a minor and is placed under the
27 care of a public hospital pursuant to subsection 1, paragraph
28 "c", subparagraph (2), the chief medical officer of the public
29 hospital shall report to the court and make a recommendation for
30 disposition no later than thirty calendar days after the date the
31 minor respondent is placed under the care of the public hospital.

32 b. A copy of the chief medical officer's report shall be sent
33 to the respondent's attorney.

34 c. (1) Upon request, the court may grant the chief medical
35 officer an extension of time may be granted, not to exceed seven

1 days, upon a showing of cause. ~~A copy of the report shall be~~
2 ~~sent to the~~ The respondent's attorney, who may contest the need
3 for an extension of time ~~if one is requested~~. An

4 (2) The court shall grant an extension of time shall be
5 ~~granted upon request~~ unless the request is contested, in which
6 case the court shall make such inquiry as it deems appropriate
7 and may either order the respondent's release from the hospital
8 or facility, or grant an extension of time for psychiatric
9 evaluation.

10 d. If the chief medical officer fails to report to the court
11 within ~~fifteen days after the individual is placed under the care~~
12 ~~of the hospital or facility~~ the time specified in paragraph "a",
13 and an extension of time has not been requested granted, the
14 chief medical officer is guilty of contempt and shall be punished
15 under chapter 665. The court shall order a rehearing on the
16 application to determine whether the respondent should continue
17 to be detained at or placed under the care of the hospital or
18 facility.

19 Sec. 13. Section 229.14, subsection 2, paragraph e, Code
20 2025, is amended to read as follows:

21 e. (1) If the court orders placement and treatment of ~~the a~~
22 respondent on an inpatient basis under this section, the court
23 may order the respondent placed under the care of an appropriate
24 subacute care facility licensed under chapter 135G.

25 (2) If the court orders placement and treatment of a minor
26 respondent on an inpatient basis under this section, the court
27 may order the minor respondent placed under the care of an
28 appropriate public hospital.

29 Sec. 14. Section 232.2, Code 2025, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 3A. "Behavioral health condition" means
32 a serious emotional disturbance, a mental health disorder,
33 a substance abuse disorder, life stressors and crises, and
34 stress-related physical symptoms.

35 NEW SUBSECTION. 3B. "Behavioral health evaluation" means a

1 process used to assess an individual's behavioral health status
2 and functioning for purposes including but not limited to the
3 diagnosis of a behavioral health condition or to determine the
4 need for treatment or intervention.

5 NEW SUBSECTION. 38A. "*Mental health disorder*" means the same
6 as defined in section 135H.1.

7 NEW SUBSECTION. 48A. "*Physical assessment*" means direct
8 physical touching, viewing, and medically necessary manipulation
9 of any area of a child's body by a physician licensed under
10 chapter 148.

11 NEW SUBSECTION. 58A. "*Serious emotional disturbance*" means
12 the same as defined in section 135H.1.

13 NEW SUBSECTION. 64A. "*Substance use disorder*" means the same
14 as defined in section 125.2.

15 Sec. 15. Section 232.2, subsections 34 and 58, Code 2025, are
16 amended to read as follows:

17 34. "*Juvenile court social records*" or "*social records*" means
18 all records, other than official records, made with respect to
19 a child in connection with proceedings over which the court has
20 jurisdiction under this chapter ~~other than official records~~ and
21 includes but is not limited to the records made and compiled
22 by intake officers, predisposition reports, and reports of
23 physical assessments and ~~mental examinations~~ behavioral health
24 evaluations.

25 58. "*Secure facility*" means a physically restricting facility
26 in which ~~children adjudicated to have committed a delinquent act~~
27 a child may be placed pursuant to a dispositional order of the
28 court.

29 Sec. 16. Section 232.8, subsection 4, Code 2025, is amended
30 to read as follows:

31 4. In a proceeding concerning a child who is alleged to have
32 committed a second delinquent act or a second violation excluded
33 from the jurisdiction of the juvenile court, the court or the
34 juvenile court shall determine whether there is reason to believe
35 that the child ~~regularly abuses alcohol or other controlled~~

1 ~~substance~~ has a behavioral health condition and may be in need
2 of treatment. If the court so determines, the court shall advise
3 appropriate juvenile authorities and refer such offenders to the
4 juvenile court for disposition pursuant to section 232.52A.

5 Sec. 17. Section 232.49, Code 2025, is amended to read as
6 follows:

7 **232.49 Physical assessments and ~~mental examinations~~**
8 **behavioral health evaluations — juvenile delinquency.**

9 1. a. Following ~~Any time after~~ the entry of an order of
10 adjudication under section 232.47, the court may, after a hearing
11 ~~which may be simultaneous with the adjudicatory hearing,~~ order
12 a physical assessment or ~~mental examination~~ behavioral health
13 evaluation of a child if ~~it~~ the court finds that ~~an examination~~
14 a physical assessment or a behavioral health evaluation is
15 necessary to determine the child's physical condition or mental
16 to determine if the child has a behavioral health condition.

17 b. The court may consider chemical dependency as either a
18 physical condition or ~~mental~~ behavioral health condition and may
19 consider a chemical dependency evaluation as either a physical
20 assessment or ~~mental examination~~ behavioral health evaluation.
21 ~~If the examination~~

22 c. A hearing to order a physical assessment or behavioral
23 health evaluation may be held at the same time as the
24 adjudicatory hearing.

25 2. Unless otherwise ordered by the court, if a physical
26 assessment or behavioral health evaluation indicates the child
27 has behaved in a manner that threatened the safety of another
28 person, has committed a violent act causing bodily injury to
29 another person, or has been a victim or perpetrator of sexual
30 abuse, ~~unless otherwise ordered by the court,~~ the child's parent,
31 guardian, ~~or~~ foster parent, or other person with custody of the
32 child shall be provided with that information.

33 ~~2.~~ 3. a. When possible an examination, a physical
34 assessment or behavioral health evaluation shall be conducted on
35 an outpatient basis, but. However, if deemed necessary by the

1 court, the court may, if it deems necessary commit order the
2 child to a suitable hospital, facility, or institution for the
3 purpose of examination an inpatient physical assessment or an
4 inpatient behavioral health evaluation.

5 b. Commitment for examination An inpatient physical
6 assessment or an inpatient behavioral health evaluation shall not
7 exceed thirty days and the civil commitment provisions of chapter
8 229 shall not apply.

9 ~~3.~~ 4. a. At any Any time after the filing of a delinquency
10 petition, the court may order a physical assessment or mental
11 examination behavioral health evaluation of the child if all of
12 the following circumstances apply:

13 (1) The court finds ~~such examination~~ a physical assessment or
14 a behavioral health evaluation to be in the best interest of the
15 child; and.

16 (2) The parent, guardian, or custodian and the child's
17 counsel agree to the physical assessment or behavioral health
18 evaluation.

19 ~~b. (1) An examination~~ A physical assessment or behavioral
20 health evaluation shall be conducted on an outpatient basis
21 unless the court, the child's counsel, and the child's parent,
22 guardian, or custodian agree that it is necessary the child
23 should be committed ordered to a suitable hospital, facility,
24 or institution for the purpose of examination an inpatient
25 physical assessment or an inpatient behavioral health evaluation.
26 ~~Commitment for examination~~

27 Sec. 18. Section 232.52A, subsection 1, Code 2025, is amended
28 to read as follows:

29 1. In addition to any other order of the juvenile court,
30 ~~a person under age eighteen, child~~ who may be in need of
31 treatment, as determined under section 232.8, may be ordered to
32 participate in an alcohol or controlled substance education or
33 a physical assessment or behavioral health evaluation program
34 approved by the juvenile court. If recommended after evaluation,
35 ~~the~~ The court may also order the ~~person~~ child to participate

1 in a treatment program approved by the court if the treatment
2 program is recommended after the child's physical assessment
3 or behavioral health evaluation. The juvenile court may
4 also require the custodial parent or parents, or ~~other legal~~
5 guardian, to participate in an educational program with the
6 ~~person under age eighteen~~ child if the court determines that such
7 participation is in the best interests of the ~~person under age~~
8 eighteen child.

9 Sec. 19. Section 232.68, subsection 3, unnumbered paragraph
10 1, Code 2025, is amended to read as follows:

11 "*Confidential access to a child*" means access to a child,
12 ~~during an assessment of an alleged act of child abuse~~, who is
13 alleged to be the victim of ~~the child abuse~~, during a child
14 abuse assessment. The access may be accomplished by interview,
15 observation, or ~~examination~~ physical assessment of the child. As
16 used in this subsection and this part:

17 Sec. 20. Section 232.68, subsection 3, paragraph c, Code
18 2025, is amended by striking the paragraph.

19 Sec. 21. Section 232.69, subsection 3, paragraph b, Code
20 2025, is amended to read as follows:

21 b. A person required to make a report under subsection 1,
22 other than a physician whose professional practice does not
23 regularly involve providing primary health care to children,
24 shall complete the core training curriculum relating to the
25 identification and reporting of child abuse within six months of
26 initial employment or self-employment involving ~~the examination~~
27 physical assessments or behavioral health evaluations, or
28 attending, counseling, or ~~treatment of~~ treating children on a
29 regular basis. Within one month of initial employment or
30 self-employment, the person shall obtain a statement of the
31 abuse reporting requirements from the person's employer or, if
32 self-employed, from the department. The person shall complete
33 the core training curriculum relating to the identification and
34 reporting of child abuse every three years.

35 Sec. 22. Section 232.71B, subsection 10, Code 2025, is

1 amended to read as follows:

2 10. *Physical examination assessment*. If the department
3 refers a child to a physician or physician assistant for a
4 *physical examination assessment*, the department shall contact
5 the physician or physician assistant regarding the *examination*
6 *physical assessment* within twenty-four hours of making the
7 referral. If the physician or physician assistant who performs
8 the ~~examination upon referral by the department~~ *physical*
9 *assessment* reasonably believes the child has been abused, the
10 physician or physician assistant shall report to the department
11 within twenty-four hours of performing the ~~examination~~ *physical*
12 *assessment*.

13 Sec. 23. Section 232.77, subsection 1, Code 2025, is amended
14 to read as follows:

15 1. *a.* A person who is required to report suspected child
16 abuse may take or perform, or may cause to be taken or
17 performed, at public expense, photographs, X rays, ~~or other~~
18 *physical examinations assessments*, or *other tests* of a child
19 which would provide medical indication of allegations arising
20 from an assessment.

21 *b.* A health practitioner may, if medically indicated, cause
22 to be performed a radiological examination, *physical examination*
23 *assessment*, or *other medical tests* test of the child.

24 *c.* A person who takes any photographs or X rays or performs
25 *any physical examinations assessments* or other tests pursuant to
26 this section shall notify the department that the photographs or
27 X rays have been taken or the ~~examinations~~ *physical assessments*
28 or other tests have been performed. ~~The person who made~~
29 ~~notification, and~~ shall retain the photographs, ~~or~~ X rays, or
30 ~~examination~~ *physical assessment* or *other test findings* for a
31 reasonable time following the notification.

32 *d.* Whenever the person is required to report under section
33 232.69, in that person's capacity as a member of the staff of
34 a medical or other private or public institution, agency or
35 facility, that person shall immediately notify the person in

1 charge of the institution, agency, or facility or that person's
2 designated delegate of the need for photographs, ~~or~~ X rays ~~or~~
3 examinations, physical assessments, or other tests.

4 Sec. 24. Section 232.78, subsection 1, paragraph a, Code
5 2025, is amended to read as follows:

6 a. Any of the following circumstances exist:

7 (1) The person responsible for the care of the child consents
8 to the removal.

9 (2) The person responsible for the care of the child is
10 absent, ~~or.~~

11 (3) The person responsible for the care of the child, though
12 present, was asked and refused to consent to the removal of the
13 child and was informed of an intent to apply for an order under
14 this section, ~~or there.~~

15 (4) There is reasonable cause to believe that a request for
16 consent would further endanger the child, ~~or there.~~

17 (5) There is reasonable cause to believe that a request
18 for consent will cause the parent, guardian, ~~or legal custodian~~
19 person responsible for the care of the child to take flight with
20 the child.

21 Sec. 25. Section 232.78, subsection 1, paragraph c,
22 subparagraph (1), Code 2025, is amended to read as follows:

23 (1) The refusal or failure of the person responsible for
24 the care of the child to comply with the request of a peace
25 officer, juvenile court officer, or child protection worker for
26 ~~such~~ the person to obtain and provide to the requester the
27 results of a physical assessment or ~~mental examination~~ behavioral
28 health evaluation of the child. The request for a physical
29 ~~examination~~ assessment of the child may specify the performance
30 of a medically relevant test.

31 Sec. 26. Section 232.78, subsection 5, Code 2025, is amended
32 to read as follows:

33 5. The juvenile court, before or after the filing of a
34 petition under this chapter, may enter an ex parte order
35 authorizing a ~~physician or physician assistant or hospital~~

1 ~~to conduct an inpatient or outpatient physical examination or~~
2 ~~authorizing a physician or physician assistant, a psychologist~~
3 ~~certified under section 154B.7, or a community mental health~~
4 ~~center accredited pursuant to chapter 230A to conduct an~~
5 ~~outpatient mental examination~~ assessment or an inpatient or
6 outpatient behavioral health evaluation of a child if necessary
7 ~~to identify the nature, extent, and cause of injuries to the~~
8 ~~child as required by section 232.71B, provided all of the~~
9 following apply:

10 a. Any of the following circumstances exist:

11 (1) The child's parent, guardian, or custodian consents to
12 the physical assessment or the behavioral health evaluation.

13 (2) The child's parent, guardian, or legal custodian is
14 absent, or.

15 (3) The child's parent, guardian, or custodian, though
16 present, was asked and refused to provide written consent to
17 the examination physical assessment or the behavioral health
18 evaluation.

19 b. The juvenile court has entered an ex parte order directing
20 the removal of the child from the child's home or a child care
21 facility under this section.

22 c. There is not enough time to file a petition and to hold a
23 hearing as provided in section 232.98.

24 Sec. 27. Section 232.79, subsection 5, Code 2025, is amended
25 to read as follows:

26 5. When there has been an emergency removal or keeping of a
27 child without a court order, a physical ~~examination~~ assessment of
28 the child by a licensed medical practitioner shall be performed
29 within twenty-four hours of ~~such~~ the emergency removal or keeping
30 of a child, unless the child is returned to the child's home
31 within twenty-four hours of the emergency removal or keeping of
32 a child.

33 Sec. 28. Section 232.83, subsection 2, Code 2025, is amended
34 to read as follows:

35 2. Anyone authorized to conduct a preliminary investigation

1 in response to a complaint may apply for, or the court on its
2 own motion may enter, an ex parte order authorizing a ~~physician~~
3 ~~or physician assistant or hospital to conduct an inpatient~~
4 ~~or outpatient physical examination or authorizing a physician~~
5 ~~or physician assistant, a psychologist certified under section~~
6 ~~154B.7, or a community mental health center accredited pursuant~~
7 ~~to chapter 230A to conduct an outpatient mental examination~~
8 ~~of a child if necessary to identify the nature, extent, and~~
9 ~~causes of any injuries, emotional damage, or other such needs~~
10 ~~of a child as specified in section 232.96A, subsection 3, 5,~~
11 ~~or 6, assessment or an inpatient or outpatient behavioral health~~
12 ~~evaluation provided that all of the following apply:~~

13 a. Any of the following circumstances exist:

14 (1) The parent, guardian, or custodian consents to the
15 physical assessment or the behavioral health evaluation.

16 (2) The parent, guardian, or legal custodian is absent, or.

17 (3) The parent, guardian, or custodian, though present,
18 was asked and refused to authorize the examination physical
19 assessment or the behavioral health evaluation.

20 b. There is not enough time to file a petition and hold a
21 hearing under this chapter.

22 c. The parent, guardian, or legal custodian has not provided
23 care and treatment related to ~~their~~ the child's alleged
24 victimization.

25 Sec. 29. Section 232.98, Code 2025, is amended to read as
26 follows:

27 **232.98 Physical and mental examinations assessments and**
28 **behavioral health evaluations — child in need of assistance.**

29 1. a. Except as provided in section 232.78, subsection 5,
30 a physical assessment or mental examination behavioral health
31 evaluation of the a child may be ordered only after the filing
32 of a petition pursuant to section 232.87, and after a hearing
33 to determine whether an ~~examination~~ a physical assessment or
34 behavioral health evaluation is necessary to determine the
35 child's physical condition or ~~mental~~ if the child has a

1 behavioral health condition.

2 b. The court may consider chemical dependency as either a
3 physical or ~~mental~~ behavioral health condition and may consider
4 a chemical dependency evaluation as either a physical assessment
5 or ~~mental examination~~ behavioral health evaluation.

6 ~~a.~~ c. The hearing required by this section may be held
7 simultaneously with the adjudicatory hearing.

8 ~~b.~~ d. ~~An examination~~ A physical assessment or a behavioral
9 health evaluation ordered prior to the adjudication shall be
10 conducted on an outpatient basis when possible, ~~but.~~ However,
11 if deemed necessary by the court, the court may ~~commit~~ order the
12 child to a suitable ~~nonsense~~ hospital, facility, or institution
13 for the purpose of ~~examination~~ an inpatient physical assessment
14 or an inpatient behavioral health evaluation for a period not to
15 exceed ~~fifteen~~ thirty days if all of the following are ~~found to~~
16 ~~be present~~ circumstances exist:

17 (1) Probable cause exists to believe that the child is
18 a child in need of assistance pursuant to section 232.96A,
19 subsection 5 or 6.

20 (2) ~~Commitment~~ An inpatient physical assessment or inpatient
21 behavioral health evaluation is necessary to determine whether
22 there is clear and convincing evidence that the child is a child
23 in need of assistance.

24 (3) The child's attorney agrees to ~~the commitment~~ an
25 inpatient physical assessment or inpatient behavioral health
26 evaluation.

27 ~~e.~~ e. ~~An examination~~ A physical assessment or a behavioral
28 health evaluation ordered after the adjudication shall be
29 conducted on an outpatient basis when possible, ~~but.~~ However,
30 if deemed necessary by the court, the court may ~~commit~~ order the
31 child to a suitable ~~nonsense~~ hospital, facility, or institution
32 for the purpose of ~~examination~~ an inpatient physical assessment
33 or an inpatient behavioral health evaluation for a period not to
34 exceed thirty days.

35 ~~d.~~ f. The child's parent, guardian, or custodian shall be

1 included in counseling sessions offered during the child's stay
 2 in a hospital, facility, or institution when feasible, and when
 3 in the best interests of the child and the child's parent,
 4 guardian, or custodian. If separate counseling sessions are
 5 conducted for the child and the child's parent, guardian, or
 6 custodian, a joint counseling session shall be offered prior
 7 to the release of the child from the hospital, facility, or
 8 institution. The court shall require that notice be provided to
 9 the child's guardian ad litem of the counseling sessions, ~~and of~~
 10 the counseling session participants, and ~~results~~ the outcomes of
 11 the counseling sessions.

12 2. Following an adjudication that a child is a child in
 13 need of assistance, the court may, after a hearing, order the
 14 a physical assessment or mental examination behavioral health
 15 evaluation of the child's parent, guardian, or custodian if that
 16 person's ability to care for the child is at issue.

17 Sec. 30. Section 232.102, subsection 5, Code 2025, is amended
 18 to read as follows:

19 5. a. The child shall not be placed in the state training
 20 school.

21 b. (1) Paragraph "a" shall not preclude the department's
 22 use of the facilities of the state training school for the
 23 purposes of conducting a physical assessment, a behavioral health
 24 evaluation, or both, as described in section 232.98, of a male
 25 child for a period not to exceed thirty days. Such use of
 26 the facilities of the state training school shall be subject
 27 to the director's authorization and approval for any request to
 28 obtain a court order for these purposes. Following review of the
 29 authorized and approved departmental request, the court may order
 30 such use of the facilities of the state training school.

31 (2) A male child temporarily located at the state training
 32 school pursuant to subparagraph (1) shall at all times
 33 be separated from children adjudicated to have committed a
 34 delinquent act who are placed at the state training school.

35 (3) The department shall adopt rules pursuant to chapter 17A

1 to administer this paragraph.

2 Sec. 31. Section 232.127, subsection 7, Code 2025, is amended
3 to read as follows:

4 7. a. The court may not order the child placed on probation,
5 in a foster home or in a nonsecure facility unless the child
6 requests and agrees to such supervision or placement. ~~In no~~
7 ~~event shall the~~

8 b. The court shall not order the child placed in a secure
9 facility or in the state training school ~~or other secure~~
10 facility.

11 c. (1) Paragraph "b" shall not preclude the department's
12 use of the facilities of the state training school for the
13 purposes of conducting a physical assessment, a behavioral health
14 evaluation, or both, as described in section 232.98, of a male
15 child for a period not to exceed thirty days. Such use of
16 the facilities of the state training school shall be subject
17 to the director's authorization and approval for any request to
18 obtain a court order for these purposes. Following review of the
19 authorized and approved departmental request, the court may order
20 such use of the facilities of the state training school.

21 (2) A male child temporarily located at the state training
22 school pursuant to subparagraph (1) shall at all times
23 be separated from children adjudicated to have committed a
24 delinquent act who are placed at the state training school.

25 (3) The department shall adopt rules pursuant to chapter 17A
26 to administer this paragraph.

27 Sec. 32. Section 232.141, subsection 1, Code 2025, is amended
28 to read as follows:

29 1. Except as otherwise provided by law, the court shall
30 inquire into the ability of the child or the child's parent
31 to pay expenses incurred pursuant to subsections 2, 4, and
32 8. After giving the parent a reasonable opportunity to be
33 heard, the court may order the parent to pay all or part of
34 the costs of the child's care, examination physical assessment,
35 behavioral health evaluation, treatment, legal expenses, or other

1 expenses. An order entered under this section does not obligate
 2 a parent paying child support under a custody decree, except
 3 that part of the monthly support payment may be used to satisfy
 4 the obligations imposed by the order entered pursuant to this
 5 section. If a parent fails to pay as ordered, without good
 6 reason, the court may proceed against the parent for contempt
 7 and may inform the county attorney who shall proceed against the
 8 parent to collect the unpaid amount. Any payment ordered by the
 9 court shall be a judgment against each of the child's parents and
 10 a lien as provided in section 624.23. If all or part of the
 11 amount that the parents are ordered to pay is subsequently paid
 12 by the county or state, the judgment and lien shall thereafter be
 13 against each of the parents in favor of the county to the extent
 14 of the county's payments and in favor of the state to the extent
 15 of the state's payments.

16 Sec. 33. Section 232.141, subsection 4, paragraph b, Code
 17 2025, is amended to read as follows:

18 b. Expenses for ~~mental or physical examinations~~ assessments
 19 or behavioral health evaluations of a child if ordered by the
 20 court.

21 Sec. 34. Section 232.141, subsection 6, Code 2025, is amended
 22 to read as follows:

23 6. ~~If a child is given~~ A physical or mental examinations
 24 assessment, behavioral health evaluation, or any treatment
 25 relating to an assessment performed pursuant to section 232.71B,
 26 shall be paid by the state if physical assessment, behavioral
 27 health evaluation, or other treatment was performed with the
 28 consent of the child's parent, guardian, or ~~legal~~ custodian and
 29 no other provision of law ~~otherwise~~ requires payment for the
 30 ~~costs of the examination and treatment, the costs shall be paid~~
 31 ~~by the state. Reimbursement for~~ The department shall reimburse
 32 ~~costs of services described in~~ under this subsection ~~is subject~~
 33 ~~to~~ in accordance with subsection 5.

34 Sec. 35. Section 237.1, Code 2025, is amended by adding the
 35 following new subsection:

1 NEW SUBSECTION. 8A. "Protective locked environment" means a
2 setting that prevents egress from a building or grounds as a
3 protective measure to ensure safety and security.

4 Sec. 36. Section 237.3, Code 2025, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 13. The department shall adopt rules
7 pursuant to chapter 17A relating to the application of a
8 protective locked environment to child foster care licensees.

9 Sec. 37. Section 237.4, Code 2025, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 9. A psychiatric medical institution for
12 children licensed under chapter 135H.

13 Sec. 38. Section 237C.1, Code 2025, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 5. "Protective locked environment" means a
16 setting that prevents egress from a building or grounds as a
17 protective measure to ensure safety and security.

18 Sec. 39. Section 237C.4, Code 2025, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 6A. Rules governing the application of
21 a protective locked environment to a children's residential
22 facility shall be adopted by the department.

23 Sec. 40. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
24 DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING —
25 ADMINISTRATIVE RULES.

26 1. The department of health and human services and the
27 department of inspections, appeals, and licensing shall each
28 adopt rules pursuant to chapter 17A to administer this division
29 of this Act. The departments shall coordinate in developing
30 their respective rules to provide continuity for, and maximize
31 utilization of the array of behavioral health services available
32 by, affected individuals.

33 2. a. The department of health and human services and the
34 department of inspections, appeals, and licensing shall review
35 applicable existing rules and shall each adopt rules pursuant to

1 chapter 17A to provide for the following relative to facilities
2 licensed or certified under chapters 135H, 237, and 237C:

3 (1) Consistency to the greatest extent possible regarding the
4 use of restraints and seclusion across these facilities.

5 (2) Adaptation in application of licensing and certification
6 requirements to provide for the unmet residential care needs of
7 affected individuals.

8 b. In reviewing and adopting the rules, the departments
9 shall consider the nature of the services and programming
10 provided by the specific type of facility and applicable
11 federal requirements, including those for psychiatric residential
12 treatment facilities as described in 42 C.F.R. §483.352.

13 3. The department of health and human services shall adopt
14 rules pursuant to chapter 17A relating to the application of
15 a protective locked environment to detention and shelter care
16 as defined in section 232.2. For purposes of this subsection,
17 "protective locked environment" means a setting that prevents
18 egress from a building or grounds as a protective measure to
19 ensure safety and security.

20 Sec. 41. REPEAL. 2024 Iowa Acts, chapter 1161, sections 97
21 and 98, are repealed.

22 DIVISION II

23 HOME AND COMMUNITY-BASED SERVICES — HABILITATION SERVICES
24 PROVIDED BY A RESIDENTIAL PROGRAM — EXCLUSION FROM CHILDREN'S
25 RESIDENTIAL FACILITY DEFINITION

26 Sec. 42. Section 237C.1, subsection 2, Code 2025, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. j. Care furnished to persons sixteen years of
29 age and older by a residential program to which the department
30 applies accreditation, certification, or standards of review
31 under the provisions of a federally approved medical assistance
32 home and community-based services waiver, or other provision of
33 the medical assistance program.

34 DIVISION III

35 DIRECTOR OF JUVENILE COURT SERVICES — CHIEF JUVENILE COURT

1 OFFICERS

2 Sec. 43. Section 602.1101, Code 2025, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 5A. "*Director of juvenile court services*"
5 means the same as defined in the Iowa court rules of juvenile
6 court services directed programs and includes the deputy director
7 of juvenile court services.

8 Sec. 44. Section 602.1217, Code 2025, is amended to read as
9 follows:

10 **602.1217 Chief juvenile court officer.**

11 1. ~~The chief judge of~~ director of juvenile court services
12 shall appoint a chief juvenile court officer for each judicial
13 district, after consultation with the judges of the judicial
14 ~~district, shall appoint a chief juvenile court officer~~ and may
15 remove ~~the~~ a chief juvenile court officer for cause.

16 2. The chief juvenile court officer is subject to the
17 immediate supervision and direction of the ~~chief judge of the~~
18 ~~judicial district~~ director of juvenile court services.

19 3. The chief juvenile court officer, in addition to
20 performing the duties of a juvenile court officer, shall
21 supervise juvenile court officers and administer juvenile court
22 services within the judicial district in a uniform manner, under
23 the supervision and direction of the director of juvenile court
24 services, in accordance with law and with the rules, directives,
25 and procedures of the judicial branch and the judicial district.

26 4. The chief juvenile court officer shall assist the state
27 court administrator and the ~~district court administrator~~ director
28 of juvenile court services in implementing the rules, directives,
29 and procedures of the judicial branch and the judicial district.

30 5. A chief juvenile court officer shall have other duties as
31 prescribed by the supreme court or by the ~~chief judge of the~~
32 ~~judicial district~~ director of juvenile court services.

33 Sec. 45. Section 602.7201, subsections 2 and 3, Code 2025,
34 are amended to read as follows:

35 2. The juvenile court officers and other personnel employed

1 in juvenile court service offices are subject to the supervision
2 of the chief juvenile court officer. The chief juvenile court
3 officer is subject to the supervision and direction of the
4 director of juvenile court services.

5 3. The chief juvenile court officer may employ, shall
6 supervise, and may remove for cause with due process secretarial,
7 clerical, and other staff within juvenile court service offices
8 as authorized by the ~~chief judge~~ director of juvenile court
9 services.

10 Sec. 46. Section 602.7202, subsections 1 and 3, Code 2025,
11 are amended to read as follows:

12 1. Subject to the approval of the ~~chief judge of the judicial~~
13 ~~district~~ director of juvenile court services, the chief juvenile
14 court officer shall appoint juvenile court officers to serve the
15 juvenile court. Juvenile court officers may be required to serve
16 in two or more counties within the judicial district.

17 3. Juvenile court officers shall have the duties prescribed
18 in chapter 232, subject to the direction of the ~~judges of the~~
19 ~~juvenile court~~ director of juvenile court services. A judge
20 of the juvenile court shall not attempt to direct or influence
21 a juvenile court officer in the performance of the officer's
22 duties.

23 DIVISION IV

24 HAWKI ELIGIBILITY — PUBLIC INSTITUTION INMATES

25 Sec. 47. Section 514I.8, subsection 2, paragraph g, Code
26 2025, is amended to read as follows:

27 g. Is not an ~~inmate of a public institution or a patient in~~
28 an institution for mental diseases.

29 Sec. 48. NEW SECTION. 514I.8B Inmates of public
30 institutions — suspension of medical assistance.

31 1. Following the first thirty days of commitment, the
32 department shall suspend, but not terminate, the eligibility of
33 an eligible child who is an inmate of a public institution as
34 defined in 42 C.F.R. §435.1010, who is enrolled in the medical
35 assistance program under this chapter at the time of commitment

1 to the public institution, and who remains eligible for medical
2 assistance under this chapter except for the eligible child's
3 institutional status, during the entire period of the eligible
4 child's commitment to the public institution.

5 2. To the extent applicable, the public institution and the
6 department shall comply with the reporting requirements and the
7 expediting of the restoration of an eligible child's medical
8 assistance benefits under this chapter upon the eligible child's
9 discharge, consistent with section 249A.38.

10 3. The department shall adopt rules pursuant to chapter 17A
11 to administer this section.

12 DIVISION V

13 CORRECTIVE CHANGES

14 Sec. 49. Section 125.13, subsection 2, paragraphs a, i, and
15 j, Code 2025, are amended to read as follows:

16 a. A hospital providing care or treatment to persons with
17 a substance use disorder licensed under chapter 135B which
18 is accredited by the joint commission ~~on the accreditation of~~
19 ~~health care organizations~~, the commission on accreditation of
20 rehabilitation facilities, the American osteopathic association,
21 or another recognized organization approved by the department.
22 All survey reports from the accrediting or licensing body must be
23 sent to the department.

24 i. A substance use disorder treatment program not funded by
25 the department which is accredited or licensed by the joint
26 commission ~~on the accreditation of health care organizations~~,
27 the commission on the accreditation of rehabilitation facilities,
28 the American osteopathic association, or another recognized
29 organization approved by the department. All survey reports from
30 the accrediting or licensing body must be sent to the department.

31 j. A hospital substance use disorder treatment program that
32 is accredited or licensed by the joint commission ~~on the~~
33 ~~accreditation of health care organizations~~, the commission on
34 the accreditation of rehabilitation facilities, the American
35 osteopathic association, or another recognized organization

1 approved by the department. All survey reports for the hospital
2 substance use disorder treatment program from the accrediting or
3 licensing body shall be sent to the department.

4 Sec. 50. Section 125.43A, Code 2025, is amended to read as
5 follows:

6 **125.43A Prescreening — exception.**

7 Except in cases of medical emergency or court-ordered
8 admissions, a person shall be admitted to a state mental health
9 institute for treatment of a substance use disorder only after
10 a preliminary intake and assessment by a department-licensed
11 treatment facility or a hospital providing care or treatment for
12 persons with a substance use disorder licensed under chapter 135B
13 and accredited by the joint commission ~~on the accreditation of~~
14 ~~health care organizations~~, the commission on accreditation of
15 rehabilitation facilities, the American osteopathic association,
16 or another recognized organization approved by the department,
17 or by a designee of a department-licensed treatment facility or
18 a hospital other than a state mental health institute, which
19 confirms that the admission is appropriate to the person's
20 substance use disorder service needs. A county board of
21 supervisors may seek an admission of a patient to a state mental
22 health institute who has not been confirmed for appropriate
23 admission and the county shall be responsible for one hundred
24 percent of the cost of treatment and services of the patient.

25 Sec. 51. Section 135B.12, Code 2025, is amended to read as
26 follows:

27 **135B.12 Confidentiality.**

28 The department's final findings or the final survey findings
29 of the joint commission ~~on the accreditation of health care~~
30 ~~organizations~~ or the American osteopathic association with
31 respect to compliance by a hospital or rural emergency hospital
32 with requirements for licensing or accreditation shall be made
33 available to the public in a readily available form and place.
34 Other information relating to a hospital or rural emergency
35 hospital obtained by the department which does not constitute the

1 department's findings from an inspection of the hospital or rural
2 emergency hospital or the final survey findings of the joint
3 ~~commission on the accreditation of health care organizations~~ or
4 the American osteopathic association shall not be made available
5 to the public, except in proceedings involving the denial,
6 suspension, or revocation of a license under this chapter. The
7 name of a person who files a complaint with the department
8 shall remain confidential and shall not be subject to discovery,
9 subpoena, or other means of legal compulsion for its release to a
10 person other than department employees or agents involved in the
11 investigation of the complaint.

12 Sec. 52. Section 135B.20, subsection 4, Code 2025, is amended
13 to read as follows:

14 4. "*Joint conference committee*" shall mean the joint
15 conference committee as required by the joint commission ~~on~~
16 ~~accreditation of health care organizations~~ or, in a hospital
17 having no such committee, a similar committee, an equal number of
18 which shall be members of the medical staff selected by the staff
19 and an equal number of which shall be selected by the governing
20 board of the hospital.

21 Sec. 53. Section 135C.2, subsection 7, Code 2025, is amended
22 to read as follows:

23 7. The rules adopted by the department regarding nursing
24 facilities shall provide that a nursing facility may choose to be
25 inspected either by the department or by the joint commission ~~on~~
26 ~~accreditation of health care organizations~~. The rules regarding
27 acceptance of inspection by the joint commission ~~on accreditation~~
28 ~~of health care organizations~~ shall include recognition, in lieu
29 of inspection by the department, of comparable inspections and
30 inspection findings of the joint commission ~~on accreditation of~~
31 ~~health care organizations~~, if the department is provided with
32 copies of all requested materials relating to the inspection
33 process.

34 Sec. 54. Section 135C.6, subsection 10, Code 2025, is amended
35 to read as follows:

1 10. Notwithstanding section 135C.9, nursing facilities which
2 are accredited by the joint commission ~~on accreditation of~~
3 ~~health care organizations~~ shall be licensed without inspection
4 by the department, if the nursing facility has chosen to be
5 inspected by the joint commission ~~on accreditation of health care~~
6 ~~organizations~~ in lieu of inspection by the department.

7 Sec. 55. Section 135J.2, subsection 2, Code 2025, is amended
8 to read as follows:

9 2. The hospice program shall meet the criteria pursuant to
10 section 135J.3 before a license is issued. The department is
11 responsible to provide the necessary personnel to inspect the
12 hospice program, the home care and inpatient care provided and
13 the hospital or facility used by the hospice to determine if
14 the hospice complies with necessary standards before a license
15 is issued. Hospices that are certified as Medicare hospice
16 providers by the department, or are accredited as hospices
17 by the joint commission ~~on the accreditation of health care~~
18 ~~organizations~~, shall be licensed without inspection by the
19 department.

20 Sec. 56. Section 144F.5, subsection 1, Code 2025, is amended
21 to read as follows:

22 1. The standards for accreditation adopted by the joint
23 commission ~~on the accreditation of health care organizations~~
24 or any other nationally recognized hospital accreditation
25 organization.

26 Sec. 57. Section 155A.13, subsection 4, paragraph a,
27 subparagraph (4), Code 2025, is amended to read as follows:

28 (4) Give recognition to the standards of the joint commission
29 ~~on the accreditation of health care organizations~~ and the
30 American osteopathic association, and to the conditions of
31 participation under Medicare.

32 Sec. 58. Section 232.2, subsection 4, paragraph i, Code 2025,
33 is amended to read as follows:

34 i. If reasonable efforts to place a child for adoption or
35 with a guardian are made concurrently with reasonable efforts as

1 defined in section ~~232.102~~ 232.102A, the concurrent goals and
2 timelines may be identified. Concurrent case permanency plan
3 goals for reunification, and for adoption or for other permanent
4 out-of-home placement of a child shall not be considered
5 inconsistent in that the goals reflect divergent possible
6 outcomes for a child in an out-of-home placement.

7 Sec. 59. Section 232.36, subsection 3, paragraph b,
8 subparagraph (3), Code 2025, is amended to read as follows:

9 (3) ~~Legal custodian~~ Custodian of the child.

10 Sec. 60. Section 232.37, subsection 2, Code 2025, is amended
11 to read as follows:

12 2. Notice of the pendency of the case shall be served upon
13 the known parents, guardians, or ~~legal~~ custodians of a child
14 if these persons are not summoned to appear as provided in
15 subsection 1. Notice shall also be served upon the child and
16 upon the child's guardian ad litem, if any. The notice shall
17 attach a copy of the petition and shall give notification of the
18 right to counsel provided for in section 232.11.

19 Sec. 61. Section 232.101A, subsection 1, paragraph c, Code
20 2025, is amended to read as follows:

21 c. The parent of the child does not appear at the
22 dispositional hearing, or the parent appears at the dispositional
23 hearing, does not object to the transfer of guardianship, and
24 agrees to waive the requirement for making reasonable efforts as
25 defined in section ~~232.102~~ 232.102A.

26 Sec. 62. Section 232.102A, subsection 3, Code 2025, is
27 amended to read as follows:

28 3. The performance of reasonable efforts to place a child for
29 adoption or with a guardian may be made concurrently with making
30 reasonable efforts ~~as defined in this section~~.

31 Sec. 63. Section 232B.5, subsection 19, unnumbered paragraph
32 1, Code 2025, is amended to read as follows:

33 A party seeking an involuntary foster care placement of or
34 termination of parental rights over an Indian child shall provide
35 evidence to the court that active efforts have been made to

1 provide remedial services and rehabilitative programs designed
2 to prevent the breakup of the Indian family and that these
3 efforts have proved unsuccessful. The court shall not order the
4 placement or termination, unless the evidence of active efforts
5 shows there has been a vigorous and concerted level of casework
6 beyond the level that typically constitutes reasonable efforts
7 as defined in sections 232.57 and ~~232.102~~ 232.102A. Reasonable
8 efforts shall not be construed to be active efforts. The active
9 efforts must be made in a manner that takes into account the
10 prevailing social and cultural values, conditions, and way of
11 life of the Indian child's tribe. Active efforts shall utilize
12 the available resources of the Indian child's extended family,
13 tribe, tribal and other Indian social service agencies, and
14 individual Indian caregivers. Active efforts shall include but
15 are not limited to all of the following:

16 Sec. 64. Section 233.2, subsection 5, Code 2025, is amended
17 to read as follows:

18 5. Reasonable efforts, as defined in section ~~232.102~~
19 232.102A, that are made in regard to the newborn infant shall
20 be limited to the efforts made in a timely manner to finalize a
21 permanency plan for the newborn infant.

22 Sec. 65. Section 237.3, subsection 7, Code 2025, is amended
23 to read as follows:

24 7. If an agency is accredited by the joint commission ~~on~~
25 ~~the accreditation of health care organizations~~ under the joint
26 commission's consolidated standards for residential settings
27 or by the council on accreditation ~~of services for families~~
28 ~~and children~~, the department shall modify facility licensure
29 standards applied to the agency in order to avoid duplicating
30 standards applied through accreditation.

31 EXPLANATION

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

34 This bill relates to services and support for youth and is
35 organized by divisions.

1 DIVISION I — TREATMENT, PHYSICAL ASSESSMENTS, AND BEHAVIORAL
2 HEALTH EVALUATIONS. Under current law, a psychiatric medical
3 institution for children (PMIC) is an institution providing more
4 than 24 hours of continuous care involving long-term psychiatric
5 services to 3 or more children in residence for expected periods
6 of 14 days or more for diagnosis and evaluation, or for expected
7 periods of 90 days or more for treatment.

8 The bill exempts PMICs from licensing requirements for
9 maintaining or conducting programs with the primary purpose
10 of treating and rehabilitating persons with a substance use
11 disorder.

12 The bill defines "approved qualifying organization" as the
13 joint commission, the commission on the accreditation of
14 rehabilitation facilities, the council on accreditation, or a
15 nationally recognized accrediting organization with standards
16 comparable to the joint commission and commission on the
17 accreditation of rehabilitation facilities that are acceptable
18 under federal regulations.

19 The bill defines "mental health disorder" as a mental disorder
20 as defined in the most recent version of the diagnostic and
21 statistical manual of mental disorders published by the American
22 psychiatric association, or a mental disorder as defined in
23 the most recent version of the international classification of
24 diseases published by the world health organization.

25 The bill defines "protective locked environment" as a setting
26 that prevents egress from a building or grounds as a protective
27 measure to ensure safety and security.

28 The bill defines "record check evaluation system" as the
29 record check evaluation system of HHS used to perform child and
30 dependent adult abuse record checks and to evaluate criminal
31 history and abuse records.

32 The bill defines "serious emotional disturbance" as a
33 diagnosable disorder of sufficient duration to meet diagnostic
34 criteria specified within the most current diagnostic and
35 statistical manual of mental disorders published by the American

1 psychiatric association that results in a functional impairment.
2 "Serious emotional disturbance" does not include a substance use
3 disorder or developmental disorder unless such disorder co-occurs
4 with such diagnosable mental, behavioral, or emotional disorder.

5 The bill defines "substance use disorder" as a diagnosable
6 substance use disorder of sufficient duration to meet diagnostic
7 criteria specified within the most current diagnostic and
8 statistical manual of mental disorders published by the American
9 psychiatric association that results in a functional impairment.

10 The bill defines "youth" as a person who is less than 21 years
11 of age.

12 The bill describes the nature of care a PMIC must offer
13 youth with a serious emotional disturbance (SED), a substance use
14 disorder (SUD), or both.

15 Under current law, a person who establishes a PMIC must
16 also hold a license under Code chapter 237 (child foster
17 care facilities) as a comprehensive residential facility for
18 children, or hold a license under Code chapter 125 (substance
19 use disorders) if the facility provides SUD treatment. The
20 bill eliminates the requirement that a PMIC holds either of
21 these additional licenses, and instead requires that an applicant
22 for a PMIC license specify whether the applicant will provide
23 SED services, SUD services, or both. A PMIC may only provide
24 services for which it is licensed.

25 The bill eliminates the requirement that a proposed PMIC
26 be under the direction of an agency which has previously
27 operated a facility for children or adolescents and meets or
28 exceeds requirements for licensure as a comprehensive residential
29 facility for children.

30 The bill requires the department of inspections, appeals
31 and licensing (DIAL), in cooperation with the department of
32 health and human services (HHS), to adopt rules relating to the
33 application of a protective locked environment in a PMIC.

34 Under current law, following the hospitalization hearing on
35 an involuntary commitment petition, if the court finds by clear

1 and convincing evidence that the respondent has a serious mental
2 impairment, the court shall order the respondent committed for
3 a complete psychiatric evaluation and appropriate treatment.
4 The chief medical officer (CMO) of the hospital or facility at
5 which a respondent is committed must report to the court no more
6 than 15 days after the date the respondent is placed, making a
7 recommendation for disposition of the matter. The bill allows
8 a court to place a minor respondent in a public hospital and
9 allows a CMO of the hospital no more than 30 days after the
10 date the minor respondent is placed to make a recommendation for
11 disposition of the matter.

12 The bill defines "behavioral health evaluation" as a
13 comprehensive evaluation of a person's mental and behavioral
14 health by a person licensed under Code chapter 154B (psychology),
15 154C (social work), or 154D (behavioral science) for purposes
16 including but not limited to identifying a possible behavioral
17 health condition.

18 The bill defines "physical assessment" as direct physical
19 touching, viewing, and medically necessary manipulation of any
20 area of a child's body by a licensed physician.

21 The bill replaces several references to a physical or mental
22 examination with references to a physical assessment (PA) or
23 behavioral health evaluation (BHE) and replaces references to a
24 person's abuse of alcohol or other controlled substances with
25 references to the person having a behavioral health condition.

26 Under current law, one of several specific circumstances must
27 exist before a juvenile court has the authority to enter an
28 ex parte order to direct a peace officer or a juvenile court
29 officer to take custody of a child before or after the filing
30 of a petition under Code chapter 232 (juvenile justice). The
31 bill adds the circumstance when the child's parent, guardian, or
32 legal custodian consents to the removal as a condition that would
33 permit a juvenile court to enter such an ex parte order. The
34 bill creates similar provisions for when a juvenile court may
35 enter an ex parte order for a child to undergo an inpatient PA

1 or an inpatient BHE and when a person authorized to conduct a
2 preliminary investigation in response to a complaint may motion
3 to ask the court to order a child to undergo an inpatient PA or
4 an inpatient BHE.

5 The bill authorizes a court, after a dispositional hearing,
6 to order a male child in a child in need of assistance (CINA)
7 proceeding or a family in need of assistance (FINA) proceeding
8 to receive an inpatient PA, an inpatient BHE, or both, at the
9 state training school (STS). A request for the use of the STS
10 for purposes of a PA or BHE must be approved by the director of
11 HHS. A child ordered to the STS pursuant to a CINA proceeding
12 or a FINA proceeding must be separated at all times from children
13 placed in the STS pursuant to a juvenile delinquency proceeding.
14 Under current law, the court in a CINA or FINA proceeding is
15 prohibited from placing a child in the STS for any reason.

16 The bill exempts a PMIC from licensing requirements for child
17 foster care.

18 The bill defines "protective locked environment" as a setting
19 that prevents egress from a building or grounds as a protective
20 measure to ensure safety and security. The bill directs HHS and
21 DIAL to adopt rules relating to the application of a protective
22 locked environment to child foster care licensees.

23 The bill directs HHS and DIAL to coordinate in developing
24 rules related to this division of the bill. The bill outlines
25 goals and considerations each department must take into account
26 while adopting such rules.

27 The bill makes conforming changes to Code chapters 135H
28 (psychiatric medical institutions for children) and 232 (juvenile
29 justice). The bill repeals 2024 Iowa Acts, chapter 1161,
30 sections 97 and 98.

31 DIVISION II — HOME AND COMMUNITY-BASED SERVICES —
32 HABILITATION SERVICES PROVIDED BY A RESIDENTIAL PROGRAM —
33 EXCLUSION FROM CHILDREN'S RESIDENTIAL FACILITY DEFINITION. The
34 bill excludes care furnished to persons 16 years of age or older
35 by certain residential programs detailed in the bill from the

1 definition of a children's residential facility.

2 DIVISION III — DIRECTOR OF JUVENILE COURT SERVICES — CHIEF
3 JUVENILE COURT OFFICERS. Under current law, the chief juvenile
4 court officers are appointed, terminated for cause, and otherwise
5 act under the direction and supervision of the chief judge for
6 the judicial district in which the chief juvenile court officer
7 was appointed. The bill transfers the chief judges' authority
8 over chief juvenile court officers to the director of juvenile
9 court services.

10 DIVISION IV — HAWKI ELIGIBILITY — PUBLIC INSTITUTION
11 INMATES. The bill defines "public institution" to mean the same
12 as defined in 42 C.F.R. §435.1010.

13 Current law does not permit a child who is an inmate in a
14 public institution to be eligible for the Hawki program. The
15 bill requires HHS to suspend, but not terminate, Hawki program
16 eligibility for a child in a public institution if the child is
17 otherwise eligible for the Hawki program except for the child's
18 status as an inmate, the child was enrolled in the Hawki program
19 at the time the child was committed to the public institution,
20 and 30 calendar days have elapsed since the date the child was
21 committed to the public institution. A child's suspension of
22 Hawki benefits must continue for the duration of the child's
23 commitment to a public institution.

24 The bill requires the public institution to which a child
25 is committed and HHS to provide monthly reports and expedite
26 the restoration of the child's Hawki benefits upon the child's
27 discharge from the public institution. The bill requires HHS to
28 adopt rules to administer the bill's provisions related to Hawki
29 benefits for children committed to a public institution.

30 DIVISION V — CORRECTIVE CHANGES. The bill updates references
31 to certain accrediting organizations through the Code, corrects
32 a reference throughout the Code related to the citation for the
33 definition of "reasonable efforts", and changes the term "legal
34 custodian" to the defined term "custodian".