

House Study Bill 153 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HEALTH AND HUMAN SERVICES
BILL)

A BILL FOR

1 An Act relating to services and support for youth, including
2 treatment, physical assessments, and behavioral health
3 evaluations; exemptions from children's residential facility
4 certification; the director of juvenile court services and
5 chief juvenile court officers; and suspension of Hawki
6 eligibility for public institution inmates.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I
2 TREATMENT, PHYSICAL ASSESSMENTS, AND BEHAVIORAL HEALTH
3 EVALUATIONS

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

6 NEW PARAGRAPH. k. A licensee under chapter 135H.

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

9 **135H.1 Definitions.**

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

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

14 a. The joint commission.

15 b. The commission on accreditation of rehabilitation
16 facilities.

17 c. The council on accreditation.

18 d. A nationally recognized accrediting organization that
19 operates in conformance with federal regulations and has
20 accreditation standards comparable to the entities under
21 paragraphs "a" through "c".

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

24 ~~1.~~ 2. "Department" means the department of inspections,
25 appeals, and licensing.

26 ~~2.~~ 3. "Direction" means authoritative policy or procedural
27 guidance for the accomplishment of a function or an activity.

28 ~~3.~~ 4. "Licensee" means the holder of a license issued to
29 operate a psychiatric medical institution for children.

30 ~~4.~~ 5. "Medical care plan" means a plan of care and services
31 designed to eliminate the need for inpatient care by improving
32 the condition of a child youth. Services must be based upon a
33 diagnostic evaluation, which includes an examination a physical
34 assessment and behavioral health evaluation of the medical,
35 psychological, social, behavioral, and developmental aspects of

1 the ~~child's~~ youth's situation, reflecting the need for inpatient
2 care.

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

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

7 b. A mental disorder as defined 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 diagnosis and
34 evaluation or for expected periods of ninety days or more for
35 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 disorder" means a
13 diagnosable mental, behavioral, or emotional disorder of
14 sufficient duration to result in a functional impairment, and
15 that meets the diagnostic criteria in the most current diagnostic
16 and statistical manual of mental disorders published by the
17 American psychiatric association. "Serious emotional disturbance
18 disorder" does not include a substance use or developmental
19 disorder unless such disorder co-occurs with a diagnosable
20 disorder that would otherwise constitute a serious emotional
21 disturbance disorder.

22 17. "Substance use disorder" means the same as defined in
23 section 125.2.

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

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

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

31 **135H.3 Nature of care.**

32 1. a. A psychiatric medical institution for children shall
33 provide shelter, food, supervision, care, evaluation, diagnosis,
34 treatment, counseling, rehabilitative services, and related
35 professional-directed services to youth who have a serious

1 emotional disturbance disorder, a substance use disorder, or
2 both, with the intention of reducing or ameliorating the
3 disorder, the symptoms of the disorder, or the effects of the
4 disorder.

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

15 2. If a ~~child~~ youth is diagnosed with a biologically
16 based mental illness as defined in section 514C.22 and meets
17 the medical assistance program criteria for admission to a
18 psychiatric medical institution for children, the ~~child~~ youth
19 shall be deemed to meet the acuity criteria for medically
20 necessary inpatient benefits under a group policy, contract, or
21 plan providing for third-party payment or prepayment of health,
22 medical, and surgical coverage benefits issued by a carrier, as
23 defined in section 513B.2, that is subject to section 514C.22.
24 Such medically necessary benefits shall not be excluded or denied
25 as care that is substantially custodial in nature under section
26 514C.22, subsection 8, paragraph "b".

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

29 **135H.4 Licensure — scope of license.**

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

1 ~~provides substance use disorder treatment.~~

2 2. A licensee shall only provide serious emotional
3 disturbance disorder or substance use disorder services for which
4 the licensee is licensed under this chapter.

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

7 **135H.5 Application for license — initial application and**
8 **annual fees.**

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

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

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

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

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

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

1 c. The applicant complies with applicable state rules and
2 standards for a psychiatric institution adopted by the department
3 in accordance with federal requirements under 42 C.F.R. §441.150
4 - 441.156.

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

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

34 ~~f. e.~~ If a child youth has an a serious emotional,
35 behavioral, or mental health disturbance disorder, the

1 psychiatric medical institution for children does not require
2 ~~court~~ any of the following as a condition to obtain treatment for
3 the youth from the psychiatric institution:

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

5 (2) For the youth's parent, guardian, or custodian must to
6 terminate parental rights over, or transfer legal custody of, the
7 child for the purpose of obtaining treatment from the psychiatric
8 institution for the child youth. ~~Relinquishment of a child's~~
9 ~~custody shall not be a condition of the child receiving services.~~

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

22 5. ~~A psychiatric institution licensed prior to July 1, 1999,~~
23 ~~may exceed the number of beds authorized under subsection 2~~
24 ~~if the excess beds are used to provide services funded from a~~
25 ~~source other than the medical assistance program under chapter~~
26 ~~249A. Notwithstanding subsection 1, paragraph "d", and subsection~~
27 ~~2, the provision of services using those excess beds does not~~
28 ~~require a review by the department of health and human services.~~

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

31 a. If a person who has been convicted of a crime or has a
32 record of founded child abuse is being considered for licensure
33 under this chapter, ~~or~~ for employment with a psychiatric
34 institution involving direct responsibility for a child youth
35 or with access to a child youth when the child youth is alone,

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

15 Sec. 8. NEW SECTION. 135H.7A Protective locked environment
16 — rules.

17 The department, in cooperation with the department of health
18 and human services, shall adopt rules pursuant to chapter 17A
19 to allow licensees to use a protective locked environment at the
20 licensees' facilities.

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

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

35 Sec. 10. Section 135H.13, subsection 1, Code 2025, is amended

1 to read as follows:

2 1. The department's final findings and the survey findings
3 of ~~the joint commission on the accreditation of health care~~
4 ~~organizations~~ an approved qualifying organization regarding
5 licensure or program accreditation shall be made available to the
6 public in a readily available form and place. Other information
7 relating to the psychiatric institution is confidential and
8 shall not be made available to the public except in ~~proceedings~~
9 a proceeding involving licensure, a civil suit involving a
10 resident, or an administrative action involving a resident.

11 Sec. 11. Section 229.13, subsection 1, paragraph c, Code
12 2025, is amended to read as follows:

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

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

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

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

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

35 b. A copy of the chief medical officer's report shall be sent

1 to the respondent's attorney.

2 c. (1) Upon request, the court may grant the chief medical
3 officer an extension of time may be granted, not to exceed seven
4 days, upon a showing of cause. A copy of the report shall be
5 sent to the The respondent's attorney, who may contest the need
6 for an extension of time if one is requested. An

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

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

22 Sec. 13. Section 229.14, subsection 2, paragraph e, Code
23 2025, is amended to read as follows:

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

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

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

34 NEW SUBSECTION. 3A. "Behavioral health condition" means a
35 substantial limitation in a major life activity due to a mental,

1 behavioral, or addictive disorder or condition diagnosed in
2 accordance with the criteria in the most current edition of the
3 diagnostic and statistical manual of mental disorders published
4 by the American psychiatric association.

5 NEW SUBSECTION. 3B. "*Behavioral health evaluation*" means a
6 process used to assess an individual's behavioral health status
7 and functioning for purposes including but not limited to the
8 diagnosis of a behavioral health condition or to determine the
9 need for treatment or intervention.

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

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

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

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

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

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

30 58. "*Secure facility*" means a physically restricting facility
31 in which ~~children adjudicated to have committed a delinquent act~~
32 a child may be placed pursuant to a dispositional order of the
33 court.

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

1 4. In a proceeding concerning a child who is alleged to have
2 committed a second delinquent act or a second violation excluded
3 from the jurisdiction of the juvenile court, the court or the
4 juvenile court shall determine whether there is reason to believe
5 that the child ~~regularly abuses alcohol or other controlled~~
6 ~~substance~~ has a behavioral health condition and may be in need
7 of treatment. If the court so determines, the court shall advise
8 appropriate juvenile authorities and refer such offenders to the
9 juvenile court for disposition pursuant to section 232.52A.

10 Sec. 17. Section 232.49, Code 2025, is amended to read as
11 follows:

12 **232.49 Physical assessments and mental examinations**
13 **behavioral health evaluations — juvenile delinquency.**

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

23 b. The court may consider chemical dependency as either a
24 physical condition or ~~mental~~ behavioral health condition and may
25 consider a chemical dependency evaluation as either a physical
26 assessment or ~~mental examination~~ behavioral health evaluation.
27 ~~If the examination~~

28 c. A hearing to order a physical assessment or behavioral
29 health evaluation may be held at the same time as the
30 adjudicatory hearing.

31 2. Unless otherwise ordered by the court, if a physical
32 assessment or behavioral health evaluation indicates the child
33 has behaved in a manner that threatened the safety of another
34 person, has committed a violent act causing bodily injury to
35 another person, or has been a victim or perpetrator of sexual

1 abuse, ~~unless otherwise ordered by the court,~~ the child's parent,
2 guardian, ~~or foster parent,~~ or other person with custody of the
3 child shall be provided with that information.

4 ~~2.~~ 3. a. When possible ~~an examination,~~ a physical
5 assessment or behavioral health evaluation shall be conducted
6 on an outpatient basis, ~~but the.~~ The court may, ~~if it deems~~
7 ~~necessary,~~ commit order the child to receive an inpatient
8 physical assessment or an inpatient behavioral health evaluation
9 at a suitable hospital, facility, or institution ~~for the purpose~~
10 ~~of examination.~~

11 b. ~~Commitment for examination~~ an inpatient physical
12 assessment or an inpatient behavioral health evaluation shall not
13 exceed thirty days and ~~the civil commitment provisions of chapter~~
14 ~~229 shall not apply.~~

15 ~~3.~~ 4. a. ~~At any~~ Any time after the filing of a delinquency
16 petition, the court may order a physical assessment or ~~mental~~
17 ~~examination~~ behavioral health evaluation of the child if all of
18 the following circumstances apply:

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

22 (2) The parent, guardian, or custodian and the child's
23 counsel agree to the physical assessment or behavioral health
24 evaluation.

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

33 (2) An inpatient physical assessment or inpatient behavioral
34 health evaluation shall not exceed thirty days and ~~the civil~~
35 ~~commitment provisions of chapter 229 shall not apply.~~

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

3 1. In addition to any other order of the juvenile court,
4 a ~~person under age eighteen~~, child who may be in need of
5 treatment, as determined under section 232.8, may be ordered to
6 participate in an ~~alcohol or controlled substance education or~~
7 a physical assessment or behavioral health evaluation program
8 approved by the juvenile court. ~~If recommended after evaluation,~~
9 ~~the~~ The court may ~~also~~ order the ~~person~~ child to participate
10 in a treatment program approved by the court if the treatment
11 program is recommended after the child's physical assessment
12 or behavioral health evaluation. The juvenile court may
13 also require the custodial parent or parents, ~~or other legal~~
14 guardian, to participate in an educational program with the
15 ~~person under age eighteen~~ child if the court determines that such
16 participation is in the best interests of the ~~person under age~~
17 ~~eighteen~~ child.

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

20 "Confidential access to a child" means access to a child,
21 ~~during an assessment of an alleged act of child abuse~~, who is
22 alleged to be the victim of ~~the child abuse~~, during a child
23 abuse assessment. The access may be accomplished by interview,
24 observation, or ~~examination~~ physical assessment of the child. As
25 used in this subsection and this part:

26 Sec. 20. Section 232.68, subsection 3, paragraph c, Code
27 2025, is amended by striking the paragraph.

28 Sec. 21. Section 232.69, subsection 3, paragraph b, Code
29 2025, is amended to read as follows:

30 b. (1) A person required to make a report under subsection
31 1, other than a physician whose professional practice does not
32 regularly involve providing primary health care to children,
33 shall complete the core training curriculum relating to the
34 identification and reporting of child abuse within six months of
35 initial employment or self-employment involving ~~the examination~~

1 physical assessments or behavioral health evaluations, or
2 attending, counseling, or ~~treatment of~~ treating children on a
3 regular basis.

4 (2) Within one month of initial employment or
5 self-employment, the person shall obtain a statement of the
6 abuse reporting requirements from the person's employer or, if
7 self-employed, from the department.

8 (3) The person shall complete ~~the~~ at least one hour of core
9 training curriculum relating to the identification and reporting
10 of child abuse every three years.

11 Sec. 22. Section 232.71B, subsection 10, Code 2025, is
12 amended to read as follows:

13 10. *Physical examination assessment*. If the department
14 refers a child to a physician or physician assistant for a
15 ~~physical examination~~ assessment, the department shall contact
16 the physician or physician assistant regarding the ~~examination~~
17 physical assessment within twenty-four hours of making the
18 referral. If the physician or physician assistant who performs
19 the ~~examination upon referral by the department~~ physical
20 assessment reasonably believes the child has been abused, the
21 physician or physician assistant shall report to the department
22 within twenty-four hours of performing the ~~examination~~ physical
23 assessment.

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

26 1. a. A person who is required to report suspected child
27 abuse may take or perform, or cause to be taken or performed,
28 at public expense, photographs, X rays, ~~or other~~ a physical
29 ~~examinations~~ assessment, or ~~tests~~ other test of a child which
30 would provide medical indication of allegations arising from an
31 assessment.

32 b. A health practitioner may, if medically indicated,
33 cause ~~to be performed~~ a radiological examination, a physical
34 ~~examination~~ assessment, or other ~~medical tests of~~ test to be
35 performed on the child.

1 c. A person who takes any photographs ~~or~~, takes X rays,
2 ~~or performs a physical examinations assessment,~~ or ~~other tests~~
3 performs another test pursuant to this section shall notify the
4 department that the photographs or X rays have been taken, or
5 the ~~examinations~~ physical assessment or ~~other tests~~ have test
6 has been performed. ~~The person who made notification, and~~
7 shall retain the photographs, ~~or X rays or examination,~~ physical
8 assessment findings, or other test findings for a reasonable time
9 following the notification.

10 d. Whenever ~~the~~ a person is required to report under section
11 232.69~~,~~ in that person's capacity as a member of the staff of
12 a ~~medical or other~~ private or public institution, agency, or
13 facility, that person shall immediately notify the person in
14 charge of the institution, agency, or facility, or that person's
15 designated delegate, of the need for photographs, ~~or X rays or~~
16 examinations, physical assessments, or other tests.

17 Sec. 24. Section 232.78, subsection 1, paragraph a, Code
18 2025, is amended to read as follows:

19 a. Any of the following circumstances exist:

20 (1) The person responsible for the care of the child consents
21 to the removal.

22 (2) The person responsible for the care of the child is
23 absent, or though present,

24 (3) The person responsible for the care of the child was
25 asked and refused to consent to the removal of the child and was
26 informed of an intent to apply for an order under this section,
27 or there.

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

30 (5) There is reasonable cause to believe that a request
31 for consent will cause the parent, guardian, or legal custodian
32 person responsible for the care of the child to take flight with
33 the child.

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

1 (1) The refusal or failure of the person responsible for
2 the care of the child to comply with the request of a peace
3 officer, juvenile court officer, or child protection worker for
4 ~~such~~ the person to obtain and provide to the requester the
5 results of a physical assessment or ~~mental examination~~ behavioral
6 health evaluation of the child. The request for a physical
7 ~~examination~~ assessment of the child may specify the performance
8 of a medically relevant test.

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

11 5. The juvenile court, before or after the filing of a
12 petition under this chapter, may enter an ex parte order
13 authorizing a ~~physician or physician assistant or hospital~~
14 ~~to conduct an~~ inpatient or outpatient physical examination or
15 ~~authorizing a physician or physician assistant, a psychologist~~
16 ~~certified under section 154B.7, or a community mental health~~
17 ~~center accredited pursuant to chapter 230A to conduct an~~
18 outpatient mental examination assessment or an inpatient or
19 outpatient behavioral health evaluation of a child ~~if necessary~~
20 ~~to identify the nature, extent, and cause of injuries to the~~
21 ~~child as required by section 232.71B, provided all of the~~
22 following apply:

23 a. Any of the following circumstances exist:

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

26 (2) The child's parent, guardian, or legal custodian is
27 absent, or though present,

28 (3) The child's parent, guardian, or custodian was asked and
29 refused to provide written consent to the ~~examination~~ physical
30 assessment or behavioral health evaluation.

31 b. The juvenile court ~~has~~ entered an ex parte order directing
32 the removal of the child from the child's home or a child care
33 facility under this section.

34 c. There is not ~~enough~~ sufficient time to file a petition and
35 ~~to~~ hold a hearing as provided in section 232.98.

1 Sec. 27. Section 232.79, subsection 1, paragraph b, Code
2 2025, is amended to read as follows:

3 b. There is not enough sufficient time to apply for an order
4 under section 232.78.

5 Sec. 28. Section 232.79, subsection 5, Code 2025, is amended
6 to read as follows:

7 5. When there has been an emergency removal or keeping of a
8 child without a court order, a physical ~~examination~~ assessment of
9 the child by a licensed medical practitioner shall be performed
10 within twenty-four hours of ~~such~~ the emergency removal or keeping
11 of a child, unless the child is returned to the child's home
12 within twenty-four hours of the emergency removal or keeping of
13 a child.

14 Sec. 29. Section 232.83, subsection 2, Code 2025, is amended
15 to read as follows:

16 2. Anyone authorized to conduct a preliminary investigation
17 in response to a complaint may apply for, or the court on its
18 own motion may enter, an ex parte order authorizing a ~~physician~~
19 ~~or physician assistant or hospital to conduct an inpatient~~
20 or outpatient physical examination or authorizing a physician
21 ~~or physician assistant, a psychologist certified under section~~
22 ~~154B.7, or a community mental health center accredited pursuant~~
23 ~~to chapter 230A to conduct an outpatient mental examination~~
24 ~~of a child if necessary to identify the nature, extent, and~~
25 ~~causes of any injuries, emotional damage, or other such needs~~
26 ~~of a child as specified in section 232.96A, subsection 3, 5,~~
27 ~~or 6, assessment or an inpatient or outpatient behavioral health~~
28 evaluation provided that all of the following apply:

29 a. Any of the following circumstances exist:

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

32 (2) The parent, guardian, or legal custodian is absent,~~or~~
33 ~~though present,~~

34 (3) The parent, guardian, or custodian was asked and refused
35 to authorize the examination physical assessment or behavioral

1 health evaluation.

2 b. There is not enough sufficient time to file a petition and
3 hold a hearing under this chapter.

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

7 Sec. 30. Section 232.98, Code 2025, is amended to read as
8 follows:

9 **232.98 Physical and ~~mental examinations~~ assessments and**
10 **behavioral health evaluations — child in need of assistance.**

11 1. a. Except as provided in section 232.78, subsection 5,
12 a physical assessment or ~~mental examination~~ behavioral health
13 evaluation of ~~the~~ a child may be ordered only after the filing
14 of a petition pursuant to section 232.87, and after a hearing
15 to determine whether ~~an examination~~ a physical assessment or
16 behavioral health evaluation is necessary to determine the
17 child's physical condition or ~~mental~~ if the child has a
18 behavioral health condition.

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

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

25 ~~b.~~ d. ~~An examination~~ A physical assessment or behavioral
26 health evaluation ordered prior to ~~the~~ adjudication shall be
27 conducted on an outpatient basis when possible, but if necessary,
28 the court may ~~commit~~ order the child to a ~~suitable nonsecure~~
29 receive an inpatient physical assessment or inpatient behavioral
30 health evaluation at a hospital, facility, or institution for
31 ~~the purpose of examination~~ for a period not to exceed ~~fifteen~~
32 thirty days if all of the following are ~~found to be present~~
33 circumstances exist:

34 (1) Probable cause exists to believe that the child is
35 a child in need of assistance pursuant to section 232.96A,

1 subsection 5 or 6.

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

6 (3) The child's attorney agrees to ~~the commitment~~ an
7 inpatient physical assessment or inpatient behavioral health
8 evaluation.

9 ~~e. e.~~ An examination A physical assessment or behavioral
10 health evaluation ordered after adjudication shall be conducted
11 on an outpatient basis when possible, but if necessary, the
12 court may ~~commit~~ order the child to a ~~suitable nonsecure~~ receive
13 an inpatient physical assessment or inpatient behavioral health
14 evaluation at a hospital, facility, or institution ~~for the~~
15 ~~purpose of examination~~ for a period not to exceed thirty days.

16 ~~d. f.~~ The child's parent, guardian, or custodian shall be
17 included in counseling sessions offered during the child's stay
18 in a hospital, facility, or institution when feasible, and when
19 in the best interests of the child and the child's parent,
20 guardian, or custodian. If separate counseling sessions are
21 conducted for the child and the child's parent, guardian, or
22 custodian, a joint counseling session shall be offered prior
23 to the release of the child from the hospital, facility, or
24 institution. The court shall require that notice be provided to
25 the child's guardian ad litem of the counseling sessions, ~~and of~~
26 the counseling session participants, ~~and results~~ the outcomes of
27 the counseling sessions.

28 2. Following an adjudication that a child is a child in
29 need of assistance, the court may, after a hearing, ~~order the~~
30 a physical assessment or mental examination behavioral health
31 evaluation of the child's parent, guardian, or custodian if that
32 person's ability to care for the child is at issue.

33 Sec. 31. Section 232.102, subsection 5, Code 2025, is amended
34 to read as follows:

35 5. a. The child shall not be placed in the state training

1 school.

2 b. (1) Paragraph "a" shall not be construed to prohibit the
3 court from ordering a child to receive an inpatient physical
4 assessment, an inpatient behavioral health evaluation, or both,
5 at the state training school upon the department's request at a
6 hearing under section 232.98.

7 (2) An inpatient physical assessment or inpatient behavioral
8 health evaluation of a child conducted at a facility on the state
9 training school campus shall not exceed thirty days.

10 (3) A child ordered to receive an inpatient physical
11 assessment or an inpatient behavioral health evaluation at the
12 state training school shall be separated at all times from
13 children ordered to be placed in the state training school.

14 (4) The department shall adopt rules pursuant to chapter 17A
15 to administer this paragraph.

16 Sec. 32. Section 232.127, subsection 7, Code 2025, is amended
17 to read as follows:

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

22 b. The court shall not order the child placed in the state
23 training school ~~or other secure facility.~~

24 c. (1) Paragraph "b" shall not be construed to prohibit the
25 court from ordering a child to receive an inpatient physical
26 assessment, an inpatient behavioral health evaluation, or both,
27 at the state training school upon the department's request at a
28 hearing under section 232.98.

29 (2) An inpatient physical assessment or inpatient behavioral
30 health evaluation of a child conducted at a facility on the state
31 training school campus shall not exceed thirty days.

32 (3) A child ordered to receive an inpatient physical
33 assessment or an inpatient behavioral health evaluation at the
34 state training school shall be separated at all times from
35 children ordered to be placed in the state training school.

1 (4) The department shall adopt rules pursuant to chapter 17A
2 to administer this paragraph.

3 Sec. 33. Section 232.141, subsection 1, Code 2025, is amended
4 to read as follows:

5 1. Except as otherwise provided by law, the court shall
6 inquire into the ability of the child or the child's parent
7 to pay expenses incurred pursuant to subsections 2, 4, and
8 8. After giving the parent a reasonable opportunity to be
9 heard, the court may order the parent to pay all or part of
10 the costs of the child's care, examination physical assessment,
11 behavioral health evaluation, treatment, legal expenses, or other
12 expenses. An order entered under this section does not obligate
13 a parent paying child support under a custody decree, except
14 that part of the monthly support payment may be used to satisfy
15 the obligations imposed by the order entered pursuant to this
16 section. If a parent fails to pay as ordered, without good
17 reason, the court may proceed against the parent for contempt
18 and may inform the county attorney who shall proceed against the
19 parent to collect the unpaid amount. Any payment ordered by the
20 court shall be a judgment against each of the child's parents and
21 a lien as provided in section 624.23. If all or part of the
22 amount that the parents are ordered to pay is subsequently paid
23 by the county or state, the judgment and lien shall thereafter be
24 against each of the parents in favor of the county to the extent
25 of the county's payments and in favor of the state to the extent
26 of the state's payments.

27 Sec. 34. Section 232.141, subsection 4, paragraph b, Code
28 2025, is amended to read as follows:

29 b. Expenses for ~~mental or physical examinations~~ assessments
30 or behavioral health evaluations of a child if ordered by the
31 court.

32 Sec. 35. Section 232.141, subsection 6, Code 2025, is amended
33 to read as follows:

34 6. ~~If a child is given A physical or mental examinations~~
35 assessment, behavioral health evaluation, or any treatment

1 relating to an assessment ~~performed pursuant to~~ conducted under
2 section 232.71B, shall be paid by the state if the physical
3 assessment, behavioral health evaluation, or other treatment was
4 performed with the consent of the child's parent, guardian,
5 or legal custodian and no other provision of law otherwise
6 requires payment for the costs of ~~the examination and treatment,~~
7 ~~the costs shall be paid by the state. Reimbursement for The~~
8 department shall reimburse costs of services described in under
9 ~~this subsection is subject to~~ in accordance with subsection 5.

10 Sec. 36. Section 237.1, Code 2025, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 8A. "*Protective locked environment*" means a
13 setting that prevents egress from a building or grounds as a
14 protective measure to ensure safety and security.

15 Sec. 37. Section 237.3, Code 2025, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 13. The department shall adopt rules
18 pursuant to chapter 17A relating to the use of a protective
19 locked environment.

20 Sec. 38. Section 237.4, Code 2025, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 9. A licensee under chapter 135H.

23 Sec. 39. Section 237C.1, Code 2025, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 5. "*Protective locked environment*" means a
26 setting that prevents egress from a building or grounds as a
27 protective measure to ensure safety and security.

28 Sec. 40. Section 237C.4, Code 2025, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 6A. The department shall adopt rules
31 pursuant to chapter 17A relating to the use of a protective
32 locked environment.

33 Sec. 41. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
34 DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING —
35 ADMINISTRATIVE RULES.

1 1. The department of health and human services and the
2 department of inspections, appeals, and licensing shall each
3 adopt rules pursuant to chapter 17A to administer this division
4 of this Act. The departments shall coordinate in their
5 respective rulemaking processes to ensure each department's
6 rules properly implement the duties of that department while
7 functioning in concert with the rules of the other department.
8 Rules adopted by each department shall allow individuals to fully
9 utilize the array of behavioral health services available through
10 the state.

11 2. a. Rules relating to residential facilities for
12 individuals under twenty-one years of age under chapters 135H,
13 237, and 237C shall include the following:

14 (1) To the extent possible, uniform application of rules
15 relating to the use of restraints and seclusion at a psychiatric
16 medical institution for children subject to chapter 135H, a
17 facility subject to chapter 237, or a children's residential
18 facility subject to chapter 237C.

19 (2) The identification of unmet care needs at psychiatric
20 medical institutions for children, foster care facilities, and
21 children's residential facilities, and adaptation of licensing
22 and certification requirements to provide for the unmet care
23 needs.

24 b. When adopting rules pursuant to this subsection,
25 each department shall consider the nature of the services
26 and programming provided by psychiatric medical institutions
27 for children, child foster care facilities, and children's
28 residential facilities and applicable federal requirements
29 including those for psychiatric residential treatment facilities
30 as described in 42 C.F.R. §483.352.

31 3. The department of health and human services shall adopt
32 rules pursuant to chapter 17A relating to the application of a
33 protective locked environment to detention and shelter care as
34 those terms are defined in section 232.2. For the purposes of
35 this subsection, "protective locked environment" means a setting

1 that prevents egress from a building or grounds as a protective
2 measure to ensure safety and security.

3 Sec. 42. REPEAL. 2024 Iowa Acts, chapter 1161, sections 97
4 and 98, are repealed.

5 DIVISION II

6 EXEMPTION FROM CHILDREN'S RESIDENTIAL FACILITY CERTIFICATION

7 Sec. 43. Section 237C.1, subsection 2, Code 2025, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. j. Care furnished by a live-in facility that
10 provides intensive medical care and support for individuals who
11 require ongoing treatment if all of the following apply:

12 (1) The facility only furnishes care to persons sixteen years
13 of age and older.

14 (2) The department pays for each person's care from the
15 facility under a federally approved home and community-based
16 services waiver, or under chapter 249A.

17 DIVISION III

18 DIRECTOR OF JUVENILE COURT SERVICES — CHIEF JUVENILE COURT
19 OFFICERS

20 Sec. 44. Section 602.1101, Code 2025, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 5A. "*Director of juvenile court services*"
23 means the same as defined in the Iowa court rules of juvenile
24 court services directed programs as prescribed by the supreme
25 court.

26 Sec. 45. Section 602.1217, Code 2025, is amended to read as
27 follows:

28 **602.1217 Chief juvenile court officer.**

29 1. ~~The chief judge of~~ director of juvenile court services
30 shall appoint a chief juvenile court officer for each judicial
31 district, after consultation with the judges of the judicial
32 district, ~~shall appoint a chief juvenile court officer~~ and may
33 remove ~~the~~ a chief juvenile court officer for cause.

34 2. The chief juvenile court officer is subject to the
35 immediate supervision and direction of the ~~chief judge of the~~

1 ~~judicial district~~ director of juvenile court services.

2 3. The chief juvenile court officer, in addition to
3 performing the duties of a juvenile court officer, shall
4 supervise juvenile court officers and administer juvenile court
5 services within the judicial district in a uniform manner, under
6 the supervision and direction of the director of juvenile court
7 services, in accordance with applicable law and with the rules,
8 and in accordance with the directives, and procedures of the
9 judicial branch and the judicial district.

10 4. The chief juvenile court officer shall assist the ~~state~~
11 ~~court administrator and the district court administrator~~ director
12 of juvenile court services in implementing administrative rules,
13 directives, and procedures of the judicial branch and the
14 judicial district.

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

18 Sec. 46. Section 602.7201, subsection 3, Code 2025, is
19 amended to read as follows:

20 3. The chief juvenile court officer may employ, shall
21 supervise, and may remove for cause with due process secretarial,
22 clerical, and other staff within juvenile court service offices
23 as authorized by the ~~chief judge~~ director of juvenile court
24 services.

25 Sec. 47. Section 602.7202, subsections 1 and 3, Code 2025,
26 are amended to read as follows:

27 1. ~~Subject to the approval of the chief judge of the judicial~~
28 ~~district, the~~ The chief juvenile court officer shall appoint
29 juvenile court officers to serve the juvenile court. Juvenile
30 court officers may be required to serve in two or more counties
31 within the judicial district.

32 3. Juvenile court officers shall have the duties prescribed
33 in chapter 232, subject to the direction of the ~~judges of the~~
34 ~~juvenile court~~ director of juvenile court services. A judge
35 of the juvenile court shall not attempt to direct or influence

1 a juvenile court officer in the performance of the officer's
2 duties.

3 DIVISION IV

4 HAWKI ELIGIBILITY — PUBLIC INSTITUTION INMATES

5 Sec. 48. Section 514I.2, Code 2025, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 9A. "Public institution" means the same as
8 defined in 42 C.F.R. §435.1010.

9 Sec. 49. Section 514I.8, subsection 2, paragraph g, Code
10 2025, is amended to read as follows:

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

13 Sec. 50. NEW SECTION. **514I.8B Inmates — suspension of**
14 **Hawki program eligibility.**

15 1. The department shall suspend, but not terminate, Hawki
16 program eligibility for an eligible child who is described by all
17 of the following:

18 a. Thirty calendar days have elapsed since the date the
19 eligible child was committed to a public institution.

20 b. The eligible child is an inmate of a public institution.

21 c. The eligible child was enrolled in Hawki at the time the
22 eligible child was committed to the public institution.

23 d. The eligible child remains eligible for the Hawki program
24 except for the eligible child's status as an inmate of a public
25 institution.

26 2. Suspension of an eligible child's Hawki program
27 eligibility under subsection 1 shall continue during the entire
28 period of the eligible child's commitment to the public
29 institution.

30 3. To the extent possible, the public institution to which
31 an eligible child is committed and the department shall comply
32 with reporting requirements, and expedite the restoration of
33 an eligible child's medical assistance benefits, in a manner
34 consistent with section 249A.38, upon the eligible child's
35 discharge from the public institution.

1 4. The department shall adopt rules pursuant to chapter 17A
2 to administer this section.

3 DIVISION V

4 CORRECTIVE CHANGES

5 Sec. 51. Section 125.13, subsection 2, paragraphs a, i, and
6 j, Code 2025, are amended to read as follows:

7 a. A hospital providing care or treatment to persons with
8 a substance use disorder licensed under chapter 135B which
9 is accredited by the joint commission ~~on the accreditation of~~
10 ~~health care organizations~~, the commission on accreditation of
11 rehabilitation facilities, the American osteopathic association,
12 or another recognized organization approved by the department.
13 All survey reports from the accrediting or licensing body must be
14 sent to the department.

15 i. A substance use disorder treatment program not funded by
16 the department which is accredited or licensed by the joint
17 commission ~~on the accreditation of health care organizations~~,
18 the commission on the accreditation of rehabilitation facilities,
19 the American osteopathic association, or another recognized
20 organization approved by the department. All survey reports from
21 the accrediting or licensing body must be sent to the department.

22 j. A hospital substance use disorder treatment program that
23 is accredited or licensed by the joint commission ~~on the~~
24 ~~accreditation of health care organizations~~, the commission on
25 the accreditation of rehabilitation facilities, the American
26 osteopathic association, or another recognized organization
27 approved by the department. All survey reports for the hospital
28 substance use disorder treatment program from the accrediting or
29 licensing body shall be sent to the department.

30 Sec. 52. Section 125.43A, Code 2025, is amended to read as
31 follows:

32 **125.43A Prescreening — exception.**

33 Except in cases of medical emergency or court-ordered
34 admissions, a person shall be admitted to a state mental health
35 institute for treatment of a substance use disorder only after

1 a preliminary intake and assessment by a department-licensed
2 treatment facility or a hospital providing care or treatment for
3 persons with a substance use disorder licensed under chapter 135B
4 and accredited by the joint commission ~~on the accreditation of~~
5 ~~health care organizations~~, the commission on accreditation of
6 rehabilitation facilities, the American osteopathic association,
7 or another recognized organization approved by the department,
8 or by a designee of a department-licensed treatment facility or
9 a hospital other than a state mental health institute, which
10 confirms that the admission is appropriate to the person's
11 substance use disorder service needs. A county board of
12 supervisors may seek an admission of a patient to a state mental
13 health institute who has not been confirmed for appropriate
14 admission and the county shall be responsible for one hundred
15 percent of the cost of treatment and services of the patient.

16 Sec. 53. Section 135B.12, Code 2025, is amended to read as
17 follows:

18 **135B.12 Confidentiality.**

19 The department's final findings or the final survey findings
20 of the joint commission ~~on the accreditation of health care~~
21 ~~organizations~~ or the American osteopathic association with
22 respect to compliance by a hospital or rural emergency hospital
23 with requirements for licensing or accreditation shall be made
24 available to the public in a readily available form and place.
25 Other information relating to a hospital or rural emergency
26 hospital obtained by the department which does not constitute the
27 department's findings from an inspection of the hospital or rural
28 emergency hospital or the final survey findings of the joint
29 commission ~~on the accreditation of health care organizations~~ or
30 the American osteopathic association shall not be made available
31 to the public, except in proceedings involving the denial,
32 suspension, or revocation of a license under this chapter. The
33 name of a person who files a complaint with the department
34 shall remain confidential and shall not be subject to discovery,
35 subpoena, or other means of legal compulsion for its release to a

1 person other than department employees or agents involved in the
2 investigation of the complaint.

3 Sec. 54. Section 135B.20, subsection 4, Code 2025, is amended
4 to read as follows:

5 4. "Joint conference committee" shall mean the joint
6 conference committee as required by the joint commission ~~on~~
7 ~~accreditation of health care organizations~~ or, in a hospital
8 having no such committee, a similar committee, an equal number of
9 which shall be members of the medical staff selected by the staff
10 and an equal number of which shall be selected by the governing
11 board of the hospital.

12 Sec. 55. Section 135C.2, subsection 7, Code 2025, is amended
13 to read as follows:

14 7. The rules adopted by the department regarding nursing
15 facilities shall provide that a nursing facility may choose to be
16 inspected either by the department or by the joint commission ~~on~~
17 ~~accreditation of health care organizations~~. The rules regarding
18 acceptance of inspection by the joint commission ~~on accreditation~~
19 ~~of health care organizations~~ shall include recognition, in lieu
20 of inspection by the department, of comparable inspections and
21 inspection findings of the joint commission ~~on accreditation of~~
22 ~~health care organizations~~, if the department is provided with
23 copies of all requested materials relating to the inspection
24 process.

25 Sec. 56. Section 135C.6, subsection 10, Code 2025, is amended
26 to read as follows:

27 10. Notwithstanding section 135C.9, nursing facilities which
28 are accredited by the joint commission ~~on accreditation of~~
29 ~~health care organizations~~ shall be licensed without inspection
30 by the department, if the nursing facility has chosen to be
31 inspected by the joint commission ~~on accreditation of health care~~
32 ~~organizations~~ in lieu of inspection by the department.

33 Sec. 57. Section 232.2, subsection 4, paragraph i, Code 2025,
34 is amended to read as follows:

35 i. If reasonable efforts to place a child for adoption or

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

8 Sec. 58. Section 232.36, subsection 3, paragraph b,
9 subparagraph (3), Code 2025, is amended to read as follows:

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

11 Sec. 59. Section 232.37, subsection 2, Code 2025, is amended
12 to read as follows:

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

20 Sec. 60. Section 232.101A, subsection 1, paragraph c, Code
21 2025, is amended to read as follows:

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

27 Sec. 61. Section 232.102A, subsection 3, Code 2025, is
28 amended to read as follows:

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

32 Sec. 62. Section 232B.5, subsection 19, unnumbered paragraph
33 1, Code 2025, is amended to read as follows:

34 A party seeking an involuntary foster care placement of or
35 termination of parental rights over an Indian child shall provide

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

17 Sec. 63. Section 233.2, subsection 5, Code 2025, is amended
18 to read as follows:

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

23 Sec. 64. Section 237.3, subsection 7, Code 2025, is amended
24 to read as follows:

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

32 EXPLANATION

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

35 This bill relates to services and support for youth and is

1 organized by divisions.

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

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

13 The bill defines "approved qualifying organization" as the
14 joint commission, the commission on the accreditation of
15 rehabilitation facilities, the council on accreditation, a
16 nationally recognized accrediting organization that operates
17 in conformance with federal regulations and has accreditation
18 standards comparable to the previously mentioned entities, or
19 an entity specified by the department of inspections, appeals,
20 and licensing (DIAL) by rule created in consultation with the
21 department of health and human services (HHS).

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

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

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

35 The bill defines "serious emotional disturbance disorder"

1 as a diagnosable mental, behavioral, or emotional disorder of
2 sufficient duration to result in a functional impairment and
3 that meets the diagnostic criteria in the most current diagnostic
4 and statistical manual of mental disorders published by the
5 American psychiatric association. "Serious emotional disturbance
6 disorder" does not include a substance use or developmental
7 disorder unless such disorder co-occurs with a diagnosable
8 disorder that would otherwise constitute a serious emotional
9 disturbance disorder.

10 The bill defines "substance use disorder" as a diagnosable
11 substance use disorder of sufficient duration to meet diagnostic
12 criteria specified within the most current diagnostic and
13 statistical manual of mental disorders published by the American
14 psychiatric association that results in a functional impairment.

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

17 The bill describes the nature of care a PMIC must offer youth
18 with a serious emotional disturbance disorder (SEDD), substance
19 use disorder (SUD), or both.

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

30 The bill eliminates the requirement that a proposed PMIC
31 be under the direction of an agency which has previously
32 operated a facility for children or adolescents and meets or
33 exceeds requirements for licensure as a comprehensive residential
34 facility for children.

35 The bill requires DIAL, in cooperation with HHS, to adopt

1 rules to allow a PMIC to use a protective locked environment at
2 the PMIC.

3 Under current law, following the hospitalization hearing on
4 an involuntary commitment petition, if the court finds by clear
5 and convincing evidence that the respondent has a serious mental
6 impairment, the court shall order the respondent committed for
7 a complete psychiatric evaluation and appropriate treatment.
8 The chief medical officer (CMO) of the hospital or facility at
9 which a respondent is committed must report to the court no more
10 than 15 days after the date the respondent is placed, making a
11 recommendation for disposition of the matter. The bill allows
12 a court to place a minor respondent in a public hospital and
13 allows a CMO of the hospital no more than 30 days after the
14 date the minor respondent is placed to make a recommendation for
15 disposition of the matter.

16 The bill defines "behavioral health evaluation" as a
17 comprehensive evaluation of a person's mental and behavioral
18 health by a person licensed under Code chapter 154B (psychology),
19 154C (social work), or 154D (behavioral science) for purposes
20 including but not limited to identifying a possible behavioral
21 health condition.

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

25 The bill also defines "behavioral health condition" for
26 purposes of Code chapter 232 (juvenile justice).

27 The bill replaces several references to a physical or mental
28 examination with references to a physical assessment (PA) or
29 behavioral health evaluation (BHE) and replaces references to a
30 person's abuse of alcohol or other controlled substances with
31 references to the person having a behavioral health condition.

32 Under current law, one of several specific circumstances must
33 exist before a juvenile court has the authority to enter an
34 ex parte order to direct a peace officer or a juvenile court
35 officer to take custody of a child before or after the filing

1 of a petition under Code chapter 232 (juvenile justice). The
2 bill adds the circumstance when the child's parent, guardian, or
3 legal custodian consents to the removal as a condition that would
4 permit a juvenile court to enter such an ex parte order. The
5 bill creates similar provisions for when a juvenile court may
6 enter an ex parte order for a child to undergo an inpatient PA
7 or an inpatient BHE and when a person authorized to conduct a
8 preliminary investigation in response to a complaint may motion
9 to ask the court to order a child to undergo an inpatient PA or
10 an inpatient BHE.

11 The bill authorizes a court, after a dispositional hearing, to
12 order a child in a child in need of assistance (CINA) proceeding
13 or a family in need of assistance (FINA) proceeding to receive an
14 inpatient PA, an inpatient BHE, or both, at the state training
15 school (STS) if HHS requests such an order. A child ordered
16 to the STS pursuant to a CINA proceeding or a FINA proceeding
17 must be separated at all times from children placed in the STS
18 pursuant to a juvenile delinquency proceeding. Under current
19 law, the court in a CINA or FINA proceeding is prohibited from
20 placing a child in the STS for any reason.

21 The bill exempts a PMIC from licensing requirements for child
22 foster care.

23 The bill directs HHS and DIAL to adopt rules pertaining to the
24 use of seclusion and restraints at certain facilities as detailed
25 in the bill.

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

30 DIVISION II — EXEMPTION FROM CHILDREN'S RESIDENTIAL FACILITY
31 CERTIFICATION. The bill provides an exception from the definition
32 of "children's residential facility" under Code chapter 237C,
33 for care furnished by a live-in facility that provides intensive
34 medical care and support for individuals who require ongoing
35 treatment if the facility only furnishes care to persons 16 years

1 of age and older and HHS is paying for each person's care from
2 the facility under a federally approved home and community-based
3 services waiver or under another provision of the medical
4 assistance program. By operation of law, the excepted live-in
5 facilities are exempt from children's residential facility
6 requirements, including certification.

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

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

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

29 The bill requires the public institution to which a child
30 is committed and HHS to provide monthly reports and expedite
31 the restoration of the child's Hawki benefits upon the child's
32 discharge from the public institution. The bill requires HHS to
33 adopt rules to administer the bill's provisions related to Hawki
34 benefits for children committed to a public institution.

35 DIVISION V — CORRECTIVE CHANGES. The bill updates references

1 to certain accrediting organizations through the Code, corrects
2 a reference throughout the Code related to the citation for the
3 definition of "reasonable efforts", and changes the term "legal
4 custodian" to the defined term "custodian".

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