

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED MENTAL HEALTH AND  
DISABILITY SERVICES STUDY  
COMMITTEE BILL)

**A BILL FOR**

1 An Act relating to terminology changes in Iowa Code references  
2 to mental retardation.

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

DRAFT

1 Section 1. Section 4.1, Code 2011, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 12A. "*Intellectual disability*" means  
4 a disability of children and adults who as a result of  
5 inadequately developed intelligence have a significant  
6 impairment in ability to learn or to adapt to the demands  
7 of society, and, if a diagnosis is required, "*intellectual*  
8 *disability*" means a diagnosis of mental retardation as defined  
9 in the diagnostic and statistical manual of mental disorders,  
10 fourth edition, text revised, published by the American  
11 psychiatric association.

12 Sec. 2. Section 4.1, subsection 21A, Code 2011, is amended  
13 to read as follows:

14 21A. *Persons with mental illness.* The words "*persons*  
15 *with mental illness*" include persons with psychosis, persons  
16 who are severely depressed, and persons with any type of  
17 mental disease or mental disorder, except that mental illness  
18 does not refer to ~~mental retardation as defined in section~~  
19 ~~222.2~~ intellectual disability, or to insanity, diminished  
20 responsibility, or mental incompetency as defined and used in  
21 the Iowa criminal code or in the rules of criminal procedure,  
22 Iowa court rules. A person who is hospitalized or detained for  
23 treatment of mental illness shall not be deemed or presumed to  
24 be incompetent in the absence of a finding of incompetence made  
25 pursuant to section 229.27.

26 Sec. 3. Section 8A.311, subsection 16, Code Supplement  
27 2011, is amended to read as follows:

28 16. A state agency shall make every effort to purchase  
29 those products produced for sale by sheltered workshops, work  
30 activity centers, and other special programs funded in whole  
31 or in part by public moneys that employ persons with ~~mental~~  
32 ~~retardation~~ an intellectual disability or other developmental  
33 disabilities or mental illness if the products meet the  
34 required specifications.

35 Sec. 4. Section 23A.2, subsection 10, paragraph 1,

1 subparagraph (4), Code 2011, is amended to read as follows:

2 (4) Nothing in this paragraph shall be construed to  
3 prohibit a state resource center from providing a service a  
4 resident needs for compliance with accreditation standards  
5 for intermediate care facilities for persons with ~~mental~~  
6 ~~retardation~~ intellectual disability.

7 Sec. 5. Section 48A.2, subsection 3, Code 2011, is amended  
8 to read as follows:

9 3. "*Person who is incompetent to vote*" means a person  
10 ~~described in section 222.2, subsection 5,~~ with an intellectual  
11 disability who has been found to lack the mental capacity  
12 to vote in a proceeding held pursuant to section 222.31 or  
13 633.556.

14 Sec. 6. Section 126.16, subsection 2, Code 2011, is amended  
15 to read as follows:

16 2. For the purpose of this chapter, advertising is false if  
17 it represents a drug, device, or cosmetic to have any effect  
18 in the diagnosis, prevention, or treatment of arthritis,  
19 blood disorders, bone or joint diseases, kidney diseases or  
20 disorders, cancer, diabetes, gall bladder disease or disorders,  
21 heart and vascular disease, high blood pressure, diseases or  
22 disorders of the ear, mental disease or ~~mental retardation~~  
23 intellectual disability, degenerative neurological diseases,  
24 paralysis, prostate gland disorders, conditions of the scalp  
25 affecting hair loss, baldness, endocrine disorders, sexual  
26 impotence, tumors, venereal diseases, varicose ulcers,  
27 breast enlargement, purifying blood, metabolic disorders,  
28 immune system disorders or conditions affecting the immune  
29 system, extension of life expectancy, stress and tension,  
30 brain stimulation or performance, the body's natural defense  
31 mechanisms, blood flow, and depression. However, advertising  
32 not in violation of subsection 1 is not false under this  
33 subsection if it is disseminated only to members of the  
34 medical, dental, or veterinary professions, or appears only  
35 in the scientific periodicals of these professions, or is

1 disseminated only for the purpose of public health education by  
2 persons not commercially interested, directly or indirectly,  
3 in the sale of such drugs or devices. However, if the board  
4 determines that an advance in medical science has made any  
5 type of self-medication safe as to any of the diseases named  
6 in this subsection, the board shall by rule authorize the  
7 advertising of drugs having curative or therapeutic effect for  
8 such disease, subject to the conditions and restrictions the  
9 board deems necessary in the interests of the public health.  
10 However, this subsection does not indicate that self-medication  
11 for diseases other than those named in this subsection is safe  
12 and efficacious.

13 Sec. 7. Section 135.63, subsection 1, Code 2011, is amended  
14 to read as follows:

15 1. A new institutional health service or changed  
16 institutional health service shall not be offered or developed  
17 in this state without prior application to the department  
18 for and receipt of a certificate of need, pursuant to this  
19 division. The application shall be made upon forms furnished  
20 or prescribed by the department and shall contain such  
21 information as the department may require under this division.  
22 The application shall be accompanied by a fee equivalent  
23 to three-tenths of one percent of the anticipated cost of  
24 the project with a minimum fee of six hundred dollars and a  
25 maximum fee of twenty-one thousand dollars. The fee shall be  
26 remitted by the department to the treasurer of state, who shall  
27 place it in the general fund of the state. If an application  
28 is voluntarily withdrawn within thirty calendar days after  
29 submission, seventy-five percent of the application fee shall  
30 be refunded; if the application is voluntarily withdrawn more  
31 than thirty but within sixty days after submission, fifty  
32 percent of the application fee shall be refunded; if the  
33 application is withdrawn voluntarily more than sixty days  
34 after submission, twenty-five percent of the application fee  
35 shall be refunded. Notwithstanding the required payment of

1 an application fee under this subsection, an applicant for a  
2 new institutional health service or a changed institutional  
3 health service offered or developed by an intermediate care  
4 facility for persons with ~~mental retardation~~ an intellectual  
5 disability or an intermediate care facility for persons with  
6 mental illness as defined pursuant to section 135C.1 is exempt  
7 from payment of the application fee.

8 Sec. 8. Section 135.63, subsection 2, paragraphs f and p,  
9 Code 2011, are amended to read as follows:

10 *f.* A residential care facility, as defined in section  
11 135C.1, including a residential care facility for persons with  
12 ~~mental retardation~~ an intellectual disability, notwithstanding  
13 any provision in this division to the contrary.

14 *p.* The conversion of an existing number of beds by an  
15 intermediate care facility for persons with ~~mental retardation~~  
16 an intellectual disability to a smaller facility environment,  
17 including but not limited to a community-based environment  
18 which does not result in an increased number of beds,  
19 notwithstanding any provision in this division to the contrary,  
20 including subsection 4, if all of the following conditions  
21 exist:

22 (1) The intermediate care facility for persons with ~~mental~~  
23 ~~retardation~~ an intellectual disability reports the number  
24 and type of beds to be converted on a form prescribed by the  
25 department at least thirty days before the conversion.

26 (2) The intermediate care facility for persons with ~~mental~~  
27 ~~retardation~~ an intellectual disability reports the conversion  
28 of beds on its next annual report to the department.

29 Sec. 9. Section 135.63, subsection 4, unnumbered paragraph  
30 1, Code 2011, is amended to read as follows:

31 A copy of the application shall be sent to the department  
32 of human services at the time the application is submitted  
33 to the Iowa department of public health. The department  
34 shall not process applications for and the council shall not  
35 consider a new or changed institutional health service for an

1 intermediate care facility for persons with ~~mental retardation~~  
2 an intellectual disability unless both of the following  
3 conditions are met:

4 Sec. 10. Section 135.63, subsection 4, paragraph a, Code  
5 2011, is amended to read as follows:

6 a. The new or changed beds shall not result in an  
7 increase in the total number of medical assistance certified  
8 intermediate care facility beds for persons with ~~mental~~  
9 ~~retardation~~ an intellectual disability in the state, exclusive  
10 of those beds at the state resource centers or other state  
11 institutions, beyond one thousand six hundred thirty-six beds.

12 Sec. 11. Section 135C.1, subsections 6, 9, and 13, Code  
13 2011, are amended to read as follows:

14 6. "*Health care facility*" or "*facility*" means a residential  
15 care facility, a nursing facility, an intermediate care  
16 facility for persons with mental illness, or an intermediate  
17 care facility for persons with ~~mental retardation~~ an  
18 intellectual disability.

19 9. "*Intermediate care facility for persons with mental*  
20 *retardation an intellectual disability*" means an institution  
21 or distinct part of an institution with a primary purpose  
22 to provide health or rehabilitative services to three or  
23 more individuals, who primarily have ~~mental retardation~~ an  
24 intellectual disability or a related condition and who are  
25 not related to the administrator or owner within the third  
26 degree of consanguinity, and which meets the requirements  
27 of this chapter and federal standards for intermediate care  
28 facilities for persons with ~~mental retardation~~ an intellectual  
29 disability established pursuant to the federal Social Security  
30 Act, § 1905(c)(d), as codified in 42 U.S.C. § 1936d, which are  
31 contained in 42 C.F.R. pt. 483, subpt. D, § 410 - 480.

32 13. "*Nursing facility*" means an institution or a distinct  
33 part of an institution housing three or more individuals not  
34 related to the administrator or owner within the third degree  
35 of consanguinity, which is primarily engaged in providing

1 health-related care and services, including rehabilitative  
2 services, but which is not engaged primarily in providing  
3 treatment or care for mental illness or ~~mental-retardation~~ an  
4 intellectual disability, for a period exceeding twenty-four  
5 consecutive hours for individuals who, because of a mental or  
6 physical condition, require nursing care and other services in  
7 addition to room and board.

8 Sec. 12. Section 135C.2, subsection 3, paragraphs b, c, and  
9 d, Code 2011, are amended to read as follows:

10 b. The department may also establish by administrative  
11 rule special classifications within the residential care  
12 facility, intermediate care facility for persons with mental  
13 illness, intermediate care facility for persons with ~~mental-~~  
14 ~~retardation~~ an intellectual disability, or nursing facility  
15 categories, for facilities intended to serve individuals who  
16 have special health care problems or conditions in common.  
17 Rules establishing a special classification shall define the  
18 problem or condition to which the special classification is  
19 relevant and establish requirements for an approved program of  
20 care commensurate with the problem or condition. The rules  
21 may grant special variances or considerations to facilities  
22 licensed within the special classification.

23 c. The rules adopted for intermediate care facilities for  
24 persons with ~~mental-retardation~~ an intellectual disability  
25 shall be consistent with, but no more restrictive than, the  
26 federal standards for intermediate care facilities for persons  
27 with ~~mental-retardation~~ an intellectual disability established  
28 pursuant to the federal Social Security Act, § 1905(c)(d),  
29 as codified in 42 U.S.C. § 1396d, in effect on January 1,  
30 1989. However, in order for an intermediate care facility for  
31 persons with ~~mental-retardation~~ an intellectual disability  
32 to be licensed, the state fire marshal must certify to the  
33 department that the facility meets the applicable provisions  
34 of the rules adopted for such facilities by the state fire  
35 marshal. The state fire marshal's rules shall be based

1 upon such a facility's compliance with either the provisions  
2 applicable to health care occupancies or residential board and  
3 care occupancies of the life safety code of the national fire  
4 protection association, 2000 edition. The department shall  
5 adopt additional rules for intermediate care facilities for  
6 persons with ~~mental retardation~~ an intellectual disability  
7 pursuant to section 135C.14, subsection 8.

8 *d.* Notwithstanding the limitations set out in this  
9 subsection regarding rules for intermediate care facilities for  
10 persons with ~~mental retardation~~ an intellectual disability,  
11 the department shall consider the federal interpretive  
12 guidelines issued by the federal centers for Medicare and  
13 Medicaid services when interpreting the department's rules  
14 for intermediate care facilities for persons with ~~mental~~  
15 ~~retardation~~ an intellectual disability. This use of the  
16 guidelines is not subject to the rulemaking provisions of  
17 sections 17A.4 and 17A.5, but the guidelines shall be published  
18 in the Iowa administrative bulletin and the Iowa administrative  
19 code.

20 Sec. 13. Section 135C.2, subsection 5, unnumbered paragraph  
21 1, Code 2011, is amended to read as follows:

22 The department shall establish a special classification  
23 within the residential care facility category in order  
24 to foster the development of residential care facilities  
25 which serve persons with ~~mental retardation~~ an intellectual  
26 disability, chronic mental illness, a developmental disability,  
27 or brain injury, as described under section 225C.26, and which  
28 contain five or fewer residents. A facility within the special  
29 classification established pursuant to this subsection is  
30 exempt from the requirements of section 135.63. The department  
31 shall adopt rules which are consistent with rules previously  
32 developed for the waiver demonstration project pursuant to 1986  
33 Iowa Acts, chapter 1246, section 206, and which include all of  
34 the following provisions:

35 Sec. 14. Section 135C.2, subsection 5, paragraphs a and f,

1 Code 2011, are amended to read as follows:

2     *a.* A facility provider under the special classification must  
3 comply with rules adopted by the department for the special  
4 classification. However, a facility provider which has been  
5 accredited by the accreditation council for services to persons  
6 with ~~mental retardation~~ an intellectual disability and other  
7 developmental disabilities shall be deemed to be in compliance  
8 with the rules adopted by the department.

9     *f.* The facilities licensed under this subsection shall be  
10 eligible for funding utilized by other licensed residential  
11 care facilities for persons with ~~mental retardation~~ an  
12 intellectual disability, or licensed residential care  
13 facilities for persons with mental illness, including but not  
14 limited to funding under or from the federal social services  
15 block grant, the state supplementary assistance program, state  
16 mental health and developmental disabilities services funds,  
17 and county funding provisions.

18     Sec. 15. Section 135C.6, subsection 8, paragraphs a and b,  
19 Code 2011, are amended to read as follows:

20     *a.* Residential programs providing care to not more than  
21 four individuals and receiving moneys appropriated to the  
22 department of human services under provisions of a federally  
23 approved home and community-based services waiver for persons  
24 with intellectual disabilities or other medical assistance  
25 program under chapter 249A. In approving a residential program  
26 under this paragraph, the department of human services shall  
27 consider the geographic location of the program so as to avoid  
28 an overconcentration of such programs in an area. In order  
29 to be approved under this paragraph, a residential program  
30 shall not be required to involve the conversion of a licensed  
31 residential care facility for persons with ~~mental retardation~~  
32 an intellectual disability.

33     *b.* Not more than forty residential care facilities for  
34 persons with ~~mental retardation~~ an intellectual disability  
35 that are licensed to serve not more than five individuals may

1 be authorized by the department of human services to convert  
2 to operation as a residential program under the provisions  
3 of a medical assistance home and community-based services  
4 waiver for persons with intellectual disabilities. A converted  
5 residential program operating under this paragraph is subject  
6 to the conditions stated in paragraph "a" except that the  
7 program shall not serve more than five individuals.

8 Sec. 16. Section 135C.6, subsection 9, Code 2011, is amended  
9 to read as follows:

10 9. Contingent upon the department of human services  
11 receiving federal approval, a residential program which  
12 serves not more than eight individuals and is licensed as an  
13 intermediate care facility for persons with ~~mental retardation~~  
14 an intellectual disability may surrender the facility license  
15 and continue to operate under a federally approved medical  
16 assistance home and community-based services waiver for persons  
17 with intellectual disabilities, if the department of human  
18 services has approved a plan submitted by the residential  
19 program.

20 Sec. 17. Section 135C.23, subsection 2, paragraph b, Code  
21 2011, is amended to read as follows:

22 b. This section does not prohibit the admission of a  
23 patient with a history of dangerous or disturbing behavior  
24 to an intermediate care facility for persons with mental  
25 illness, intermediate care facility for persons with ~~mental~~  
26 ~~retardation~~ an intellectual disability, nursing facility, or  
27 county care facility when the intermediate care facility for  
28 persons with mental illness, intermediate care facility for  
29 persons with ~~mental retardation~~ an intellectual disability,  
30 nursing facility, or county care facility has a program which  
31 has received prior approval from the department to properly  
32 care for and manage the patient. An intermediate care  
33 facility for persons with mental illness, intermediate care  
34 facility for persons with ~~mental retardation~~ an intellectual  
35 disability, nursing facility, or county care facility is

1 required to transfer or discharge a resident with dangerous or  
2 disturbing behavior when the intermediate care facility for  
3 persons with mental illness, intermediate care facility for  
4 persons with ~~mental retardation~~ an intellectual disability,  
5 nursing facility, or county care facility cannot control the  
6 resident's dangerous or disturbing behavior. The department,  
7 in coordination with the state mental health and disability  
8 services commission created in section 225C.5, shall adopt  
9 rules pursuant to chapter 17A for programs to be required  
10 in intermediate care facilities for persons with mental  
11 illness, intermediate care facilities for persons with ~~mental~~  
12 ~~retardation~~ an intellectual disability, nursing facilities, and  
13 county care facilities that admit patients or have residents  
14 with histories of dangerous or disturbing behavior.

15 Sec. 18. Section 135C.25, subsection 1, Code 2011, is  
16 amended to read as follows:

17 1. Each health care facility shall have a resident advocate  
18 committee whose members shall be appointed by the director  
19 of the department on aging or the director's designee. A  
20 person shall not be appointed a member of a resident advocate  
21 committee for a health care facility unless the person is a  
22 resident of the service area where the facility is located.  
23 The resident advocate committee for any facility caring  
24 primarily for persons with mental illness, ~~mental retardation~~  
25 an intellectual disability, or a developmental disability shall  
26 only be appointed after consultation with the administrator  
27 of the division of mental health and disability services of  
28 the department of human services on the proposed appointments.  
29 Recommendations to the director or the director's designee for  
30 membership on resident advocate committees are encouraged from  
31 any agency, organization, or individual. The administrator of  
32 the facility shall not be appointed to the resident advocate  
33 committee and shall not be present at committee meetings except  
34 upon request of the committee.

35 Sec. 19. Section 155.1, subsection 3, Code 2011, is amended

1 to read as follows:

2 3. "*Nursing home*" means an institution or facility, or  
3 part of an institution or facility, whether proprietary or  
4 nonprofit, licensed as a nursing facility, but not including an  
5 intermediate care facility for persons with ~~mental-retardation~~  
6 an intellectual disability or an intermediate care facility  
7 for persons with mental illness, defined as such for licensing  
8 purposes under state law or administrative rule adopted  
9 pursuant to section 135C.2, including but not limited to, a  
10 nursing home owned or administered by the federal or state  
11 government or an agency or political subdivision of government.

12 Sec. 20. Section 217.1, Code 2011, is amended to read as  
13 follows:

14 **217.1 Programs of department.**

15 There is established a department of human services to  
16 administer programs designed to improve the well-being  
17 and productivity of the people of the state of Iowa. The  
18 department shall concern itself with the problems of  
19 human behavior, adjustment, and daily living through the  
20 administration of programs of family, child, and adult  
21 welfare, economic assistance including costs of medical care,  
22 rehabilitation toward self-care and support, delinquency  
23 prevention and control, treatment and rehabilitation of  
24 juvenile offenders, care and treatment of persons with mental  
25 illness or ~~mental-retardation~~ an intellectual disability, and  
26 other related programs as provided by law.

27 Sec. 21. Section 218.92, Code 2011, is amended to read as  
28 follows:

29 **218.92 Patients with dangerous mental disturbances.**

30 When a patient in a state resource center for persons  
31 with ~~mental-retardation~~ an intellectual disability, a state  
32 mental health institute, or another institution under the  
33 administration of the department of human services has become  
34 so mentally disturbed as to constitute a danger to self, to  
35 other patients or staff of the institution, or to the public,

1 and the institution cannot provide adequate security, the  
2 administrator in charge of the institution, with the consent  
3 of the director of the Iowa department of corrections, may  
4 order the patient to be transferred to the Iowa medical and  
5 classification center, if the superintendent of the institution  
6 from which the patient is to be transferred, with the support  
7 of a majority of the medical staff, recommends the transfer in  
8 the interest of the patient, other patients, or the public. If  
9 the patient transferred was hospitalized pursuant to sections  
10 229.6 to 229.15, the transfer shall be promptly reported to  
11 the court that ordered the hospitalization of the patient, as  
12 required by section 229.15, subsection 5. The Iowa medical  
13 and classification center has the same rights, duties, and  
14 responsibilities with respect to the patient as the institution  
15 from which the patient was transferred had while the patient  
16 was hospitalized in the institution. The cost of the transfer  
17 shall be paid from the funds of the institution from which the  
18 transfer is made.

19 Sec. 22. Section 222.1, Code 2011, is amended to read as  
20 follows:

21 **222.1 Purpose of state resource centers.**

22 1. The Glenwood state resource center and the Woodward  
23 state resource center are established and shall be maintained  
24 as the state's regional resource centers for the purpose of  
25 providing treatment, training, instruction, care, habilitation,  
26 and support of persons with ~~mental retardation~~ an intellectual  
27 disability or other disabilities in this state, and providing  
28 facilities, services, and other support to the communities  
29 located in the region being served by a state resource center.  
30 In addition, the state resource centers are encouraged to serve  
31 as a training resource for community-based program staff,  
32 medical students, and other participants in professional  
33 education programs. A resource center may request the approval  
34 of the council on human services to change the name of the  
35 resource center for use in communication with the public, in

1 signage, and in other forms of communication.

2 2. A special ~~mental retardation~~ intellectual disability  
3 unit may be maintained at one of the state mental health  
4 institutes for the purposes set forth in sections 222.88 to  
5 222.91.

6 Sec. 23. Section 222.2, subsections 5 and 6, Code 2011, are  
7 amended to read as follows:

8 5. ~~"Mental retardation" or "mentally retarded"~~ "Intellectual  
9 disability" means ~~a term or terms to describe children and~~  
10 ~~adults who as a result of inadequately developed intelligence~~  
11 ~~are significantly impaired in ability to learn or to adapt to~~  
12 ~~the demands of society~~ the same as defined in section 4.1.

13 6. "Special unit" means a special ~~mental retardation~~  
14 intellectual disability unit established at a state mental  
15 health institute pursuant to sections 222.88 to 222.91.

16 Sec. 24. Section 222.6, Code 2011, is amended to read as  
17 follows:

18 **222.6 State districts.**

19 The administrator shall divide the state into two districts  
20 in such manner that one of the resource centers shall be  
21 located within each of the districts. Such districts may  
22 from time to time be changed. After such districts have been  
23 established, the administrator shall notify all boards of  
24 supervisors, county auditors, and clerks of the district courts  
25 of the action. Thereafter, unless the administrator otherwise  
26 orders, all admissions or commitments of persons with ~~mental~~  
27 ~~retardation~~ an intellectual disability from a district shall be  
28 to the resource center located within such district.

29 Sec. 25. Section 222.9, Code 2011, is amended to read as  
30 follows:

31 **222.9 Unauthorized departures.**

32 If any person with ~~mental retardation~~ an intellectual  
33 disability shall depart without proper authorization from a  
34 resource center or a special unit, it shall be the duty of the  
35 superintendent and the superintendent's assistants and all

1 peace officers of any county in which such patient may be found  
2 to take and detain the patient without a warrant or order and  
3 to immediately report such detention to the superintendent who  
4 shall immediately provide for the return of such patient to the  
5 resource center or special unit.

6 Sec. 26. Section 222.10, Code 2011, is amended to read as  
7 follows:

8 **222.10 Duty of peace officer.**

9 When any person with ~~mental retardation~~ an intellectual  
10 disability departs without proper authority from an institution  
11 in another state and is found in this state, any peace officer  
12 in any county in which such patient is found may take and  
13 detain the patient without warrant or order and shall report  
14 such detention to the administrator. The administrator shall  
15 provide for the return of the patient to the authorities in the  
16 state from which the unauthorized departure was made. Pending  
17 return, such patient may be detained temporarily at one of the  
18 institutions of this state governed by the administrator or by  
19 the administrator of the division of child and family services  
20 of the department of human services. The provisions of this  
21 section relating to the administrator shall also apply to the  
22 return of other nonresident persons with ~~mental retardation~~ an  
23 intellectual disability having legal settlement outside the  
24 state of Iowa.

25 Sec. 27. Section 222.12, subsections 1 and 3, Code 2011, are  
26 amended to read as follows:

27 1. Upon the death of a patient of a resource center or  
28 special unit, a preliminary investigation of the death shall be  
29 conducted as required by section 218.64 by the county medical  
30 examiner as provided in section 331.802. Such a preliminary  
31 investigation shall also be conducted in the event of a sudden  
32 or mysterious death of a patient in a private institution for  
33 persons with ~~mental retardation~~ an intellectual disability.  
34 The chief administrative officer of any private institution may  
35 request an investigation of the death of any patient by the

1 county medical examiner.

2 3. The parent, guardian, or other person responsible for  
3 the admission of a patient to a private institution for persons  
4 with ~~mental retardation~~ an intellectual disability may also  
5 request such a preliminary investigation by the county medical  
6 examiner in the event of the death of the patient that is not  
7 sudden or mysterious. The person or persons making the request  
8 are liable for the expense of such preliminary investigation  
9 and payment for the expense may be required in advance.

10 Sec. 28. Section 222.13, subsections 1 and 2, Code 2011, are  
11 amended to read as follows:

12 1. If an adult person is believed to be a person with ~~mental~~  
13 ~~retardation~~ an intellectual disability, the adult person or  
14 the adult person's guardian may submit a request through the  
15 central point of coordination process for the county board  
16 of supervisors to apply to the superintendent of any state  
17 resource center for the voluntary admission of the adult  
18 person either as an inpatient or an outpatient of the resource  
19 center. After determining the legal settlement of the adult  
20 person as provided by this chapter, the board of supervisors  
21 shall, on forms prescribed by the administrator, apply to the  
22 superintendent of the resource center in the district for the  
23 admission of the adult person to the resource center. An  
24 application for admission to a special unit of any adult person  
25 believed to be in need of any of the services provided by the  
26 special unit under section 222.88 may be made in the same  
27 manner, upon request of the adult person or the adult person's  
28 guardian. The superintendent shall accept the application  
29 providing a preadmission diagnostic evaluation, performed  
30 through the central point of coordination process, confirms or  
31 establishes the need for admission, except that an application  
32 may not be accepted if the institution does not have adequate  
33 facilities available or if the acceptance will result in an  
34 overcrowded condition.

35 2. If the resource center has no appropriate program for the

1 treatment of an adult or minor person with ~~mental retardation~~  
2 an intellectual disability applying under this section or  
3 section 222.13A, the board of supervisors shall arrange for  
4 the placement of the person in any public or private facility  
5 within or without the state, approved by the director of the  
6 department of human services, which offers appropriate services  
7 for the person, as determined through the central point of  
8 coordination process.

9 Sec. 29. Section 222.13A, subsections 1 and 2, Code 2011,  
10 are amended to read as follows:

11 1. If a minor is believed to be a person with ~~mental~~  
12 ~~retardation~~ an intellectual disability, the minor's parent,  
13 guardian, or custodian may request the county board of  
14 supervisors to apply for admission of the minor as a voluntary  
15 patient in a state resource center. If the resource center  
16 does not have appropriate services for the minor's treatment,  
17 the board of supervisors may arrange for the admission of the  
18 minor in a public or private facility within or without the  
19 state, approved by the director of human services, which offers  
20 appropriate services for the minor's treatment.

21 2. Upon receipt of an application for voluntary admission  
22 of a minor, the board of supervisors shall provide for a  
23 preadmission diagnostic evaluation of the minor to confirm  
24 or establish the need for the admission. The preadmission  
25 diagnostic evaluation shall be performed by a person who  
26 meets the qualifications of a qualified ~~mental retardation~~  
27 intellectual disability professional who is designated through  
28 the central point of coordination process.

29 Sec. 30. Section 222.16, Code 2011, is amended to read as  
30 follows:

31 **222.16 Petition for adjudication of ~~mental retardation~~**  
32 **intellectual disability.**

33 A petition for the adjudication of ~~the mental retardation~~  
34 of a person as having an intellectual disability within the  
35 meaning of this chapter may, with the permission of the court,

1 be filed without fee against a person with the clerk of the  
2 district court of the county or city in which the person who is  
3 alleged to have ~~mental retardation~~ an intellectual disability  
4 resides or is found. The petition may be filed by any relative  
5 of the person, by a guardian, or by any reputable citizen of  
6 the county where the person who is alleged to have ~~mental~~  
7 ~~retardation~~ an intellectual disability resides or is found.

8 Commitment of a person pursuant to section 222.31 does not  
9 constitute a finding or raise a presumption that the person  
10 is incompetent to vote. The court shall make a separate  
11 determination as to the person's competency to vote. The court  
12 shall find a person incompetent to vote only upon determining  
13 that the person lacks sufficient mental capacity to comprehend  
14 and exercise the right to vote.

15 Sec. 31. Section 222.17, subsection 1, Code 2011, is amended  
16 to read as follows:

17 1. Allege that such person ~~is mentally retarded~~ has an  
18 intellectual disability within the meaning of this chapter.

19 Sec. 32. Section 222.18, Code 2011, is amended to read as  
20 follows:

21 **222.18 County attorney to appear.**

22 The county attorney shall, if requested, appear on behalf  
23 of any petitioner for the commitment of a person alleged to  
24 ~~be mentally retarded~~ have an intellectual disability under  
25 this chapter, and on behalf of all public officials and  
26 superintendents in all matters pertaining to the duties imposed  
27 upon them by this chapter.

28 Upon the filing of the petition, the court shall enter an  
29 order directing the county attorney of the county in which  
30 the person who is alleged to have ~~mental retardation~~ an  
31 intellectual disability resides to make a full investigation  
32 regarding the financial condition of that person and of those  
33 persons legally liable for that person's support under section  
34 222.78.

35 Sec. 33. Section 222.19, unnumbered paragraph 1, Code 2011,

1 is amended to read as follows:

2 The following persons, in addition to the person alleged to  
3 ~~be mentally retarded~~ have an intellectual disability, shall be  
4 made party respondents if the persons reside in this state and  
5 their names and residences are known:

6 Sec. 34. Section 222.21, Code 2011, is amended to read as  
7 follows:

8 **222.21 Order requiring attendance.**

9 If the person alleged to have ~~mental retardation~~ an  
10 intellectual disability is not before the court, the court may  
11 issue an order requiring the person who has the care, custody,  
12 and control of the person who is alleged to have ~~mental~~  
13 ~~retardation~~ an intellectual disability to bring the person into  
14 court at the time and place stated in the order.

15 Sec. 35. Section 222.22, Code 2011, is amended to read as  
16 follows:

17 **222.22 Time of appearance.**

18 The time of appearance shall not be less than five days  
19 after completed service unless the court orders otherwise.  
20 Appearance on behalf of the person who is alleged to have  
21 ~~mental retardation~~ an intellectual disability may be made by  
22 any citizen of the county or by any relative. The district  
23 court shall assign counsel for the person who is alleged to  
24 have ~~mental retardation~~ an intellectual disability. Counsel  
25 shall prior to proceedings personally consult with the person  
26 who is alleged to have ~~mental retardation~~ an intellectual  
27 disability unless the judge appointing counsel certifies that  
28 in the judge's opinion, consultation shall serve no useful  
29 purpose. The certification shall be made a part of the record.  
30 An attorney assigned by the court shall be compensated by the  
31 county at an hourly rate to be established by the county board  
32 of supervisors in substantially the same manner as provided in  
33 section 815.7.

34 Sec. 36. Section 222.25, Code 2011, is amended to read as  
35 follows:

1       **222.25 Custody pending hearing.**

2       Pending final hearing, the court may at any time after  
3 the filing of the petition and on satisfactory showing that  
4 it is in the best interest of the person who is alleged to  
5 have ~~mental retardation~~ an intellectual disability and of the  
6 community that the person be at once taken into custody, or  
7 that service of notice will be ineffectual if the person is not  
8 taken into custody, issue an order for the immediate production  
9 of the person before the court. In such case, the court may  
10 make any proper order for the custody or confinement of the  
11 person as will protect the person and the community and insure  
12 the presence of the person at the hearing. The person shall  
13 not be confined with those accused or convicted of crime.

14       Sec. 37. Section 222.27, Code 2011, is amended to read as  
15 follows:

16       **222.27 Hearing in public.**

17       Hearings shall be public, unless otherwise requested by the  
18 parent, guardian, or other person having the custody of the  
19 person with ~~mental retardation~~ an intellectual disability,  
20 or if the judge considers, a closed hearing in the best  
21 interests of the person with ~~mental retardation~~ an intellectual  
22 disability.

23       Sec. 38. Section 222.28, Code 2011, is amended to read as  
24 follows:

25       **222.28 Commission to examine.**

26       The court may, at or prior to the final hearing, appoint  
27 a commission of one qualified physician and one qualified  
28 psychologist, designated through the central point of  
29 coordination process, who shall make a personal examination of  
30 the person alleged to ~~be mentally retarded~~ have an intellectual  
31 disability for the purpose of determining the mental condition  
32 of the person.

33       Sec. 39. Section 222.31, subsection 1, unnumbered paragraph  
34 1, Code 2011, is amended to read as follows:

35       If in the opinion of the court, or of a commission as

1 authorized in section 222.28, the person ~~is mentally retarded~~  
2 has an intellectual disability within the meaning of this  
3 chapter and the court determines that it will be conducive  
4 to the welfare of that person and of the community to commit  
5 the person to a proper institution for treatment, training,  
6 instruction, care, habilitation, and support, and that services  
7 or support provided to the family of such a person who is a  
8 child will not enable the family to continue to care for the  
9 child in the child's home, the court shall by proper order:

10 Sec. 40. Section 222.34, Code 2011, is amended to read as  
11 follows:

12 **222.34 Guardianship proceedings.**

13 If a guardianship is proposed for a person with ~~mental~~  
14 ~~retardation~~ an intellectual disability, guardianship  
15 proceedings shall be initiated and conducted as provided in  
16 chapter 633.

17 Sec. 41. Section 222.38, Code 2011, is amended to read as  
18 follows:

19 **222.38 Delivery of person to institution, resource center, or**  
20 **special unit.**

21 The court may, for the purpose of committing a person  
22 direct the clerk to authorize the employment of one or  
23 more assistants. If a person with ~~mental retardation~~ an  
24 intellectual disability is taken to an institution, resource  
25 center, or special unit, at least one attendant shall be of the  
26 same sex.

27 Sec. 42. Section 222.43, subsection 1, paragraphs a, b, and  
28 c, Code 2011, are amended to read as follows:

29 a. That the person adjudged to be ~~mentally retarded~~ is not  
30 mentally retarded have an intellectual disability does not have  
31 an intellectual disability.

32 b. That the person adjudged to be ~~mentally retarded~~ have an  
33 intellectual disability has improved as to be capable of self  
34 care self-care.

35 c. That the relatives or friends of the person with ~~mental~~

1 ~~retardation~~ an intellectual disability are able and willing  
2 to support and care for the person with ~~mental-retardation~~ an  
3 intellectual disability and request the person's discharge,  
4 and in the judgment of the superintendent of the institution  
5 or resource center having charge of the person, no harmful  
6 consequences are likely to follow such discharge.

7 Sec. 43. Section 222.45, Code 2011, is amended to read as  
8 follows:

9 **222.45 Power of court.**

10 On the hearing, the court may discharge the person with  
11 ~~mental-retardation~~ an intellectual disability from all  
12 supervision, control, and care, or may transfer the person  
13 from a public institution to a private institution, or vice  
14 versa, or transfer the person from a special unit to a resource  
15 center, or vice versa, as the court deems appropriate under  
16 all the circumstances. If the person has been determined to  
17 lack the mental capacity to vote, the court shall include in  
18 its order a finding that this determination remains in force  
19 or is revoked.

20 Sec. 44. Section 222.47, Code 2011, is amended to read as  
21 follows:

22 **222.47 Penalty for false petition of commitment.**

23 Any person who shall maliciously seek to have any person  
24 adjudged ~~mentally-retarded~~ as a person with an intellectual  
25 disability, knowing that such person is ~~not mentally-retarded~~  
26 does not have an intellectual disability, shall be guilty of  
27 a fraudulent practice.

28 Sec. 45. Section 222.49, Code 2011, is amended to read as  
29 follows:

30 **222.49 Costs paid.**

31 The costs of proceedings shall be defrayed from the county  
32 treasury unless otherwise ordered by the court. When the  
33 person alleged to be ~~mentally-retarded~~ have an intellectual  
34 disability is found not to be ~~mentally-retarded~~ have an  
35 intellectual disability, the court shall render judgment for

1 such costs against the person filing the petition except when  
2 the petition is filed by order of court.

3 Sec. 46. Section 222.50, Code 2011, is amended to read as  
4 follows:

5 **222.50 County of legal settlement to pay.**

6 When the proceedings are instituted in a county in which  
7 the person who is alleged to have ~~mental retardation~~ an  
8 intellectual disability was found but which is not the county  
9 of legal settlement of the person, and the costs are not taxed  
10 to the petitioner, the county which is the legal settlement of  
11 the person shall, on presentation of a properly itemized bill  
12 for such costs, repay the costs to the former county. When the  
13 person's legal settlement is outside the state or is unknown,  
14 the costs shall be paid out of money in the state treasury not  
15 otherwise appropriated, itemized on vouchers executed by the  
16 auditor of the county which paid the costs, and approved by the  
17 administrator.

18 Sec. 47. Section 222.51, Code 2011, is amended to read as  
19 follows:

20 **222.51 Costs collected.**

21 Costs incident to the hearings and commitment of a  
22 person with ~~mental retardation~~ an intellectual disability  
23 to an institution, a resource center, or a special unit  
24 may be collected from the person with ~~mental retardation~~ an  
25 intellectual disability and from all persons legally chargeable  
26 with the support of the person with ~~mental retardation~~ an  
27 intellectual disability.

28 Sec. 48. Section 222.52, Code 2011, is amended to read as  
29 follows:

30 **222.52 Proceedings against delinquent — hearing on**  
31 **~~retardation~~ intellectual disability.**

32 When in proceedings against an alleged delinquent or  
33 dependent child, the court is satisfied from any evidence that  
34 such child ~~is mentally retarded~~ has an intellectual disability,  
35 the court may order a continuance of such proceeding, and may

1 direct an officer of the court or some other proper person  
2 to file a petition against such child permitted under the  
3 provisions of this chapter. Pending hearing of the petition  
4 the court may by order provide proper custody for the child.

5 Sec. 49. Section 222.53, Code 2011, is amended to read as  
6 follows:

7 **222.53 Conviction — suspension.**

8 If on the conviction in the district court of any person  
9 for any crime or for any violation of any municipal ordinance,  
10 or if on the determination in ~~said courts~~ the court that a  
11 child is dependent, neglected, or delinquent and it appears  
12 from any evidence presented to the court before sentence,  
13 that such person ~~is mentally retarded~~ has an intellectual  
14 disability within the meaning of this chapter, the court may  
15 suspend sentence or order, and may order any officer of the  
16 court or some other proper person to file a petition permitted  
17 under the provisions of this chapter against ~~said~~ such person.  
18 Pending hearing of the petition, the court shall provide for  
19 the custody of ~~said~~ such person as directed in section 222.52.

20 Sec. 50. Section 222.54, Code 2011, is amended to read as  
21 follows:

22 **222.54 Procedure after hearing.**

23 Should it be found under sections 222.52 and 222.53 that  
24 ~~said such person is not mentally retarded~~ does not have an  
25 intellectual disability, the court shall proceed with the  
26 original proceedings as though no petition had been filed.

27 Sec. 51. Section 222.56, Code 2011, is amended to read as  
28 follows:

29 **222.56 Transfer to institution for persons with mental**  
30 **~~retardation~~ an intellectual disability.**

31 When the mental condition of a person in a private  
32 institution for persons with mental illness is found to be such  
33 that the patient should be transferred to an institution for  
34 persons with ~~mental retardation~~ an intellectual disability, the  
35 person may be proceeded against under this chapter.

1     Sec. 52. Section 222.58, Code 2011, is amended to read as  
2 follows:

3     **222.58 Administrator to keep record.**

4     The administrator shall keep a record of all persons  
5 adjudged to ~~be mentally retarded~~ have an intellectual  
6 disability and of the orders respecting such persons by the  
7 courts throughout the state. Copies of such orders shall be  
8 furnished by the clerk of the court without the administrator's  
9 application therefor.

10    Sec. 53. Section 222.60, subsection 1, unnumbered paragraph  
11 1, Code 2011, is amended to read as follows:

12    All necessary and legal expenses for the cost of admission or  
13 commitment or for the treatment, training, instruction, care,  
14 habilitation, support and transportation of persons with ~~mental~~  
15 ~~retardation~~ an intellectual disability, as provided for in  
16 the county management plan provisions implemented pursuant to  
17 section 331.439, subsection 1, in a state resource center, or  
18 in a special unit, or any public or private facility within or  
19 without the state, approved by the director of the department  
20 of human services, shall be paid by either:

21    Sec. 54. Section 222.60, subsection 2, paragraph a, Code  
22 2011, is amended to read as follows:

23    a. Prior to a county of legal settlement approving the  
24 payment of expenses for a person under this section, the county  
25 may require that the person be diagnosed to determine if the  
26 person has ~~mental retardation~~ an intellectual disability or  
27 that the person be evaluated to determine the appropriate level  
28 of services required to meet the person's needs relating to  
29 ~~mental retardation~~ an intellectual disability. The diagnosis  
30 and the evaluation may be performed concurrently and shall  
31 be performed by an individual or individuals approved by the  
32 county who are qualified to perform the diagnosis or the  
33 evaluation. Following the initial approval for payment of  
34 expenses, the county of legal settlement may require that an  
35 evaluation be performed at reasonable time periods.

1 Sec. 55. Section 222.60, subsection 3, Code 2011, is amended  
2 to read as follows:

3 3. a. A diagnosis of ~~mental retardation~~ an intellectual  
4 disability under this section shall be made only when the onset  
5 of the person's condition was prior to the age of eighteen  
6 years and shall be based on an assessment of the person's  
7 intellectual functioning and level of adaptive skills. The  
8 diagnosis shall be made by an individual who is a psychologist  
9 or psychiatrist who is professionally trained to administer  
10 the tests required to assess intellectual functioning and to  
11 evaluate a person's adaptive skills.

12 b. A diagnosis of ~~mental retardation~~ an intellectual  
13 disability shall be made in accordance with the criteria  
14 provided in the diagnostic and statistical manual of  
15 mental disorders, ~~fourth edition~~, published by the American  
16 psychiatric association, as provided in the definition of  
17 intellectual disability in section 4.1.

18 Sec. 56. Section 222.66, Code 2011, is amended to read as  
19 follows:

20 **222.66 Transfers — expenses.**

21 The transfer to a resource center or a special unit or to the  
22 place of legal settlement of a person with ~~mental retardation~~  
23 an intellectual disability who has no legal settlement in this  
24 state or whose legal settlement is unknown, shall be made  
25 in accordance with such directions as shall be prescribed  
26 by the administrator and when practicable by employees of  
27 the state resource center or the special unit. The actual  
28 and necessary expenses of such transfers shall be paid on  
29 itemized vouchers sworn to by the claimants and approved by  
30 the administrator from any funds in the state treasury not  
31 otherwise appropriated.

32 Sec. 57. Section 222.78, Code 2011, is amended to read as  
33 follows:

34 **222.78 Parents and others liable for support.**

35 The father and mother of any patient admitted or committed to

1 a resource center or to a special unit, as either an inpatient  
2 or an outpatient, and any person, firm, or corporation bound  
3 by contract made for support of the patient are liable for the  
4 support of the patient. The patient and those legally bound  
5 for the support of the patient shall be liable to the county  
6 for all sums advanced by the county to the state under the  
7 provisions of sections 222.60 and 222.77. The liability of  
8 any person, other than the patient, who is legally bound for  
9 the support of a patient who is under eighteen years of age  
10 in a resource center or a special unit shall not exceed the  
11 average minimum cost of the care of a normally intelligent  
12 minor without a disability of the same age and sex as the  
13 minor patient. The administrator shall establish the scale  
14 for this purpose but the scale shall not exceed the standards  
15 for personal allowances established by the state division  
16 under the family investment program. The father or mother  
17 shall incur liability only during any period when the father  
18 or mother either individually or jointly receive a net income  
19 from whatever source, commensurate with that upon which they  
20 would be liable to make an income tax payment to this state.  
21 The father or mother of a patient shall not be liable for the  
22 support of the patient upon the patient attaining eighteen  
23 years of age. Nothing in this section shall be construed to  
24 prevent a relative or other person from voluntarily paying  
25 the full actual cost as established by the administrator for  
26 caring for the patient with ~~mental retardation~~ an intellectual  
27 disability.

28 Sec. 58. Section 222.80, Code 2011, is amended to read as  
29 follows:

30 **222.80 Liability to county.**

31 A person admitted or committed to a county institution  
32 or home or admitted or committed at county expense to a  
33 private hospital, sanitarium, or other facility for treatment,  
34 training, instruction, care, habilitation, and support as a  
35 patient with ~~mental retardation~~ an intellectual disability

1 shall be liable to the county for the reasonable cost of the  
2 support as provided in section 222.78.

3 Sec. 59. Section 222.88, Code 2011, is amended to read as  
4 follows:

5 **222.88 ~~Special mental retardation~~ intellectual disability**  
6 **unit.**

7 The director of human services may organize and establish a  
8 special ~~mental retardation~~ intellectual disability unit at an  
9 existing institution which may provide:

10 1. Psychiatric and related services to children with ~~mental~~  
11 ~~retardation~~ an intellectual disability and adults who are also  
12 emotionally disturbed or otherwise mentally ill.

13 2. Specific programs to meet the needs of such other special  
14 categories of persons with ~~mental retardation~~ an intellectual  
15 disability as may be designated by the director.

16 3. Appropriate diagnostic evaluation services.

17 Sec. 60. Section 225C.1, subsection 1, Code 2011, is amended  
18 to read as follows:

19 1. The general assembly finds that services to persons with  
20 mental illness, ~~mental retardation~~ an intellectual disability,  
21 developmental disabilities, or brain injury are provided in  
22 many parts of the state by highly autonomous community-based  
23 service providers working cooperatively with state and county  
24 officials. However, the general assembly recognizes that  
25 heavy reliance on property tax funding for mental health and  
26 ~~mental retardation~~ an intellectual disability services has  
27 enabled many counties to exceed minimum state standards for the  
28 services resulting in an uneven level of services around the  
29 state. Consequently, greater efforts should be made to assure  
30 close coordination and continuity of care for those persons  
31 receiving publicly supported disability services in Iowa. It  
32 is the purpose of this chapter to continue and to strengthen  
33 the services to persons with disabilities now available in  
34 the state of Iowa, to make disability services conveniently  
35 available to all persons in this state upon a reasonably

1 uniform financial basis, and to assure the continued high  
2 quality of these services.

3 Sec. 61. Section 225C.2, subsections 6 and 8, Code 2011, are  
4 amended to read as follows:

5 6. "*Disability services*" means services and other support  
6 available to a person with mental illness, ~~mental-retardation~~  
7 an intellectual disability or other developmental disability,  
8 or brain injury.

9 8. "*Person with a disability*" means a person with mental  
10 illness, ~~mental-retardation~~ an intellectual disability or other  
11 developmental disability, or brain injury.

12 Sec. 62. Section 225C.3, subsections 1 and 3, Code 2011, are  
13 amended to read as follows:

14 1. The division is designated the state mental health  
15 authority as defined in 42 U.S.C. § 201(m) (1976) for the  
16 purpose of directing the benefits of the National Mental  
17 Health Act, 42 U.S.C. § 201 et seq. This designation does not  
18 preclude the board of regents from authorizing or directing any  
19 institution under its jurisdiction to carry out educational,  
20 prevention, and research activities in the areas of mental  
21 health and ~~mental-retardation~~ intellectual disability. The  
22 division may contract with the board of regents or any  
23 institution under the board's jurisdiction to perform any of  
24 these functions.

25 3. The division is administered by the administrator.  
26 The administrator of the division shall be qualified in the  
27 general field of mental health, ~~mental-retardation~~ intellectual  
28 disability, or other disability services, and preferably in  
29 more than one field. The administrator shall have at least  
30 five years of experience as an administrator in one or more of  
31 these fields.

32 Sec. 63. Section 225C.4, subsection 1, paragraphs a, c, g,  
33 and q, Code 2011, are amended to read as follows:

34 a. Prepare and administer the comprehensive mental  
35 health and disability services plan as provided in section

1 225C.6B, including state mental health and ~~mental-retardation~~  
2 intellectual disability plans for the provision of disability  
3 services within the state and the state developmental  
4 disabilities plan. The administrator shall consult with the  
5 Iowa department of public health, the state board of regents or  
6 a body designated by the board for that purpose, the department  
7 of management or a body designated by the director of the  
8 department for that purpose, the department of education, the  
9 department of workforce development and any other appropriate  
10 governmental body, in order to facilitate coordination of  
11 disability services provided in this state. The state mental  
12 health and ~~mental-retardation~~ intellectual disability plans  
13 shall be consistent with the state health plan, and shall  
14 incorporate county disability services plans.

15 c. Emphasize the provision of outpatient services by  
16 community mental health centers and local ~~mental-retardation~~  
17 intellectual disability providers as a preferable alternative  
18 to inpatient hospital services.

19 g. Administer state programs regarding the care, treatment,  
20 and supervision of persons with mental illness or ~~mental~~  
21 ~~retardation~~ an intellectual disability, except the programs  
22 administered by the state board of regents.

23 q. In cooperation with the department of inspections and  
24 appeals, recommend minimum standards under section 227.4 for  
25 the care of and services to persons with mental illness and  
26 ~~mental-retardation~~ an intellectual disability residing in  
27 county care facilities.

28 Sec. 64. Section 225C.5, subsection 1, unnumbered paragraph  
29 1, Code Supplement 2011, is amended to read as follows:

30 A mental health and disability services commission is  
31 created as the state policy-making body for the provision of  
32 services to persons with mental illness, ~~mental-retardation~~ an  
33 intellectual disability, or other developmental disabilities,  
34 or brain injury. The commission's voting members shall be  
35 appointed to three-year staggered terms by the governor and

1 are subject to confirmation by the senate. Commission members  
2 shall be appointed on the basis of interest and experience in  
3 the fields of mental health, ~~mental-retardation~~ intellectual  
4 disability, or other developmental disabilities, and brain  
5 injury, in a manner so as to ensure adequate representation  
6 from persons with disabilities and individuals knowledgeable  
7 concerning disability services. The department shall provide  
8 staff support to the commission, and the commission may utilize  
9 staff support and other assistance provided to the commission  
10 by other persons. The commission shall meet at least four  
11 times per year. The membership of the commission shall consist  
12 of the following persons who, at the time of appointment to the  
13 commission, are active members of the indicated groups:

14 Sec. 65. Section 225C.7, subsections 2 and 4, Code 2011, are  
15 amended to read as follows:

16 2. Moneys appropriated to the fund shall be allocated  
17 to counties for funding of community-based mental health,  
18 ~~mental-retardation~~ intellectual disability, developmental  
19 disabilities, and brain injury services in the manner  
20 provided in the appropriation to the fund. If the allocation  
21 methodology includes a population factor, the most recent  
22 population estimates issued by the United States bureau of the  
23 census shall be applied.

24 4. a. A county is entitled to receive money from the  
25 fund if that county raised by county levy and expended for  
26 mental health, ~~mental-retardation~~ intellectual disability,  
27 and developmental disabilities services, in the preceding  
28 fiscal year, an amount of money at least equal to the amount so  
29 raised and expended for those purposes during the fiscal year  
30 beginning July 1, 1980.

31 b. With reference to the fiscal year beginning July 1, 1980,  
32 money "*raised by county levy and expended for mental health,*  
33 *~~mental-retardation~~ intellectual disability, and developmental*  
34 *disabilities services*" means the county's maintenance of effort  
35 determined by using the general allocation application for the

1 state community mental health and mental retardation services  
2 fund under section 225C.10, subsection 1, Code 1993. The  
3 department, with the agreement of each county, shall establish  
4 the actual amount expended by each county for persons with  
5 mental illness, ~~mental retardation~~ an intellectual disability,  
6 or a developmental disability in the fiscal year which began  
7 on July 1, 1980, and this amount shall be deemed each county's  
8 maintenance of effort.

9 Sec. 66. Section 225C.12, subsection 2, Code 2011, is  
10 amended to read as follows:

11 2. A county may claim reimbursement by filing with the  
12 administrator a claim in a form prescribed by the administrator  
13 by rule. Claims may be filed on a quarterly basis, and when  
14 received shall be verified as soon as reasonably possible  
15 by the administrator. The administrator shall certify to  
16 the director of the department of administrative services  
17 the amount to which each county claiming reimbursement is  
18 entitled, and the director of the department of administrative  
19 services shall issue warrants to the respective counties  
20 drawn upon funds appropriated by the general assembly for  
21 the purpose of this section. A county shall place funds  
22 received under this section in the county mental health,  
23 ~~mental retardation~~ intellectual disability, and developmental  
24 disabilities services fund created under section 331.424A. If  
25 the appropriation for a fiscal year is insufficient to pay  
26 all claims arising under this section, the director of the  
27 department of administrative services shall prorate the funds  
28 appropriated for that year among the claimant counties so that  
29 an equal proportion of each county's claim is paid in each  
30 quarter for which proration is necessary.

31 Sec. 67. Section 225C.13, subsection 2, Code 2011, is  
32 amended to read as follows:

33 2. The division administrator may work with the appropriate  
34 administrator of the department's institutions to establish  
35 mental health and ~~mental retardation~~ intellectual disability

1 services for all institutions under the control of the director  
2 of human services and to establish an autism unit, following  
3 mutual planning and consultation with the medical director of  
4 the state psychiatric hospital, at an institution or a facility  
5 administered by the department to provide psychiatric and  
6 related services and other specific programs to meet the needs  
7 of autistic persons, and to furnish appropriate diagnostic  
8 evaluation services.

9 Sec. 68. Section 225C.21, subsection 1, Code 2011, is  
10 amended to read as follows:

11 1. As used in this section, "*supported community living*  
12 *services*" means services provided in a noninstitutional setting  
13 to adult persons with mental illness, ~~mental retardation~~ an  
14 intellectual disability, or developmental disabilities to meet  
15 the persons' daily living needs.

16 Sec. 69. Section 225C.25, Code 2011, is amended to read as  
17 follows:

18 **225C.25 Short title.**

19 Sections 225C.25 through 225C.28B shall be known as "the  
20 bill of rights and service quality standards of persons with  
21 ~~mental retardation~~ an intellectual disability, developmental  
22 disabilities, brain injury, or chronic mental illness".

23 Sec. 70. Section 225C.26, Code 2011, is amended to read as  
24 follows:

25 **225C.26 Scope.**

26 These rights and service quality standards apply to any  
27 person with ~~mental retardation~~ an intellectual disability,  
28 a developmental disability, brain injury, or chronic mental  
29 illness who receives services which are funded in whole or in  
30 part by public funds or services which are permitted under Iowa  
31 law.

32 Sec. 71. Section 225C.28A, unnumbered paragraph 1, Code  
33 2011, is amended to read as follows:

34 As the state participates more fully in funding services  
35 and other support to persons with ~~mental retardation~~ an

1 intellectual disability, developmental disabilities, brain  
2 injury, or chronic mental illness, it is the intent of the  
3 general assembly that the state shall seek to attain the  
4 following quality standards in the provision of the services:

5 Sec. 72. Section 225C.28B, Code 2011, is amended to read as  
6 follows:

7 **225C.28B Rights of persons with ~~mental-retardation~~ an**  
8 **intellectual disability, developmental disabilities, brain**  
9 **injury, or chronic mental illness.**

10 All of the following rights shall apply to a person with  
11 ~~mental-retardation~~ an intellectual disability, a developmental  
12 disability, brain injury, or chronic mental illness:

13 1. *Wage protection.* A person with ~~mental-retardation~~ an  
14 intellectual disability, a developmental disability, brain  
15 injury, or chronic mental illness engaged in work programs  
16 shall be paid wages commensurate with the going rate for  
17 comparable work and productivity.

18 2. *Insurance protection.* Pursuant to section 507B.4,  
19 subsection 7, a person or designated group of persons shall not  
20 be denied insurance coverage by reason of ~~mental-retardation~~  
21 an intellectual disability, a developmental disability, brain  
22 injury, or chronic mental illness.

23 3. *Due process.* A person with ~~mental-retardation~~ an  
24 intellectual disability, a developmental disability, brain  
25 injury, or chronic mental illness retains the right to  
26 citizenship in accordance with the laws of the state.

27 4. *Participation in planning activities.* If an individual  
28 treatment, habilitation, and program plan is developed for a  
29 person with ~~mental-retardation~~ an intellectual disability,  
30 a developmental disability, brain injury, or chronic mental  
31 illness, the person has the right to participate in the  
32 formulation of the plan.

33 Sec. 73. Section 225C.32, Code 2011, is amended to read as  
34 follows:

35 **225C.32 Plan appeals process.**

1 The department shall establish an appeals process by which a  
2 mental health, ~~mental retardation~~ intellectual disability, and  
3 developmental disabilities coordinating board or an affected  
4 party may appeal a decision of the department or of the  
5 coordinating board.

6 Sec. 74. Section 225C.52, subsection 1, Code 2011, is  
7 amended to read as follows:

8 1. Establishing a comprehensive community-based mental  
9 health services system for children and youth is part of  
10 fulfilling the requirements of the division and the commission  
11 to facilitate a comprehensive, continuous, and integrated state  
12 mental health and disability services plan in accordance with  
13 sections 225C.4, 225C.6, and 225C.6A, and other provisions  
14 of this chapter. The purpose of establishing the children's  
15 system is to improve access for children and youth with  
16 serious emotional disturbances and youth with other qualifying  
17 mental health disorders to mental health treatment, services,  
18 and other support in the least restrictive setting possible  
19 so the children and youth can live with their families and  
20 remain in their communities. The children's system is also  
21 intended to meet the needs of children and youth who have  
22 mental health disorders that co-occur with substance abuse,  
23 ~~mental retardation~~ intellectual disability, developmental  
24 disabilities, or other disabilities. The children's system  
25 shall emphasize community-level collaborative efforts between  
26 children and youth and the families and the state's systems  
27 of education, child welfare, juvenile justice, health care,  
28 substance abuse, and mental health.

29 Sec. 75. Section 226.8, Code 2011, is amended to read as  
30 follows:

31 **226.8 Persons with ~~mental retardation~~ an intellectual**  
32 **disability not receivable — exception.**

33 **No A person who is ~~mentally retarded~~ has an intellectual**  
34 **disability, as defined by in section ~~222.2~~ 4.1, shall not**  
35 **be admitted, or transferred pursuant to section 222.7, to a**

1 state mental health institute unless a professional diagnostic  
2 evaluation indicates that such person will benefit from  
3 psychiatric treatment or from some other specific program  
4 available at the mental health institute to which it is  
5 proposed to admit or transfer the person. Charges for the  
6 care of any person with ~~mental retardation~~ an intellectual  
7 disability admitted to a state mental health institute shall  
8 be made by the institute in the manner provided by chapter  
9 230, but the liability of any other person to any county for  
10 the cost of care of such person with ~~mental retardation~~ an  
11 intellectual disability shall be as prescribed by section  
12 222.78.

13 Sec. 76. Section 226.9C, subsection 2, paragraph a, Code  
14 Supplement 2011, is amended to read as follows:

15 a. A county may split the charges between the county's  
16 mental health, ~~mental retardation~~ intellectual disability, and  
17 developmental disabilities services fund created pursuant to  
18 section 331.424A and the county's budget for substance abuse  
19 expenditures.

20 Sec. 77. Section 227.2, subsections 1, 2, and 4, Code 2011,  
21 are amended to read as follows:

22 1. The director of inspections and appeals shall make,  
23 or cause to be made, at least one licensure inspection each  
24 year of every county care facility. Either the administrator  
25 of the division or the director of inspections and appeals,  
26 in cooperation with each other, upon receipt of a complaint  
27 or for good cause, may make, or cause to be made, a review  
28 of a county care facility or of any other private or county  
29 institution where persons with mental illness or ~~mental~~  
30 ~~retardation~~ an intellectual disability reside. A licensure  
31 inspection or a review shall be made by a competent and  
32 disinterested person who is acquainted with and interested in  
33 the care of persons with mental illness and persons with ~~mental~~  
34 ~~retardation~~ an intellectual disability. The objective of a  
35 licensure inspection or a review shall be an evaluation of the

1 programming and treatment provided by the facility. After each  
2 licensure inspection of a county care facility, the person who  
3 made the inspection shall consult with the county authorities  
4 on plans and practices that will improve the care given  
5 patients and shall make recommendations to the administrator of  
6 the division and the director of public health for coordinating  
7 and improving the relationships between the administrators of  
8 county care facilities, the administrator of the division, the  
9 director of public health, the superintendents of state mental  
10 health institutes and resource centers, community mental health  
11 centers, and other cooperating agencies, to cause improved  
12 and more satisfactory care of patients. A written report of  
13 each licensure inspection of a county care facility under this  
14 section shall be filed with the administrator of the division  
15 and the director of public health and shall include:

- 16     *a.* The capacity of the institution for the care of  
17 residents.
- 18     *b.* The number, sex, ages, and primary diagnoses of the  
19 residents.
- 20     *c.* The care of residents, their food, clothing, treatment  
21 plan, employment, and opportunity for recreational activities  
22 and for productive work intended primarily as therapeutic  
23 activity.
- 24     *d.* The number, job classification, sex, duties, and salaries  
25 of all employees.
- 26     *e.* The cost to the state or county of maintaining residents  
27 in a county care facility.
- 28     *f.* The recommendations given to and received from county  
29 authorities on methods and practices that will improve the  
30 conditions under which the county care facility is operated.
- 31     *g.* Any failure to comply with standards adopted under  
32 section 227.4 for care of persons with mental illness and  
33 persons with ~~mental retardation~~ an intellectual disability in  
34 county care facilities, which is not covered in information  
35 submitted pursuant to paragraphs "a" to "f", and any other

1 matters which the director of public health, in consultation  
2 with the administrator of the division, may require.

3 2. A copy of the written report prescribed by subsection  
4 1 shall be furnished to the county board of supervisors, to  
5 the county mental health and ~~mental-retardation~~ intellectual  
6 disability coordinating board or to its advisory board if  
7 the county board of supervisors constitutes ex officio the  
8 coordinating board, to the administrator of the county care  
9 facility inspected and to its resident advocate committee, and  
10 to the department on aging.

11 4. In addition to the licensure inspections required or  
12 authorized by this section, the administrator of the division  
13 shall cause to be made an evaluation of each person cared for  
14 in a county care facility at least once each year by one or  
15 more qualified mental health, ~~mental-retardation~~ intellectual  
16 disability, or medical professionals, whichever is appropriate.

17 a. It is the responsibility of the state to secure the  
18 annual evaluation for each person who is on convalescent leave  
19 or who has not been discharged from a state mental health  
20 institute. It is the responsibility of the county to secure  
21 the annual evaluation for all other persons with mental illness  
22 in the county care facility.

23 b. It is the responsibility of the state to secure the  
24 annual evaluation for each person who is on leave and has  
25 not been discharged from a state resource center. It is the  
26 responsibility of the county to secure the annual evaluation  
27 for all other persons with ~~mental-retardation~~ an intellectual  
28 disability in the county care facility.

29 c. It is the responsibility of the county to secure an  
30 annual evaluation of each resident of a county care facility to  
31 whom neither paragraph "a" nor paragraph "b" is applicable.

32 Sec. 78. Section 227.4, Code 2011, is amended to read as  
33 follows:

34 **227.4 Standards for care of persons with mental illness or**  
35 **~~mental-retardation~~ an intellectual disability in county care**

1 **facilities.**

2 The administrator, in cooperation with the department of  
3 inspections and appeals, shall recommend and the mental health  
4 and disability services commission created in section 225C.5  
5 shall adopt standards for the care of and services to persons  
6 with mental illness or ~~mental-retardation~~ an intellectual  
7 disability residing in county care facilities. The standards  
8 shall be enforced by the department of inspections and appeals  
9 as a part of the licensure inspection conducted pursuant to  
10 chapter 135C. The objective of the standards is to ensure  
11 that persons with mental illness or ~~mental-retardation~~ an  
12 intellectual disability who are residents of county care  
13 facilities are not only adequately fed, clothed, and housed,  
14 but are also offered reasonable opportunities for productive  
15 work and recreational activities suited to their physical and  
16 mental abilities and offering both a constructive outlet for  
17 their energies and, if possible, therapeutic benefit. When  
18 recommending standards under this section, the administrator  
19 shall designate an advisory committee representing  
20 administrators of county care facilities, county mental health  
21 and developmental disabilities regional planning councils, and  
22 county care facility resident advocate committees to assist in  
23 the establishment of standards.

24 Sec. 79. Section 227.6, Code 2011, is amended to read as  
25 follows:

26 **227.6 Removal of residents.**

27 If a county care facility fails to comply with rules and  
28 standards adopted under this chapter, the administrator may  
29 remove all persons with mental illness and all persons with  
30 ~~mental-retardation~~ an intellectual disability cared for in the  
31 county care facility at public expense, to the proper state  
32 mental health institute or resource center, or to some private  
33 or county institution or hospital for the care of persons  
34 with mental illness or ~~mental-retardation~~ an intellectual  
35 disability that has complied with the rules prescribed by the

1 administrator. Residents being transferred to a state mental  
2 health institute or resource center shall be accompanied by an  
3 attendant or attendants sent from the institute or resource  
4 center. If a resident is transferred under this section,  
5 at least one attendant shall be of the same sex. If the  
6 administrator finds that the needs of residents with mental  
7 illness and residents with ~~mental retardation~~ an intellectual  
8 disability of any other county or private institution are not  
9 being adequately met, those residents may be removed from that  
10 institution upon order of the administrator.

11 Sec. 80. Section 229.1, subsection 9, Code Supplement 2011,  
12 is amended to read as follows:

13 9. "*Mental illness*" means every type of mental disease  
14 or mental disorder, except that it does not refer to  
15 ~~mental retardation~~ intellectual disability as defined in  
16 section ~~222.2, subsection 5~~ 4.1, or to insanity, diminished  
17 responsibility, or mental incompetency as the terms are defined  
18 and used in the Iowa criminal code or in the rules of criminal  
19 procedure, Iowa court rules.

20 Sec. 81. Section 229.26, Code 2011, is amended to read as  
21 follows:

22 **229.26 Exclusive procedure for involuntary hospitalization.**

23 Sections 229.6 through 229.19 constitute the exclusive  
24 procedure for involuntary hospitalization of persons by reason  
25 of serious mental impairment in this state, except that this  
26 chapter does not negate the provisions of section 904.503  
27 relating to transfer of prisoners with mental illness to state  
28 hospitals for persons with mental illness and does not apply  
29 to commitments of persons under chapter 812 or the rules of  
30 criminal procedure, Iowa court rules, or negate the provisions  
31 of section 232.51 relating to disposition of children  
32 with mental illness or ~~mental retardation~~ an intellectual  
33 disability.

34 Sec. 82. Section 230.33, Code 2011, is amended to read as  
35 follows:

1     **230.33 Reciprocal agreements.**

2     The administrator may enter into agreements with other  
3 states, through their duly constituted authorities, to effect  
4 the reciprocal return of persons with mental illness and  
5 persons with ~~mental retardation~~ an intellectual disability  
6 to the contracting states, and to effect the reciprocal  
7 supervision of persons on convalescent leave.

8     Provided that in the case of a proposed transfer of  
9 a person with mental illness or ~~mental retardation~~ an  
10 intellectual disability from this state that no final action  
11 be taken without the approval either of the commission of  
12 hospitalization, or of the district court, of the county of  
13 admission or commitment.

14     Sec. 83. Section 231.4, subsection 1, paragraph m, Code  
15 Supplement 2011, is amended to read as follows:

16     *m.* "Resident" means a resident or tenant of a long-term  
17 care facility, assisted living program, or elder group home,  
18 excluding facilities licensed primarily to serve persons  
19 with ~~mental retardation~~ an intellectual disability or mental  
20 illness.

21     Sec. 84. Section 231.42, subsection 2, paragraph a, Code  
22 2011, is amended to read as follows:

23     *a.* Establish and implement a statewide confidential  
24 uniform reporting system for receiving, analyzing, referring,  
25 investigating, and resolving complaints about administrative  
26 actions and the health, safety, welfare, and rights of  
27 residents or tenants of long-term care facilities, assisted  
28 living programs, and elder group homes, excluding facilities  
29 licensed primarily to serve persons with ~~mental retardation~~ an  
30 intellectual disability or mental illness.

31     Sec. 85. Section 232.51, subsection 2, Code Supplement  
32 2011, is amended to read as follows:

33     2. If the evidence received at an adjudicatory or a  
34 dispositional hearing indicates that the child ~~is mentally~~  
35 ~~retarded~~ has an intellectual disability, the court may direct

1 the juvenile court officer or the department to initiate  
2 proceedings or to assist the child's parent or guardian to  
3 initiate civil commitment proceedings in the juvenile court and  
4 such proceedings shall adhere to the requirements of chapter  
5 222.

6 Sec. 86. Section 232.51, subsection 3, paragraph a, Code  
7 Supplement 2011, is amended to read as follows:

8 a. If prior to the adjudicatory or dispositional hearing  
9 on the pending delinquency petition, the child is committed  
10 as a child with a mental illness or ~~mental retardation~~ an  
11 intellectual disability and is ordered into a residential  
12 facility, institution, or hospital for inpatient treatment,  
13 the delinquency proceeding shall be suspended until such time  
14 as the juvenile court either terminates the civil commitment  
15 order or the child is released from the residential facility,  
16 institution, or hospital for purposes of receiving outpatient  
17 treatment.

18 Sec. 87. Section 232.175, Code 2011, is amended to read as  
19 follows:

20 **232.175 Placement oversight.**

21 Placement oversight shall be provided pursuant to this  
22 division when the parent, guardian, or custodian of a child  
23 with ~~mental retardation~~ an intellectual disability or other  
24 developmental disability requests placement of the child  
25 in foster family care for a period of more than thirty  
26 days. The oversight shall be provided through review of  
27 the placement every six months by the department's foster  
28 care review committees or by a local citizen foster care  
29 review board. Court oversight shall be provided prior to the  
30 initial placement and at periodic intervals which shall not  
31 exceed twelve months. It is the purpose and policy of this  
32 division to assure the existence of oversight safeguards as  
33 required by the federal Child Welfare Act of 1980, Pub. L. No.  
34 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B),  
35 and 675(1),(5), while maintaining parental decision-making

1 authority.

2 Sec. 88. Section 232.178, subsection 4, Code 2011, is  
3 amended to read as follows:

4 4. The petition shall describe the child's emotional,  
5 physical, or intellectual disability which requires care and  
6 treatment; the reasonable efforts to maintain the child in  
7 the child's home; the department's request to the family of  
8 a child with ~~mental retardation~~ an intellectual disability,  
9 other developmental disability, or organic mental illness to  
10 determine if any services or support provided to the family  
11 will enable the family to continue to care for the child in the  
12 child's home; and the reason the child's parent, guardian, or  
13 custodian has requested a foster family care placement. The  
14 petition shall also describe the commitment of the parent,  
15 guardian, or custodian in fulfilling the responsibilities  
16 defined in the case permanency plan and how the placement will  
17 serve the child's best interests.

18 Sec. 89. Section 232.182, subsection 5, paragraph a,  
19 subparagraph (4), Code 2011, is amended to read as follows:

20 (4) A determination that services or support provided to  
21 the family of a child with ~~mental retardation~~ an intellectual  
22 disability, other developmental disability, or organic mental  
23 illness will not enable the family to continue to care for the  
24 child in the child's home.

25 Sec. 90. Section 233A.14, Code 2011, is amended to read as  
26 follows:

27 **233A.14 Transfers to other institutions.**

28 The administrator may transfer to the schools minor wards of  
29 the state from any institution under the administrator's charge  
30 but no person shall be so transferred who is mentally ill or  
31 ~~mentally retarded~~ has an intellectual disability. Any child  
32 in the schools who is mentally ill or ~~mentally retarded~~ has an  
33 intellectual disability may be transferred by the administrator  
34 to the proper state institution.

35 Sec. 91. Section 233B.5, Code 2011, is amended to read as

1 follows:

2 **233B.5 Transfers.**

3 The administrator may transfer to the home minor wards of the  
4 state from any institution under the administrator's charge or  
5 under the charge of any other administrator of the department  
6 of human services; but no person shall be so transferred who  
7 is a person with mental illness or ~~mental-retardation~~ an  
8 intellectual disability, or who is incorrigible, or has any  
9 vicious habits, or whose presence in the home would be inimical  
10 to the moral or physical welfare of the other children within  
11 the home, and any such child in the home may be transferred to  
12 the proper state institution.

13 Sec. 92. Section 234.6, subsection 6, paragraph f, Code  
14 2011, is amended to read as follows:

15 f. Services or support provided to a child with ~~mental-~~  
16 ~~retardation~~ an intellectual disability or other developmental  
17 disability or to the child's family.

18 Sec. 93. Section 235.1, subsection 3, Code 2011, is amended  
19 to read as follows:

20 3. "*Child welfare services*" means social welfare services  
21 for the protection and care of children who are homeless,  
22 dependent or neglected, or in danger of becoming delinquent, or  
23 who have a mental illness or ~~mental-retardation~~ an intellectual  
24 disability or other developmental disability, including, when  
25 necessary, care and maintenance in a foster care facility.  
26 Child welfare services are designed to serve a child in the  
27 child's home whenever possible. If not possible, and the child  
28 is placed outside the child's home, the placement should be in  
29 the least restrictive setting available and in close proximity  
30 to the child's home.

31 Sec. 94. Section 235A.15, subsection 2, paragraph c,  
32 subparagraph (9), Code Supplement 2011, is amended to read as  
33 follows:

34 (9) To the administrator of an agency providing mental  
35 health, ~~mental-retardation~~ intellectual disability, or

1 developmental disability services under a county management  
2 plan developed pursuant to section 331.439, if the data  
3 concerns a person employed by or being considered by the agency  
4 for employment.

5 Sec. 95. Section 235B.6, subsection 2, paragraph c,  
6 subparagraph (6), Code Supplement 2011, is amended to read as  
7 follows:

8 (6) To the administrator of an agency providing mental  
9 health, ~~mental-retardation~~ intellectual disability, or  
10 developmental disability services under a county management  
11 plan developed pursuant to section 331.439, if the information  
12 concerns a person employed by or being considered by the agency  
13 for employment.

14 Sec. 96. Section 249A.2, subsection 4, Code 2011, is amended  
15 to read as follows:

16 4. "*Discretionary medical assistance*" means medical  
17 assistance or additional medical assistance provided to  
18 individuals whose income and resources are in excess of  
19 eligibility limitations but are insufficient to meet all of the  
20 costs of necessary medical care and services, provided that if  
21 the assistance includes services in institutions for mental  
22 diseases or intermediate care facilities for persons with  
23 ~~mental-retardation~~ an intellectual disability, or both, for any  
24 group of such individuals, the assistance also includes for  
25 all covered groups of such individuals at least the care and  
26 services enumerated in Tit. XIX of the federal Social Security  
27 Act, section 1905(a), paragraphs (1) through (5), and (17),  
28 as codified in 42 U.S.C. § 1396d(a), pars. (1) through (5),  
29 and (17), or any seven of the care and services enumerated in  
30 Tit. XIX of the federal Social Security Act, section 1905(a),  
31 paragraphs (1) through (7) and (9) through (18), as codified in  
32 42 U.S.C. § 1396d(a), pars. (1) through (7), and (9) through  
33 (18).

34 Sec. 97. Section 249A.5, subsection 2, unnumbered paragraph  
35 1, Code 2011, is amended to read as follows:

1 The provision of medical assistance to an individual who  
2 is fifty-five years of age or older, or who is a resident of  
3 a nursing facility, intermediate care facility for persons  
4 with ~~mental retardation~~ an intellectual disability, or mental  
5 health institute, who cannot reasonably be expected to be  
6 discharged and return to the individual's home, creates a  
7 debt due the department from the individual's estate for all  
8 medical assistance provided on the individual's behalf, upon  
9 the individual's death.

10 Sec. 98. Section 249A.5, subsection 2, paragraph f,  
11 subparagraph (1), Code 2011, is amended to read as follows:

12 (1) If a debt is due under this subsection from the estate  
13 of a recipient, the administrator of the nursing facility,  
14 intermediate care facility for persons with ~~mental retardation~~  
15 an intellectual disability, or mental health institute in which  
16 the recipient resided at the time of the recipient's death, and  
17 the personal representative of the recipient, if applicable,  
18 shall report the death to the department within ten days of the  
19 death of the recipient.

20 Sec. 99. Section 249A.12, subsection 1, Code 2011, is  
21 amended to read as follows:

22 1. Assistance may be furnished under this chapter to an  
23 otherwise eligible recipient who is a resident of a health  
24 care facility licensed under chapter 135C and certified as an  
25 intermediate care facility for persons with ~~mental retardation~~  
26 an intellectual disability.

27 Sec. 100. Section 249A.12, subsection 4, paragraphs a and c,  
28 Code 2011, are amended to read as follows:

29 a. Effective July 1, 1995, the state shall be responsible  
30 for all of the nonfederal share of the costs of intermediate  
31 care facility for persons with ~~mental retardation~~ an  
32 intellectual disability services provided under medical  
33 assistance to minors. Notwithstanding subsection 2 and  
34 contrary provisions of section 222.73, effective July 1, 1995,  
35 a county is not required to reimburse the department and shall

1 not be billed for the nonfederal share of the costs of such  
2 services provided to minors.

3     *c.* Effective February 1, 2002, the state shall be  
4 responsible for all of the nonfederal share of the costs of  
5 intermediate care facility for persons with ~~mental-retardation~~  
6 an intellectual disability services provided under medical  
7 assistance attributable to the assessment fee for intermediate  
8 care facilities for individuals with ~~mental-retardation~~ an  
9 intellectual disability imposed pursuant to section 249A.21.  
10 Notwithstanding subsection 2, effective February 1, 2003, a  
11 county is not required to reimburse the department and shall  
12 not be billed for the nonfederal share of the costs of such  
13 services attributable to the assessment fee.

14     Sec. 101. Section 249A.12, subsection 5, Code 2011, is  
15 amended to read as follows:

16     5. *a.* The mental health and disability services commission  
17 shall recommend to the department the actions necessary to  
18 assist in the transition of individuals being served in an  
19 intermediate care facility for persons with ~~mental-retardation~~  
20 an intellectual disability, who are appropriate for the  
21 transition, to services funded under a medical assistance  
22 home and community-based services waiver for persons with  
23 intellectual disabilities in a manner which maximizes the use  
24 of existing public and private facilities. The actions may  
25 include but are not limited to submitting any of the following  
26 or a combination of any of the following as a request for a  
27 revision of the medical assistance home and community-based  
28 services waiver for persons with intellectual disabilities:

29         (1) Allow for the transition of intermediate care  
30 facilities for persons with ~~mental-retardation~~ an intellectual  
31 disability licensed under chapter 135C, to services funded  
32 under the medical assistance home and community-based services  
33 waiver for persons with intellectual disabilities. The request  
34 shall be for inclusion of additional persons under the waiver  
35 associated with the transition.

1 (2) Allow for reimbursement under the waiver for day program  
2 or other service costs.

3 (3) Allow for exception provisions in which an intermediate  
4 care facility for persons with ~~mental retardation~~ an  
5 intellectual disability which does not meet size and other  
6 facility-related requirements under the waiver in effect on  
7 June 30, 1996, may convert to a waiver service for a set period  
8 of time such as five years. Following the set period of time,  
9 the facility would be subject to the waiver requirements  
10 applicable to services which were not operating under the  
11 exception provisions.

12 b. In implementing the provisions of this subsection, the  
13 mental health and disability services commission shall consult  
14 with other states. The waiver revision request or other action  
15 necessary to assist in the transition of service provision  
16 from intermediate care facilities for persons with ~~mental~~  
17 ~~retardation~~ an intellectual disability to alternative programs  
18 shall be implemented by the department in a manner that can  
19 appropriately meet the needs of individuals at an overall  
20 lower cost to counties, the federal government, and the state.  
21 In addition, the department shall take into consideration  
22 significant federal changes to the medical assistance program  
23 in formulating the department's actions under this subsection.  
24 The department shall consult with the mental health and  
25 disability services commission in adopting rules for oversight  
26 of facilities converted pursuant to this subsection. A  
27 transition approach described in paragraph "a" may be modified  
28 as necessary to obtain federal waiver approval.

29 Sec. 102. Section 249A.12, subsection 6, paragraphs a and d,  
30 Code 2011, are amended to read as follows:

31 a. The provisions of the home and community-based services  
32 waiver for persons with an intellectual disabilities disability  
33 shall include adult day care, prevocational, and transportation  
34 services. Transportation shall be included as a separately  
35 payable service.

1     *d.* The county of legal settlement shall pay for one hundred  
2 percent of the nonfederal share of the costs of care provided  
3 for adults which is reimbursed under a home and community-based  
4 services waiver that would otherwise be approved for provision  
5 in an intermediate care facility for persons with ~~mental~~  
6 ~~retardation~~ an intellectual disability provided under the  
7 medical assistance program.

8     Sec. 103. Section 249A.12, subsections 7 and 8, Code 2011,  
9 are amended to read as follows:

10     7. When paying the necessary and legal expenses for  
11 intermediate care facility for persons with ~~mental-retardation~~  
12 an intellectual disability services, the cost requirements of  
13 section 222.60 shall be considered fulfilled when payment is  
14 made in accordance with the medical assistance payment rates  
15 established by the department for intermediate care facilities  
16 for persons with ~~mental-retardation~~ an intellectual disability,  
17 and the state or a county of legal settlement shall not be  
18 obligated for any amount in excess of the rates.

19     8. If a person with ~~mental-retardation~~ an intellectual  
20 disability has no legal settlement or the legal settlement is  
21 unknown so that the person is deemed to be a state case and  
22 services associated with the ~~mental-retardation~~ intellectual  
23 disability can be covered under a medical assistance home and  
24 community-based services waiver or other medical assistance  
25 program provision, the nonfederal share of the medical  
26 assistance program costs for such coverage shall be paid from  
27 the appropriation made for the medical assistance program.

28     Sec. 104. Section 249A.21, subsections 1 and 6, Code 2011,  
29 are amended to read as follows:

30     1. The department may assess intermediate care facilities  
31 for persons with ~~mental-retardation~~ an intellectual disability,  
32 as defined in section 135C.1, a fee in an amount not to exceed  
33 six percent of the total annual revenue of the facility for the  
34 preceding fiscal year.

35     6. The department may adopt administrative rules under

1 section 17A.4, subsection 3, and section 17A.5, subsection 2,  
2 paragraph "b", to implement this section, and any fee assessed  
3 pursuant to this section against an intermediate care facility  
4 for persons with ~~mental retardation~~ an intellectual disability  
5 that is operated by the state may be made retroactive to  
6 October 1, 2003.

7 Sec. 105. Section 249A.26, subsection 2, paragraph a, Code  
8 2011, is amended to read as follows:

9 a. Except as provided for disallowed costs in section  
10 249A.27, the county of legal settlement shall pay for fifty  
11 percent of the nonfederal share of the cost and the state  
12 shall have responsibility for the remaining fifty percent of  
13 the nonfederal share of the cost of case management provided  
14 to adults, day treatment, and partial hospitalization provided  
15 under the medical assistance program for persons with ~~mental~~  
16 ~~retardation~~ an intellectual disability, a developmental  
17 disability, or chronic mental illness. For purposes of  
18 this section, persons with mental disorders resulting from  
19 Alzheimer's disease or substance abuse shall not be considered  
20 chronically mentally ill. To the maximum extent allowed under  
21 federal law and regulations, the department shall consult with  
22 and inform a county of legal settlement's central point of  
23 coordination process, as defined in section 331.440, regarding  
24 the necessity for and the provision of any service for which  
25 the county is required to provide reimbursement under this  
26 subsection.

27 Sec. 106. Section 249A.26, subsections 3, 7, and 9, Code  
28 2011, are amended to read as follows:

29 3. To the maximum extent allowed under federal law and  
30 regulations, a person with mental illness or ~~mental retardation~~  
31 an intellectual disability shall not be eligible for any  
32 service which is funded in whole or in part by a county share of  
33 the nonfederal portion of medical assistance funds unless the  
34 person is referred through the central point of coordination  
35 process, as defined in section 331.440. However, to the

1 extent federal law allows referral of a medical assistance  
2 recipient to a service without approval of the central point of  
3 coordination process, the county of legal settlement shall be  
4 billed for the nonfederal share of costs for any adult person  
5 for whom the county would otherwise be responsible.

6 7. Unless a county has paid or is paying for the nonfederal  
7 share of the costs of a person's home and community-based  
8 waiver services or placement in an intermediate care  
9 facility for persons with ~~mental retardation~~ an intellectual  
10 disability under the county's mental health, ~~mental retardation~~  
11 intellectual disability, and developmental disabilities  
12 services fund, or unless a county of legal settlement would  
13 become liable for the costs of services for a person at the  
14 level of care provided in an intermediate care facility for  
15 persons with ~~mental retardation~~ an intellectual disability due  
16 to the person reaching the age of majority, the state shall pay  
17 for the nonfederal share of the costs of an eligible person's  
18 services under the home and community-based services waiver for  
19 persons with brain injury.

20 9. Notwithstanding section 8.39, the department may  
21 transfer funds appropriated for the medical assistance program  
22 to a separate account established in the department's case  
23 management unit in an amount necessary to pay for expenditures  
24 required to provide case management for mental health,  
25 ~~mental retardation~~ intellectual disability, and developmental  
26 disabilities services under the medical assistance program  
27 which are jointly funded by the state and county, pending final  
28 settlement of the expenditures. Funds received by the case  
29 management unit in settlement of the expenditures shall be used  
30 to replace the transferred funds and are available for the  
31 purposes for which the funds were originally appropriated.

32 Sec. 107. Section 249A.30A, Code Supplement 2011, is  
33 amended to read as follows:

34 **249A.30A Medical assistance — personal needs allowance.**

35 The personal needs allowance under the medical assistance

1 program, which may be retained by a person who is a resident of  
2 a nursing facility, an intermediate care facility for persons  
3 with ~~mental retardation~~ an intellectual disability, or an  
4 intermediate care facility for persons with mental illness, as  
5 defined in section 135C.1, or a person who is a resident of  
6 a psychiatric medical institution for children as defined in  
7 section 135H.1, shall be fifty dollars per month. A resident  
8 who has income of less than fifty dollars per month shall  
9 receive a supplement from the state in the amount necessary to  
10 receive a personal needs allowance of fifty dollars per month,  
11 if funding is specifically appropriated for this purpose.

12 Sec. 108. Section 249A.31, subsection 1, Code 2011, is  
13 amended to read as follows:

14 1. Providers of individual case management services for  
15 persons with ~~mental retardation~~ an intellectual disability,  
16 a developmental disability, or chronic mental illness shall  
17 receive cost-based reimbursement for one hundred percent of  
18 the reasonable costs for the provision of the services in  
19 accordance with standards adopted by the mental health and  
20 disability services commission pursuant to section 225C.6.

21 Sec. 109. Section 252.16, subsection 6, paragraph c, Code  
22 2011, is amended to read as follows:

23 c. A blind person who is an inpatient or resident of, is  
24 supported by, or is receiving treatment or support services  
25 from a state resource center created under chapter 222, a  
26 state mental health institute created under chapter 226, the  
27 Iowa braille and sight saving school administered by the state  
28 board of regents, or any community-based provider of treatment  
29 or services for ~~mental retardation~~ intellectual disability,  
30 developmental disabilities, mental health, or substance abuse,  
31 does not acquire legal settlement in the county in which the  
32 institution, facility, or provider is located, unless the blind  
33 person has resided in the county in which the institution,  
34 facility, or provider is located for a period of six months  
35 prior to the date of commencement of receipt of assistance

1 under the laws of this state or for a period of six months  
2 subsequent to the date of termination of assistance under the  
3 laws of this state.

4 Sec. 110. Section 252.16, subsection 8, Code 2011, is  
5 amended to read as follows:

6 8. A person receiving treatment or support services from  
7 any provider, whether organized for pecuniary profit or not or  
8 whether supported by charitable or public or private funds,  
9 that provides treatment or services for ~~mental-retardation~~  
10 intellectual disability, developmental disabilities, mental  
11 health, brain injury, or substance abuse does not acquire legal  
12 settlement in a county unless the person continuously resides  
13 in that county for one year from the date of the last treatment  
14 or support service received by the person.

15 Sec. 111. Section 262.70, Code 2011, is amended to read as  
16 follows:

17 **262.70 Education, prevention, and research programs in mental**  
18 **health and disability services.**

19 The division of mental health and disability services of  
20 the department of human services may contract with the board  
21 of regents or any institution under the board's jurisdiction  
22 to establish and maintain programs of education, prevention,  
23 and research in the fields of mental health, ~~mental-retardation~~  
24 intellectual disability, developmental disabilities, and  
25 brain injury. The board may delegate responsibility for these  
26 programs to the state psychiatric hospital, the university  
27 hospital, or any other appropriate entity under the board's  
28 jurisdiction.

29 Sec. 112. Section 263.11, subsection 2, Code 2011, is  
30 amended to read as follows:

31 2. Persons who are not eligible for admission to the schools  
32 already established for persons with ~~mental-retardation~~ an  
33 intellectual disability or epilepsy or persons who are deaf or  
34 blind.

35 Sec. 113. Section 331.381, subsection 4, Code 2011, is

1 amended to read as follows:

2 4. Comply with chapter 222, including but not limited to  
3 sections 222.13, 222.14, and 222.59 to 222.82, in regard to  
4 the care of persons with ~~mental-retardation~~ an intellectual  
5 disability.

6 Sec. 114. Section 331.424A, subsections 1, 2, and 5, Code  
7 Supplement 2011, are amended to read as follows:

8 1. For the purposes of this chapter, unless the context  
9 otherwise requires, "*services fund*" means the county mental  
10 health, ~~mental-retardation~~ intellectual disability, and  
11 developmental disabilities services fund created in subsection  
12 2. The county finance committee created in section 333A.2  
13 shall consult with the state commission in adopting rules and  
14 prescribing forms for administering the services fund.

15 2. For the fiscal year beginning July 1, 1996, and  
16 succeeding fiscal years, county revenues from taxes and other  
17 sources designated for mental health, ~~mental-retardation~~  
18 intellectual disability, and developmental disabilities  
19 services shall be credited to the mental health, ~~mental-~~  
20 ~~retardation~~ intellectual disability, and developmental  
21 disabilities services fund of the county. The board shall make  
22 appropriations from the fund for payment of services provided  
23 under the county management plan approved pursuant to section  
24 331.439. The county may pay for the services in cooperation  
25 with other counties by pooling appropriations from the fund  
26 with other counties or through county regional entities  
27 including but not limited to the county's mental health and  
28 developmental disabilities regional planning council created  
29 pursuant to section 225C.18.

30 5. Appropriations specifically authorized to be made from  
31 the mental health, ~~mental-retardation~~ intellectual disability,  
32 and developmental disabilities services fund shall not be made  
33 from any other fund of the county.

34 Sec. 115. Section 331.432, subsection 3, Code Supplement  
35 2011, is amended to read as follows:

1 3. Except as authorized in section 331.477, transfers of  
2 moneys between the county mental health, ~~mental-retardation~~  
3 intellectual disability, and developmental disabilities  
4 services fund and any other fund are prohibited.

5 Sec. 116. Section 331.438, subsection 1, paragraphs a and b,  
6 Code Supplement 2011, are amended to read as follows:

7 a. "*Base year expenditures*" means the amount selected by a  
8 county and reported to the county finance committee pursuant  
9 to this paragraph. The amount selected shall be equal to the  
10 amount of net expenditures made by the county for qualified  
11 mental health, ~~mental-retardation~~ intellectual disability, and  
12 developmental disabilities services provided in one of the  
13 following:

14 (1) The actual amount reported to the state on October 15,  
15 1994, for the fiscal year beginning July 1, 1993.

16 (2) The net expenditure amount contained in the county's  
17 final budget certified in accordance with chapter 24 for the  
18 fiscal year beginning July 1, 1995, and reported to the county  
19 finance committee.

20 b. "*Qualified mental health, ~~mental-retardation~~ intellectual*  
21 *disability, and developmental disabilities services*" means the  
22 services specified in the rules adopted by the state commission  
23 for administering the services fund, pursuant to section  
24 331.424A.

25 Sec. 117. Section 331.438, subsection 4, paragraph a, Code  
26 Supplement 2011, is amended to read as follows:

27 a. The state commission shall make recommendations and take  
28 actions for joint state and county planning, implementing,  
29 and funding of mental health, ~~mental-retardation~~ intellectual  
30 disability or other developmental disabilities, and brain  
31 injury services, including but not limited to developing and  
32 implementing fiscal and accountability controls, establishing  
33 management plans, and ensuring that eligible persons have  
34 access to appropriate and cost-effective services.

35 Sec. 118. Section 331.438, subsection 4, paragraph b,

1 subparagraph (6), Code Supplement 2011, is amended to read as  
2 follows:

3 (6) Consider recommendations for measuring and improving  
4 the quality of state and county mental health, ~~mental~~  
5 ~~retardation~~ intellectual disability, and developmental  
6 disabilities services and other support.

7 Sec. 119. Section 331.439, subsection 1, paragraphs a, b,  
8 and f, Code Supplement 2011, are amended to read as follows:

9 a. The county accurately reported by December 1 the county's  
10 expenditures for mental health, ~~mental-retardation~~ intellectual  
11 disability, and developmental disabilities services and the  
12 information required under section 225C.6A, subsection 3,  
13 paragraph "c", for the previous fiscal year in accordance with  
14 rules adopted by the state commission. If the department  
15 determines good cause exists, the department may extend a  
16 deadline otherwise imposed under this chapter, chapter 225C, or  
17 chapter 426B for a county's reporting concerning mental health,  
18 ~~mental-retardation~~ intellectual disability, or developmental  
19 disabilities services or related revenues and expenditures.

20 b. The county developed and implemented a county management  
21 plan for the county's mental health, ~~mental-retardation~~  
22 intellectual disability, and developmental disabilities  
23 services system in accordance with the provisions of this  
24 paragraph "b". The plan shall comply with the administrative  
25 rules adopted for this purpose by the state commission and is  
26 subject to the approval of the director of human services in  
27 consultation with the state commission. The plan shall include  
28 a description of the county's service management provision for  
29 mental health, ~~mental-retardation~~ intellectual disability, and  
30 developmental disabilities services. For ~~mental-retardation~~  
31 intellectual disability and developmental disabilities service  
32 management, the plan shall describe the county's development  
33 and implementation of a system of cost-effective individualized  
34 services and shall comply with the provisions of paragraph  
35 "f". The goal of this part of the plan shall be to assist

1 the individuals served to be as independent, productive,  
2 and integrated into the community as possible. The service  
3 management provisions for mental health shall comply with the  
4 provisions of paragraph "e". A county is subject to all of the  
5 following provisions in regard to the county's services system  
6 management plan and planning process:

7 (1) The county shall have in effect an approved policies and  
8 procedures manual for the county's services fund. The county  
9 management plan shall be defined in the manual. The manual  
10 submitted by the county as part of the county's management plan  
11 for the fiscal year beginning July 1, 2000, as approved by the  
12 director of human services, shall remain in effect, subject to  
13 amendment. An amendment to the manual shall be submitted to  
14 the department of human services at least forty-five days prior  
15 to the date of implementation. Prior to implementation of any  
16 amendment to the manual, the amendment must be approved by  
17 the director of human services in consultation with the state  
18 commission.

19 (2) For informational purposes, the county shall submit a  
20 management plan review to the department of human services by  
21 December 1 of each year. The annual review shall incorporate  
22 an analysis of the data associated with the services system  
23 managed during the preceding fiscal year by the county or by  
24 a private entity on behalf of the county. The annual review  
25 shall also identify measurable outcomes and results showing  
26 the county's progress in fulfilling the purposes listed  
27 in paragraph "c", and in achieving the disability services  
28 outcomes and indicators identified by the commission pursuant  
29 to section 225C.6.

30 (3) For informational purposes, every three years the  
31 county shall submit to the department of human services  
32 a three-year strategic plan. The strategic plan shall  
33 describe how the county will proceed to attain the plan's  
34 goals and objectives, and the measurable outcomes and results  
35 necessary for moving the county's services system toward

1 an individualized, community-based focus in accordance  
2 with paragraph "c". The three-year strategic plan shall be  
3 submitted by April 1, 2000, and by April 1 of every third year  
4 thereafter.

5 *f.* For ~~mental retardation~~ intellectual disability and  
6 developmental disabilities services management, the county must  
7 either develop and implement a system of care which addresses a  
8 full array of appropriate services and cost-effective delivery  
9 of services by contracting directly with service providers  
10 or by contracting with a state-approved private entity to  
11 manage the county services system. The county services system  
12 shall incorporate a central point of coordination and clinical  
13 assessment process developed in accordance with the provisions  
14 of section 331.440. The elements of a county services system  
15 shall be specified in rules developed by the department of  
16 human services in consultation with and adopted by the state  
17 commission.

18 Sec. 120. Section 331.439, subsection 3, paragraph a, Code  
19 Supplement 2011, is amended to read as follows:

20 *a.* For the fiscal year beginning July 1, 1996, and  
21 succeeding fiscal years, the county's mental health, ~~mental~~  
22 ~~retardation~~ intellectual disability, and developmental  
23 disabilities service expenditures for a fiscal year are limited  
24 to a fixed budget amount. The fixed budget amount shall be  
25 the amount identified in the county's management plan and  
26 budget for the fiscal year. The county shall be authorized an  
27 allowed growth factor adjustment as established by statute for  
28 services paid from the county's services fund under section  
29 331.424A which is in accordance with the county's management  
30 plan and budget, implemented pursuant to this section. The  
31 statute establishing the allowed growth factor adjustment shall  
32 establish the adjustment for the fiscal year which commences  
33 two years from the beginning date of the fiscal year in  
34 progress at the time the statute is enacted.

35 Sec. 121. Section 331.439, subsection 6, Code Supplement

1 2011, is amended to read as follows:

2 6. The director's approval of a county's mental health,  
3 ~~mental retardation~~ intellectual disability, and developmental  
4 disabilities services management plan shall not be construed to  
5 constitute certification of the county's budget.

6 Sec. 122. Section 331.440, subsection 1, paragraphs a and b,  
7 Code Supplement 2011, are amended to read as follows:

8 a. For the purposes of this section, unless the context  
9 otherwise requires, "*central point of coordination process*"  
10 means a central point of coordination process established  
11 by a county or consortium of counties for the delivery of  
12 mental health, ~~mental retardation~~ intellectual disability, and  
13 developmental disabilities services which are paid for in whole  
14 or in part by county funds. The central point of coordination  
15 process may include but is not limited to reviewing a person's  
16 eligibility for services, determining the appropriateness of  
17 the type, level, and duration of services, and performing  
18 periodic review of the person's continuing eligibility and  
19 need for services. Any recommendations developed concerning  
20 a person's plan of services shall be consistent with the  
21 person's unique strengths, circumstances, priorities, concerns,  
22 abilities, and capabilities. For those services funded  
23 under the medical assistance program, the central point of  
24 coordination process shall be used to assure that the person  
25 is aware of the appropriate service options available to the  
26 person.

27 b. The central point of coordination process may include  
28 a clinical assessment process to identify a person's service  
29 needs and to make recommendations regarding the person's plan  
30 for services. The clinical assessment process shall utilize  
31 qualified mental health professionals and qualified ~~mental~~  
32 ~~retardation~~ intellectual disability professionals.

33 Sec. 123. Section 331.440, subsection 2, paragraph d, Code  
34 Supplement 2011, is amended to read as follows:

35 d. "*State case services and other support*" means the mental

1 health, ~~mental-retardation~~ intellectual disability, and  
2 developmental disabilities services and other support paid for  
3 under the rules and requirements in effect prior to October 1,  
4 2006, from the annual appropriation made to the department of  
5 human services for such services and other support provided  
6 to persons who have no established county of legal settlement  
7 or the legal settlement is unknown so that the person is  
8 deemed to be a state case. Such services and other support do  
9 not include medical assistance program services or services  
10 provided in a state institution.

11 Sec. 124. Section 331.502, subsection 11, Code 2011, is  
12 amended to read as follows:

13 11. Carry out duties relating to the determination of legal  
14 settlement, collection of funds due the county, and support of  
15 persons with ~~mental-retardation~~ an intellectual disability as  
16 provided in sections 222.13, 222.50, 222.61 to 222.66, 222.69,  
17 and 222.74.

18 Sec. 125. Section 331.756, subsections 42 and 43, Code  
19 Supplement 2011, are amended to read as follows:

20 42. Carry out duties relating to the commitment of a person  
21 with ~~mental-retardation~~ an intellectual disability as provided  
22 in section 222.18.

23 43. Proceed to collect, as requested by the county,  
24 the reasonable costs for the care, treatment, training,  
25 instruction, and support of a person with ~~mental-retardation~~  
26 an intellectual disability from parents or other persons who  
27 are legally liable for the support of the person with ~~mental~~  
28 ~~retardation~~ an intellectual disability as provided in section  
29 222.82.

30 Sec. 126. Section 335.25, subsection 2, paragraph b,  
31 subparagraphs (1) and (2), Code 2011, are amended to read as  
32 follows:

33 (1) Attributable to ~~mental-retardation~~ an intellectual  
34 disability, cerebral palsy, epilepsy, or autism.

35 (2) Attributable to any other condition found to be closely

1 related to ~~mental retardation~~ an intellectual disability  
2 because the condition results in impairment of general  
3 intellectual functioning or adaptive behavior similar to that  
4 of persons with ~~mental retardation~~ an intellectual disability  
5 or requires treatment and services similar to those required  
6 for the persons.

7 Sec. 127. Section 347.9A, subsection 3, Code 2011, is  
8 amended to read as follows:

9 3. This section does not prohibit a licensed health  
10 care practitioner from serving as a hospital trustee if the  
11 practitioner's sole use of the county hospital is to provide  
12 health care service to an individual with ~~mental retardation~~ an  
13 intellectual disability as defined in section ~~222.2~~ 4.1.

14 Sec. 128. Section 414.22, subsection 2, paragraph b,  
15 subparagraphs (1) and (2), Code 2011, are amended to read as  
16 follows:

17 (1) Attributable to ~~mental retardation~~ an intellectual  
18 disability, cerebral palsy, epilepsy, or autism.

19 (2) Attributable to any other condition found to be closely  
20 related to ~~mental retardation~~ an intellectual disability  
21 because the condition results in impairment of general  
22 intellectual functioning or adaptive behavior similar to that  
23 of persons with ~~mental retardation~~ an intellectual disability  
24 or requires treatment and services similar to those required  
25 for the persons.

26 Sec. 129. Section 422.7, subsection 12, paragraph c,  
27 subparagraph (1), Code Supplement 2011, is amended to read as  
28 follows:

29 (1) "*Physical or mental impairment*" means any physiological  
30 disorder or condition, cosmetic disfigurement, or anatomical  
31 loss affecting one or more of the body systems or any mental  
32 or psychological disorder, including ~~mental retardation~~  
33 intellectual disability, organic brain syndrome, emotional or  
34 mental illness and specific learning disabilities.

35 Sec. 130. Section 422.35, subsection 6, paragraph c,

1 subparagraph (1), Code Supplement 2011, is amended to read as  
2 follows:

3 (1) "*Physical or mental impairment*" means any physiological  
4 disorder or condition, cosmetic disfigurement, or anatomical  
5 loss affecting one or more of the body systems or any mental  
6 or psychological disorder, including ~~mental retardation~~  
7 intellectual disability, organic brain syndrome, emotional or  
8 mental illness, and specific learning disabilities.

9 Sec. 131. Section 423.3, subsection 18, paragraphs a and c,  
10 Code Supplement 2011, are amended to read as follows:

11 a. Residential care facilities and intermediate care  
12 facilities for persons with ~~mental retardation~~ an intellectual  
13 disability and residential care facilities for persons with  
14 mental illness licensed by the department of inspections and  
15 appeals under chapter 135C.

16 c. Rehabilitation facilities that provide accredited  
17 rehabilitation services to persons with disabilities which are  
18 accredited by the commission on accreditation of rehabilitation  
19 facilities or the accreditation council for services for  
20 persons with ~~mental retardation~~ an intellectual disability  
21 and other persons with developmental disabilities and adult  
22 day care services approved for reimbursement by the state  
23 department of human services.

24 Sec. 132. Section 426B.2, subsection 3, paragraph b, Code  
25 2011, is amended to read as follows:

26 b. Any replacement generation tax in the property tax relief  
27 fund as of May 1 shall be paid to the county treasurers in July  
28 and January of the fiscal year beginning the following July 1.  
29 The department of management shall determine the amount each  
30 county will be paid pursuant to this lettered paragraph for  
31 the following fiscal year. The department shall reduce by the  
32 determined amount the amount of each county's certified budget  
33 to be raised by property tax for that fiscal year which is to  
34 be expended for mental health, ~~mental retardation~~ intellectual  
35 disability, and developmental disabilities services and

1 shall revise the rate of taxation as necessary to raise the  
2 reduced amount. The department of management shall report  
3 the reduction in the certified budget and the revised rate of  
4 taxation to the county auditors by June 15.

5 Sec. 133. Section 426B.3, subsection 1, Code 2011, is  
6 amended to read as follows:

7 1. The county auditor shall reduce the certified budget  
8 amount received from the board of supervisors for the  
9 succeeding fiscal year for the county mental health, ~~mental~~  
10 ~~retardation~~ intellectual disability, and developmental  
11 disabilities services fund created in section 331.424A by an  
12 amount equal to the amount the county will receive from the  
13 property tax relief fund pursuant to section 426B.2, for the  
14 succeeding fiscal year and the auditor shall determine the rate  
15 of taxation necessary to raise the reduced amount. On the tax  
16 list, the county auditor shall compute the amount of taxes due  
17 and payable on each parcel before and after the amount received  
18 from the property tax relief fund is used to reduce the county  
19 budget. The director of human services shall notify the county  
20 auditor of each county of the amount of moneys the county will  
21 receive from the property tax relief fund pursuant to section  
22 426B.2, for the succeeding fiscal year.

23 Sec. 134. Section 426B.5, subsection 1, paragraph d,  
24 subparagraph (1), subparagraph divisions (a) and (b), Code  
25 Supplement 2011, are amended to read as follows:

26 (a) The county is levying the maximum amount allowed for  
27 the county's mental health, ~~mental-retardation~~ intellectual  
28 disability, and developmental disabilities services fund under  
29 section 331.424A for the fiscal year in which the funding is  
30 distributed.

31 (b) In the latest fiscal year reported in accordance with  
32 section 331.403, the county's mental health, ~~mental-retardation~~  
33 intellectual disability, and developmental disabilities  
34 services fund ending balance under generally accepted  
35 accounting principles was equal to or less than twenty-five

1 percent of the county's actual gross expenditures for that  
2 fiscal year.

3 Sec. 135. Section 426B.5, subsection 2, paragraph a, Code  
4 Supplement 2011, is amended to read as follows:

5 a. For the purposes of this subsection, unless the context  
6 otherwise requires, "*services fund*" means a county's mental  
7 health, ~~mental-retardation~~ intellectual disability, and  
8 developmental disabilities services fund created in section  
9 331.424A.

10 Sec. 136. Section 514E.7, subsection 2, paragraph a,  
11 subparagraph (1), Code 2011, is amended to read as follows:

12 (1) Incapable of self-sustaining employment by reason  
13 of ~~mental-retardation~~ an intellectual disability or physical  
14 disability.

15 Sec. 137. Section 602.8102, subsections 36 and 37, Code  
16 2011, are amended to read as follows:

17 36. Carry out duties relating to the commitment of a person  
18 with ~~mental-retardation~~ an intellectual disability as provided  
19 in sections 222.37 through 222.40.

20 37. Keep a separate docket of proceedings of cases relating  
21 to persons with ~~mental-retardation~~ an intellectual disability  
22 as provided in section 222.57.

23 Sec. 138. Section 633.556, subsection 1, Code 2011, is  
24 amended to read as follows:

25 1. If the allegations of the petition as to the status of  
26 the proposed ward and the necessity for the appointment of  
27 a guardian are proved by clear and convincing evidence, the  
28 court may appoint a guardian. If the court appoints a guardian  
29 based upon mental incapacity of the proposed ward because  
30 the proposed ward is a person ~~described in section 222.2,~~  
31 ~~subsection 5~~ with an intellectual disability, as defined in  
32 section 4.1, the court shall make a separate determination as  
33 to the ward's competency to vote. The court shall find a ward  
34 incompetent to vote only upon determining that the person lacks  
35 sufficient mental capacity to comprehend and exercise the right

1 to vote.

2 Sec. 139. Section 633C.1, subsection 4, Code 2011, is  
3 amended to read as follows:

4 4. "*Maximum monthly medical assistance payment rate for*  
5 *services in an intermediate care facility for persons with mental*  
6 *retardation an intellectual disability*" means the allowable  
7 rate established by the department of human services and as  
8 published in the Iowa administrative bulletin.

9 Sec. 140. Section 633C.3, subsection 3, paragraph a, Code  
10 2011, is amended to read as follows:

11 a. For a beneficiary who meets the medical assistance level  
12 of care requirements for services in an intermediate care  
13 facility for persons with ~~mental retardation~~ an intellectual  
14 disability and who either resides in an intermediate care  
15 facility for persons with ~~mental retardation~~ an intellectual  
16 disability or is eligible for services under the medical  
17 assistance home and community-based services waiver except  
18 that the beneficiary's income exceeds the allowable maximum,  
19 the applicable rate is the maximum monthly medical assistance  
20 payment rate for services in an intermediate care facility for  
21 persons with ~~mental retardation~~ an intellectual disability.

22 Sec. 141. Section 904.108, subsection 1, paragraph d, Code  
23 2011, is amended to read as follows:

24 d. Establish and maintain acceptable standards of treatment,  
25 training, education, and rehabilitation in the various  
26 state penal and corrective institutions which shall include  
27 habilitative services and treatment for offenders with ~~mental~~  
28 ~~retardation~~ an intellectual disability. For the purposes of  
29 this paragraph, "*habilitative services and treatment*" means  
30 medical, mental health, social, educational, counseling,  
31 and other services which will assist a person with ~~mental~~  
32 ~~retardation~~ an intellectual disability to become self-reliant.  
33 However, the director may also provide rehabilitative treatment  
34 and services to other persons who require the services.  
35 The director shall identify all individuals entering the

1 correctional system who are persons with ~~mental retardation~~  
2 an intellectual disability, as defined in section ~~222.2,~~  
3 ~~subsection 5~~ 4.1. Identification shall be made by a qualified  
4 professional in the area of ~~mental retardation~~ intellectual  
5 disability. In assigning an offender with ~~mental retardation~~  
6 an intellectual disability, or an offender with an inadequately  
7 developed intelligence or with impaired mental abilities, to  
8 a correctional facility, the director shall consider both the  
9 program needs and the security needs of the offender. The  
10 director shall consult with the department of human services  
11 in providing habilitative services and treatment to offenders  
12 with mental illness or ~~mental retardation~~ an intellectual  
13 disability. The director may enter into agreements with  
14 the department of human services to utilize mental health  
15 institutions and share staff and resources for purposes of  
16 providing habilitative services and treatment, as well as  
17 providing other special needs programming. Any agreement to  
18 utilize mental health institutions and to share staff and  
19 resources shall provide that the costs of the habilitative  
20 services and treatment shall be paid from state funds. Not  
21 later than twenty days prior to entering into any agreement  
22 to utilize mental health institution staff and resources,  
23 other than the use of a building or facility, for purposes of  
24 providing habilitative services and treatment, as well as other  
25 special needs programming, the directors of the departments  
26 of corrections and human services shall each notify the  
27 chairpersons and ranking members of the joint appropriations  
28 subcommittees that last handled the appropriation for their  
29 respective departments of the pending agreement. Use of a  
30 building or facility shall require approval of the general  
31 assembly if the general assembly is in session or, if the  
32 general assembly is not in session, the legislative council  
33 may grant temporary authority, which shall be subject to final  
34 approval of the general assembly during the next succeeding  
35 legislative session.

1 Sec. 142. Section 904.205, Code 2011, is amended to read as  
2 follows:

3 **904.205 Clarinda correctional facility.**

4 The state correctional facility at Clarinda shall be  
5 utilized as a secure men's correctional facility primarily  
6 for offenders with chemical dependence, ~~mental-retardation~~ an  
7 intellectual disability, or mental illness.

8 Sec. 143. Section 915.38, subsections 1 and 2, Code 2011,  
9 are amended to read as follows:

10 1. Upon its own motion or upon motion of any party, a court  
11 may protect a minor, as defined in section 599.1, from trauma  
12 caused by testifying in the physical presence of the defendant  
13 where it would impair the minor's ability to communicate, by  
14 ordering that the testimony of the minor be taken in a room  
15 other than the courtroom and be televised by closed-circuit  
16 equipment for viewing in the courtroom. However, such an order  
17 shall be entered only upon a specific finding by the court that  
18 such measures are necessary to protect the minor from trauma.  
19 Only the judge, prosecuting attorney, defendant's attorney,  
20 persons necessary to operate the equipment, and any person  
21 whose presence, in the opinion of the court, would contribute  
22 to the welfare and well-being of the minor may be present in  
23 the room with the minor during the minor's testimony. The  
24 judge shall inform the minor that the defendant will not be  
25 present in the room in which the minor will be testifying  
26 but that the defendant will be viewing the minor's testimony  
27 through closed-circuit television.

28 During the minor's testimony the defendant shall remain in  
29 the courtroom and shall be allowed to communicate with the  
30 defendant's counsel in the room where the minor is testifying  
31 by an appropriate electronic method.

32 In addition, upon a finding of necessity, the court may  
33 allow the testimony of a victim or witness with a mental  
34 illness, ~~mental-retardation~~ an intellectual disability, or  
35 other developmental disability to be taken as provided in this

1 subsection, regardless of the age of the victim or witness.  
2 2. The court may, upon its own motion or upon motion of  
3 a party, order that the testimony of a minor, as defined in  
4 section 599.1, be taken by recorded deposition for use at  
5 trial, pursuant to rule of criminal procedure 2.13(2)(b).  
6 In addition to requiring that such testimony be recorded by  
7 stenographic means, the court may on motion and hearing, and  
8 upon a finding that the minor is unavailable as provided  
9 in rule of evidence 5.804(a), order the videotaping of the  
10 minor's testimony for viewing in the courtroom by the court.  
11 The videotaping shall comply with the provisions of rule  
12 of criminal procedure 2.13(2)(b), and shall be admissible  
13 as evidence in the trial. In addition, upon a finding of  
14 necessity, the court may allow the testimony of a victim  
15 or witness with a mental illness, ~~mental retardation~~ an  
16 intellectual disability, or other developmental disability to  
17 be taken as provided in this subsection, regardless of the age  
18 of the victim or witness.

19 EXPLANATION

20 This bill replaces the terms "mental retardation" and  
21 "mentally retarded" with the term "intellectual disability"  
22 throughout the Iowa Code.

23 The bill defines "intellectual disability" for the entire  
24 Iowa Code as a disability of children and adults who as  
25 a result of inadequately developed intelligence have a  
26 significant impairment in ability to learn or to adapt to  
27 the demands of society. This is the current definition of  
28 "mental retardation" in Code chapter 222. The bill also  
29 provides for the entire Iowa Code that if a diagnosis is  
30 required, "intellectual disability" means a diagnosis of mental  
31 retardation as defined in the diagnostic and statistical manual  
32 of mental disorders, fourth edition, text revised, published by  
33 the American psychiatric association. This language currently  
34 exists in Code section 222.60.