



Memorandum

SUBJECT: 2019 Legislative Proposal – Transfer of Patients

INSTITUTIONS GOVERNED BY HUMAN SERVICES DEPARTMENT

218.92 Patients with dangerous mental disturbances.

When a patient in a state resource center for persons with an intellectual disability, a state mental health institute, or another institution under the administration of the department of human services has become so mentally disturbed as to constitute a danger to self, to other patients or staff of the institution, or to the public, and the institution cannot provide adequate security, the administrator in charge of the institution, with the consent of the director of the Iowa department of corrections, may order the patient to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the patient is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the patient, other patients, or the public. If the patient transferred was hospitalized pursuant to [sections 229.6 to 229.15](#), the transfer shall be promptly reported to the court that ordered the hospitalization of the patient, as required by [section 229.15, subsection 5](#). The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

226.30 Transfer of dangerous patients.

When a patient of any hospital for persons with mental illness becomes incorrigible, and

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Creating Opportunities for Safer Communities

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unmanageable to such an extent that the patient is dangerous to the safety of others in the hospital, the administrator, with the consent of the director of the Iowa department of corrections, may apply in writing to the district court or to any judge thereof, of the county in which the hospital is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be so transferred. The county attorney of the county shall appear in support of the application on behalf of the administrator.

Background:

Existing legislation allows patients to be transferred on a Ch. 229 order to the Forensic Unit at the Iowa Medical & Classification Center (IMCC) without knowledge of the DOC. The IMCC Forensic Unit only has 14 active beds. These beds all have waiting lists for 812.6 cases from counties all over Iowa.

Solution:

Amend the Code statute 226.30 for the DOC Director to consent for a transfer. This will be consistent with Iowa Code 218.92 and give the DOC an opportunity to work on placement and treatment options.