

CHAPTER 1108

MENTAL HEALTH FUNDS

S. F. 185

AN ACT to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred forty-four point twelve (444.12),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 444.12 County mental health and institutions fund.

5 The board of supervisors of each county shall establish a county
6 mental health and institutions fund, from which shall be paid:

7 1. All charges which the county is obligated by statute to pay for:

8 a. Care and treatment of patients by any state mental health insti-
9 tute.

10 b. Care and treatment of patients by either of the state hospital-
11 schools or by any other facility established under chapter two hun-
12 dred twenty-two (222) of the Code.

13 c. Care and treatment of patients by the psychopathic hospital at
14 Iowa City.

15 d. Care and treatment of tuberculosis patients admitted or com-
16 mitted to the state sanatorium at Oakdale or any similar institution
17 established or maintained by any county under chapter two hundred
18 fifty-four (254) of the Code, and the cost of outpatient care of tuber-
19 culosis patients by a tuberculosis sanatorium may be paid from such
20 fund.

21 e. Care and treatment of persons admitted or committed to the alco-
22 holic treatment center at Oakdale or any facilities as provided in
23 chapter one hundred twenty-three B (123B) of the Code, provided,
24 however, that any such admission shall be reported to the county
25 board of supervisors within five days by the center or facility offer-
26 ing such treatment.

27 f. Care of children admitted or committed to the Iowa juvenile
28 home at Toledo or the Iowa Annie Wittenmyer home, or placed in a
29 foster home from either of such institutions if the cost of foster home
30 care does not exceed the average cost of care of a child in the institu-
31 tion from which the placement was made.

32 g. Clothing, transportation, and medical or other services provided
33 persons attending the Iowa braille and sight-saving school, the Iowa
34 school for the deaf, or the state hospital-school for severely handi-
35 capped children at Iowa City, for which the county becomes obligated
36 to pay pursuant to sections two hundred sixty-three point twelve
37 (263.12), two hundred sixty-nine point two (269.2), and two hundred
38 seventy point four (270.4) through two hundred seventy point seven
39 (270.7), inclusive.

40 2. Any portion which the board of supervisors may deem advisable
41 of the cost of psychiatric examination and treatment of persons in
42 need thereof or of professional evaluation, treatment, training, habili-
43 tation, and care of mentally retarded persons, at any suitable public

44 or private facility providing inpatient or outpatient care in such
45 county.

46 The board of supervisors may require any public or private facility
47 as a condition of payment from county funds to furnish the board
48 with a statement of the income, assets, and township or municipality
49 and the county of legal residence of each person receiving services
50 under this section, provided however, the facility shall not disclose to
51 anyone without the permission of the person receiving services for
52 which commitment is not required such person's name or street or
53 route address.

54 3. The cost of care and treatment of persons placed in the county
55 hospital, county home, a health care facility as defined in section one
56 hundred thirty-five C point one (135C.1), subsection eight (8), or
57 any other public or private facility:

58 a. In lieu of admission or commitment to a state mental health in-
59 stitute, hospital-school, or other facility established pursuant to chap-
60 ter two hundred twenty-two (222) of the Code.

61 b. Upon discharge, removal, or transfer from a state mental health
62 institute or state hospital-school or other institution established pur-
63 suant to chapter two hundred twenty-two (222) of the Code.

64 4. Any contribution which the board of supervisors may make to
65 the establishment and initial operation of a community mental health
66 center in the manner and subject to the limitations provided by law.

67 The board of supervisors shall, at the time of levying other taxes,
68 estimate the amount necessary to meet the foregoing expenses which
69 it is anticipated that the county will incur in the coming year, and
70 levy a tax sufficient to raise the amount needed. The proceeds of the
71 tax shall be credited to the county mental health and institutions fund,
72 and used only for the purposes prescribed by this section. Should
73 any county fail to levy a tax sufficient to meet the expenses which
74 the county is required to pay, or which the board of supervisors
75 chooses to pay, from the county mental health and institutions fund
76 pursuant to this section, the deficiency shall be met by transfer of
77 funds from the county general fund to the county mental health and
78 institutions fund.

79 Nothing in this section or any other statute shall be construed to
80 prohibit parents or other persons from voluntarily reimbursing the
81 county or state for the reasonable cost of caring for an individual
82 while he was a patient or inmate in the county hospital, county home,
83 mental health institute, hospital-school, training school, or home for
84 children.

1 SEC. 2. Section one hundred twenty-three B point nine (123B.9),
2 Code 1971, is amended as follows:

3 **123B.9 Transfer from institutional fund.** The county auditor upon
4 receipt of such certification by the facility shall enter the same to
5 the credit of the facility and issue a notice to the county treasurer,
6 authorizing him to transfer the amount from the ~~state institutional~~
7 *county mental health and institutions* fund to the state general fund,
8 which notice shall be filed by the treasurer as his authority for mak-
9 ing such transfer, and shall include the amount transferred in his
10 next remittance to the facility.

1 SEC. 3. Section two hundred twenty-two point seventy-four
2 (222.74), Code 1971, is amended as follows:

3 222.74 **Duplicate to county.** When certifying to the comptroller
4 amounts to be charged against each county as provided in section
5 222.73, the superintendent shall send to the county auditor of each
6 county against which he has so certified any amount, a duplicate of
7 such certificate. The county auditor upon receipt of the duplicate cer-
8 tificate shall enter the same to the credit of the state in his ledger of
9 state accounts, and shall immediately issue a notice to the county trea-
10 surer authorizing the treasurer to transfer the amount from the state
11 ~~institution~~ *county mental health and institutions fund* to the general
12 state revenue. The treasurer shall file such notice as his authority for
13 making such transfer and shall include the amount so transferred in
14 his next remittance of state taxes to the treasurer of state, designating
15 the fund to which the amount belongs.

1 SEC. 4. Section two hundred twenty-seven point eighteen (227.18),
2 Code 1971, is amended as follows:

3 227.18 **Claims filed quarterly.** The state aid herein provided for
4 shall be paid to the claimant county upon a verified claim being filed
5 quarterly with the state director setting forth the total of weekly
6 patient care furnished to transferees in county or private institutions
7 from the county ~~fund for~~ *mental health and institutions fund*. Ap-
8 proval of said verified claim by the state director shall be authority
9 for the state comptroller to issue a warrant upon the state mental aid
10 fund payable to the claimant county which shall be credited by that
11 county to the county ~~fund for mental health levied under the provi-~~
12 ~~sions of section 230.24~~ *mental health and institutions fund established*
13 *by section 444.12.*

1 SEC. 5. Section two hundred thirty point fifteen (230.15), Code
2 1971, is amended as follows:

3 230.15 **Personal liability.** Mentally ill persons and persons legally
4 liable for their support shall remain liable for the support of such
5 mentally ill. Persons legally liable for the support of a mentally ill
6 person shall include the spouse, ~~father, mother, and adult children~~
7 ~~of such~~ *the mentally ill person, and any person, firm, or corporation*
8 *bound by contract hereafter made for support of the mentally ill per-*
9 *son, and, with respect to mentally ill persons under twenty-one years*
10 *of age only, the father and mother of the mentally ill person.* The
11 county auditor, subject to the direction of the board of supervisors,
12 shall enforce the obligation herein created as to all sums advanced by
13 the county. *The liability to the county incurred under this section on*
14 *account of any mentally ill person shall be limited to one hundred per-*
15 *cent of the cost of care and treatment of the mentally ill person at a*
16 *state mental health institute for the first one hundred twenty days of*
17 *hospitalization, and thereafter to an amount not in excess of the aver-*
18 *age minimum cost of the maintenance of a physically and mentally*
19 *healthy individual residing in his own home, which standard shall be*
20 *established and may from time to time be revised by the department of*
21 *social services. No lien imposed by section two hundred thirty point*
22 *twenty-five (230.25) of the Code shall exceed the amount of the liabil-*
23 *ity which may be incurred under this section on account of any men-*
24 *tally ill person.*

25 *Nothing in this section shall be construed to prevent a relative or*
 26 *other person from voluntarily paying the full actual cost of the care*
 27 *and treatment of any mentally ill person as established by the depart-*
 28 *ment of social services.*

29 *Persons who as of July 1, 1972 are hospitalized in any state mental*
 30 *health institute, or who on that date or any later date have been so*
 31 *hospitalized for a total of one hundred twenty days or more, shall be*
 32 *considered to have incurred liability for one hundred percent of the*
 33 *cost of their care and treatment for one hundred twenty days, and*
 34 *shall thereafter be entitled to reduced liability as provided by this*
 35 *section. There shall be no forgiveness of any liability existing on*
 36 *July 1, 1972 for the cost of care and treatment of mentally ill persons,*
 37 *except as provided in section 230.17 and no person who has paid any*
 38 *such costs prior to that date shall be entitled to any refund by reason*
 39 *of this section.*

1 SEC. 6. Section two hundred thirty point twenty-one (230.21),
 2 Code 1971, is amended as follows:

3 **230.21 Duty of county auditor and treasurer.** The county auditor,
 4 upon receipt of such certificate, shall thereupon enter the same to the
 5 credit of the state in his ledger of state accounts, and at once issue a
 6 notice to his county treasurer, authorizing him to transfer the amount
 7 from the ~~state institution~~ *county mental health and institutions fund*
 8 to the general state revenue, which notice shall be filed by the treasurer
 9 as his authority for making such transfer, and shall include the
 10 amount so transferred in his next remittance of state taxes to the
 11 treasurer of state, designating the fund to which it belongs.

1 SEC. 7. Section two hundred thirty point twenty-four (230.24),
 2 Code 1971, is amended as follows:

3 **230.24 County fund for mental health—Psychiatric treatment—**
 4 **mental health center.** The board of supervisors shall, annually, levy a
 5 tax of one mill or less, as may be necessary, for the purpose of raising
 6 a fund for the support of such mentally ill persons as are cared for
 7 and supported by the county in the county home, or elsewhere outside
 8 of any state hospital for the mentally ill, which shall be known as the
 9 county fund for mental health, and shall be used for no other purpose
 10 than the support of such mentally ill persons and for the purpose of
 11 making such additions and improvements as may be necessary to
 12 properly care for such patients as are ordered committed to the county
 13 home.

14 The county board of supervisors are authorized to expend from the
 15 county fund for mental health as provided in this section and institu-
 16 tions fund established by section 444.12 funds for psychiatric exami-
 17 nation and treatment of persons in need thereof, or for professional
 18 evaluation, treatment, and habilitation of mentally retarded persons,
 19 in each county where they have which has facilities available for such
 20 treatment, and any county not having such facilities may contract
 21 through its board of supervisors with any other county, which has
 22 facilities for psychiatric examination and treatment or for profes-
 23 sional evaluation, treatment, and habilitation of mentally retarded
 24 persons, for the use thereof. *However, the county board of supervi-*
 25 *sors shall not expend from such fund for treatment other than in a*
 26 *state institution an amount which would exceed eight dollars per*

27 *capita for counties having less than forty thousand population. Any*
 28 *county now or hereafter expending funds from the county fund for*
 29 *mental health for the psychiatric examination and treatment of per-*
 30 *sons in a community mental health center may levy an additional tax*
 31 *of not to exceed one-half mill.*

32 A county, or affiliated counties, desiring to establish an incorpo-
 33 rated mental health center and having a total or combined population
 34 in excess of thirty-five thousand according to the last federal census,
 35 may establish such new mental health center in conjunction with
 36 the Iowa mental health authority. In establishing such mental health
 37 center, the board of supervisors of each such county is authorized to
 38 expend therefor from the ~~state institution fund~~ *county mental health*
 39 *and institutions fund* an amount equal to, but not to exceed, two hun-
 40 dred fifty dollars per thousand population or major fraction thereof.
 41 Such appropriation shall not be recurring and shall not be applicable
 42 to any mental health center established prior to January 1, 1963.

1 SEC. 8. Section two hundred forty-four point fourteen (244.14),
 2 Code 1971, is amended as follows:

3 244.14 **Counties liable.** Each county shall be liable for sums paid
 4 by the home in support of all its children to the extent of a sum equal
 5 to one-half of the net cost of the support and maintenance of its chil-
 6 dren. The superintendent of The Iowa Annie Wittenmyer Home and
 7 the Iowa juvenile home shall certify to the state comptroller on the
 8 first day of each fiscal quarter the amount chargeable to each county
 9 for such support. The sums for which each county is so liable shall
 10 be charged to the county and collected as a part of the taxes due the
 11 state, and paid by the county from the ~~state institution~~ *county mental*
 12 *health and institutions fund* at the same time state taxes are paid.

1 SEC. 9. Section two hundred fifty-four point four (254.4), Code
 2 1971, is amended as follows:

3 254.4 **Allowance for support.** The board of supervisors may allow,
 4 from the ~~state institution~~ *county mental health and institutions fund*
 5 of the county, for the care and support of each tuberculous patient
 6 cared for in any such institution, a sum not exceeding the average per
 7 patient per day cost of treatment in any such institution.

1 SEC. 10. Section two hundred seventy point seven (270.7), Code
 2 1971, is amended as follows:

3 270.7 **Payment by county.** The county auditor shall, upon receipt
 4 of said certificate, pass the same to the credit of the state, and there-
 5 upon issue a notice to the county treasurer authorizing him to trans-
 6 fer the amount from the ~~state institution~~ *county mental health and*
 7 *institutions fund* to the general state revenue, which shall be filed by
 8 the treasurer as his authority for making such transfer, and shall in-
 9 clude the amount in his next remittance of state taxes to the treasurer
 10 of state, designating the fund to which it belongs.

11 Should any county fail to pay these bills within sixty days from
 12 the date of certificate from superintendent, the state comptroller shall
 13 charge the delinquent county the penalty *three-fourths* of one percent
 14 per month on and after sixty days from date of certificate until paid.
 15 Such penalties shall be credited to the general fund of the state.

Approved April 21, 1972.