

MAR 6 2006
Place On Calendar

HOUSE FILE 2649
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 577)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county processing of orders for observation,
2 evaluation, and treatment of public patients at the state
3 psychiatric hospital at the state university of Iowa.

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

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HT 2649

1 Section 1. Section 225.10, Code 2005, is amended to read
2 as follows:

3 225.10 VOLUNTARY PUBLIC PATIENTS.

4 Persons suffering from mental diseases may be admitted to
5 the state psychiatric hospital as voluntary public patients as
6 follows: Any physician authorized to practice medicine,
7 osteopathy, or osteopathic medicine in the state of Iowa may
8 file information with ~~any-district-court-of-the-state-or-with~~
9 ~~any-judge-thereof~~ the office of the county general assistance
10 director of the person's county of residence, stating that the
11 physician has examined the person ~~named-therein~~ and finds that
12 the person is suffering from some abnormal mental condition
13 that can probably be remedied by observation, treatment, and
14 hospital care; that the physician believes it would be
15 appropriate for the person to enter the state psychiatric
16 hospital for that purpose and that the person is willing to do
17 so; and that neither the person nor those legally responsible
18 for the person are able to provide the means for ~~such~~ the
19 observation, treatment, and hospital care.

20 Sec. 2. Section 225.12, Code 2005, is amended to read as
21 follows:

22 225.12 VOLUNTARY PUBLIC PATIENT -- PHYSICIAN'S REPORT.

23 A physician filing information under section 225.10 shall
24 include a written report to the judge office of the county
25 general assistance director, giving ~~such~~ a history of the case
26 as will be likely to aid in the observation, treatment, and
27 hospital care of the person named in the information and
28 describing the ~~same~~ history in detail.

29 Sec. 3. Section 225.13, Code 2005, is amended to read as
30 follows:

31 225.13 FINANCIAL CONDITION.

32 ~~It shall be the duty of the judge to have a thorough~~
33 ~~investigation made by the county attorney of the county of~~
34 ~~residence of the person named in the information regarding~~ The
35 county general assistance director is responsible for

1 investigating the financial condition of that a person being
2 admitted to the state psychiatric hospital and of those
3 legally responsible for the person person's support.

4 Sec. 4. Section 225.14, Code 2005, is amended by striking
5 the section and inserting in lieu thereof the following:

6 225.14 PATIENT COSTS.

7 If it is determined through the financial condition
8 investigation made pursuant to section 225.13 that a person is
9 a committed or voluntary private patient, the person or those
10 legally responsible for the person's support are liable for
11 expenses as provided in section 225.22. The costs of a
12 committed or voluntary public patient shall be paid by the
13 state as provided in section 225.28.

14 Sec. 5. Section 225.16, Code 2005, is amended to read as
15 follows:

16 225.16 VOLUNTARY PUBLIC PATIENTS -- ADMISSION.

17 1. If the judge-of-the-district-court, or the clerk-of-the
18 court, as aforesaid, county board of supervisors finds from
19 the physician's information which was filed under the
20 provisions of section 225.10, that it would be appropriate for
21 the person to ~~enter~~ be admitted to the state psychiatric
22 hospital, and the report of the county attorney general
23 assistance director made pursuant to section 225.13 shows that
24 ~~neither~~ the person ~~nor~~ and those who are legally responsible
25 for the person, ~~are not~~ are able to pay the expenses ~~thereof~~
26 incurred at the hospital, or are able to pay only a part of
27 the expenses, the ~~judge-or-clerk~~ person shall be considered to
28 be a voluntary public patient and the board of supervisors
29 ~~shall enter-an-order-directing~~ direct that the ~~said~~ person
30 shall be sent to the state psychiatric hospital at the state
31 ~~University~~ university of Iowa for observation, treatment, and
32 hospital care ~~as-a-voluntary-public-patient~~.

33 2. When the said patient arrives at the hospital, the
34 patient shall receive-the-same-treatment-as-is-provided be
35 cared for in the same manner as is provided for committed

1 public patients in section 225.15.

2 Sec. 6. Section 225.17, Code 2005, is amended to read as
3 follows:

4 225.17 COMMITTED PRIVATE PATIENT -- TREATMENT.

5 1. If the judge of the district court finds ~~upon the~~
6 ~~review and determination made under the provisions of section~~
7 ~~225.14~~ pursuant to section 225.11 that the respondent is an
8 appropriate subject for placement at the state psychiatric
9 hospital, and that the respondent, or those legally
10 responsible for the respondent, are able to pay the expenses
11 associated with the placement, the judge shall enter an order
12 directing that the respondent shall be sent to the state
13 psychiatric hospital at the state university of Iowa for
14 observation, treatment, and hospital care as a committed
15 private patient.

16 2. When the respondent arrives at the hospital, the
17 respondent shall receive the same treatment as is provided for
18 committed public patients in section 225.15, in compliance
19 with sections 229.13 to 229.16. However, observation,
20 treatment, and hospital care under this section of a
21 respondent whose expenses are payable in whole or in part by a
22 county shall only be provided as determined through the
23 central point of coordination process.

24 Sec. 7. Section 225.18, Code 2005, is amended to read as
25 follows:

26 225.18 ATTENDANTS.

27 The ~~court or clerk~~ county board of supervisors may appoint
28 a person to accompany the committed public patient or the
29 voluntary public patient or the committed private patient from
30 the place where the patient may be to the state psychiatric
31 hospital ~~of the state university at Iowa City~~, or to accompany
32 the patient from the hospital to a place as may be designated
33 by the ~~court or clerk~~ board. If a patient is moved pursuant
34 to this section, at least one attendant shall be of the same
35 sex gender as the patient.

1 Sec. 8. Section 225.19, Code 2005, is amended to read as
2 follows:

3 225.19 COMPENSATION FOR ATTENDANT.

4 ~~Any person~~ An individual appointed by the ~~court or judge or~~
5 ~~clerk~~ county board of supervisors to accompany ~~said a person~~
6 to or from the hospital or to make an investigation and report
7 on any question involved in the ~~complaint, other than the~~
8 ~~physician making the examination,~~ matter shall receive ~~the sum~~
9 of three dollars per day for the time actually spent in making
10 ~~such the~~ investigation ~~(except in cases where the person~~
11 ~~appointed therefor receives a fixed salary or compensation)~~
12 and actual necessary expenses incurred in making ~~such the~~
13 investigation or trip. This section does not apply to the
14 physician examining the person or to an appointee who receives
15 fixed compensation or a salary.

16 Sec. 9. Section 225.20, Code 2005, is amended to read as
17 follows:

18 225.20 COMPENSATION FOR PHYSICIAN.

19 The physician making the examination of a voluntary public
20 patient on which is based any information filed under section
21 225.10 shall ~~receive such sum~~ be compensated as the court may
22 direct directed by the county board of supervisors for each
23 ~~and every~~ examination ~~information so made~~ performed, and the
24 actual and necessary expenses incurred by the physician in
25 making ~~such the~~ examination, in conformity with the
26 requirements of this chapter, if the person named in the
27 information is referred to the state psychiatric hospital.

28 Sec. 10. Section 225.21, Code 2005, is amended to read as
29 follows:

30 225.21 VOUCHERS.

31 The person making claim to compensation under section
32 225.19 or 225.20 shall ~~present to the court or judge an~~
33 ~~itemized sworn statement of the claim, and when the claim for~~
34 ~~compensation has been approved by the court or judge or clerk,~~
35 ~~it shall be filed~~ file the claim in the office of the county

1 auditor ~~and-shall-be-allowed.~~ The claim is subject to review
2 and approval by the board of supervisors.

3 Sec. 11. Section 225.23, Code 2005, is amended to read as
4 follows:

5 225.23 COLLECTION FOR TREATMENT.

6 If the bills for such a committed or voluntary private
7 patient are paid by the state, ~~it-shall-be-the-duty-of~~ the
8 state psychiatric hospital ~~to shall~~ file a certified copy of
9 the claim ~~which-has-been-so-paid,~~ for the bills with the
10 auditor of the proper patient's county, ~~who of residence.~~ The
11 county of residence shall proceed to collect the ~~same-by~~
12 ~~action,-if-necessary,~~ claim in the name of the state
13 psychiatric hospital, and when collected pay the ~~same amount~~
14 collected to the director of the department of administrative
15 services. The hospital shall also, at the same time, forward
16 a duplicate of the ~~account~~ claim to the director of the
17 department of administrative services.

18 Sec. 12. Section 225.24, Code 2005, is amended to read as
19 follows:

20 225.24 COLLECTION OF PRELIMINARY EXPENSE.

21 Unless ~~said a~~ a committed private patient or those legally
22 responsible for the ~~patient~~ patient's support offer to make
23 ~~such-settlement~~ settle the amount of the claims, ~~it-shall-also~~
24 ~~be the duty-of-the~~ county auditor of the proper person's
25 county ~~as-aforsaid-to-proceed-to~~ of residence shall collect,
26 by action if necessary, ~~in-the-name-of-the-said-county,~~ the
27 amount of all claims for per diem and expenses that have been
28 approved by the ~~said-court-or-judge~~ county board of
29 supervisors and paid by the ~~county-treasurer-of-said~~ county as
30 provided for under ~~the-provisions-of~~ section 225.21, ~~and-when.~~
31 Any amount collected to-pay-the-same-into-the shall be
32 credited to the county treasury.

33 Sec. 13. Section 225.25, Code 2005, is amended to read as
34 follows:

35 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC.

1 If any a patient be-admitted is committed to the state
2 psychiatric hospital as a private patient and thereafter-an
3 order-of-commitment-of-the-patient-as-a-public-patient-be-made
4 by-the-court-or-judge-or-clerk-having-jurisdiction-thereof
5 after admission it is determined through an investigation made
6 pursuant to section 225.13 that the person is a public
7 patient, the expense of keeping and maintaining the patient
8 from the date of the filing of the information upon which the
9 order is made shall be paid by the state.

10 Sec. 14. Section 225.30, Code 2005, is amended to read as
11 follows:

12 225.30 BLANKS -- AUDIT.

13 The medical faculty of the university of Iowa college of
14 medicine shall prepare blanks containing such questions and
15 requiring such information as may be necessary and proper to
16 be obtained by the physician who examines a person or
17 respondent whose referral to the state psychiatric hospital is
18 contemplated. A judge may request that a physician who
19 examines a respondent as required by section 229.10 complete
20 such blanks in duplicate in the course of the examination. A
21 physician who proposes to file information under section
22 225.10 shall obtain and complete such blanks in duplicate and
23 file them with the information. The blanks shall be printed
24 by the state and a supply thereof of the blanks shall be sent
25 to-the-clerk-of-each-district-court-of-the-state made
26 available to counties. The director of the department of
27 administrative services shall audit, allow, and pay the cost
28 of the blanks as other bills for public printing are allowed
29 and paid.

30 EXPLANATION

31 This bill amends Code chapter 225, relating to the state
32 psychiatric hospital at the state university of Iowa, to
33 require the office of the county general assistance director
34 to conduct financial condition investigations of persons who
35 are sent to the state psychiatric hospital for evaluation and

1 treatment, instead of the court and the clerk of court. The
2 county board of supervisors is given the responsibility of
3 directing that a voluntary public patient be sent to the state
4 psychiatric hospital, instead of requiring a court order.

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Heaton
Anderson
Foeger

HSB 577

JUDICIARY

Succeeded By

02649

SENATE/HOUSE FILE

BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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2 evaluation, and treatment of public patients at the state
3 psychiatric hospital at the state university of Iowa.

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

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1 Section 1. Section 225.10, Code 2005, is amended to read
2 as follows:

3 225.10 VOLUNTARY PUBLIC PATIENTS.

4 Persons suffering from mental diseases may be admitted to
5 the state psychiatric hospital as voluntary public patients as
6 follows: Any physician authorized to practice medicine,
7 osteopathy, or osteopathic medicine in the state of Iowa may
8 file information with ~~any-district-court-of-the-state-or-with~~
9 ~~any-judge-thereof~~ the office of the county general assistance
10 director of the person's county of residence, stating that the
11 physician has examined the person ~~named-therein~~ and finds that
12 the person is suffering from some abnormal mental condition
13 that can probably be remedied by observation, treatment, and
14 hospital care; that the physician believes it would be
15 appropriate for the person to enter the state psychiatric
16 hospital for that purpose and that the person is willing to do
17 so; and that neither the person nor those legally responsible
18 for the person are able to provide the means for ~~such the~~
19 observation, treatment, and hospital care.

20 Sec. 2. Section 225.12, Code 2005, is amended to read as
21 follows:

22 225.12 VOLUNTARY PUBLIC PATIENT -- PHYSICIAN'S REPORT.

23 A physician filing information under section 225.10 shall
24 include a written report to the judge office of the county
25 general assistance director, giving ~~such~~ a history of the case
26 as will be likely to aid in the observation, treatment, and
27 hospital care of the person named in the information and
28 describing the ~~same~~ history in detail.

29 Sec. 3. Section 225.13, Code 2005, is amended to read as
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31 225.13 FINANCIAL CONDITION.

32 ~~It shall be the duty of the judge to have a thorough~~
33 ~~investigation made by the county attorney of the county of~~
34 ~~residence of the person named in the information regarding~~ The
35 county general assistance director is responsible for

1 investigating the financial condition of that a person being
2 admitted to the state psychiatric hospital and of those
3 legally responsible for the person person's support.

4 Sec. 4. Section 225.14, Code 2005, is amended by striking
5 the section and inserting in lieu thereof the following:

6 225.14 PATIENT COSTS.

7 If it is determined through the financial condition
8 investigation made pursuant to section 225.13 that a person is
9 a committed or voluntary private patient, the person or those
10 legally responsible for the person's support are liable for
11 expenses as provided in section 225.22. The costs of a
12 committed or voluntary public patient shall be paid by the
13 state as provided in section 225.28.

14 Sec. 5. Section 225.16, Code 2005, is amended to read as
15 follows:

16 225.16 VOLUNTARY PUBLIC PATIENTS -- ADMISSION.

17 1. ~~If the judge-of-the-district-court, or the clerk-of-the~~
18 ~~court, as aforesaid,~~ county board of supervisors finds from
19 the physician's information which was filed under the
20 provisions of section 225.10, ~~that it would be appropriate for~~
21 the person to enter be admitted to the state psychiatric
22 hospital, and the report of the county attorney general
23 assistance director made pursuant to section 225.13 shows that
24 ~~neither the person nor and those who are~~ legally responsible
25 for the person, ~~are not~~ able to pay the expenses ~~thereof~~
26 incurred at the hospital, or are able to pay only a part of
27 the expenses, ~~the judge-or-clerk~~ person shall be considered to
28 be a voluntary public patient and the board of supervisors
29 ~~shall enter-an-order-directing~~ direct that the ~~said~~ person
30 shall be sent to the state psychiatric hospital at the state
31 University university of Iowa for observation, treatment, and
32 hospital care ~~as-a-voluntary-public-patient.~~

33 2. When the ~~said~~ patient arrives at the hospital, the
34 patient shall ~~receive-the-same-treatment-as-is-provided~~ be
35 cared for in the same manner as is provided for committed

1 public patients in section 225.15.

2 Sec. 6. Section 225.17, Code 2005, is amended to read as
3 follows:

4 225.17 COMMITTED PRIVATE PATIENT -- TREATMENT.

5 1. If the judge of the district court finds ~~upon the~~
6 ~~review and determination made under the provisions of section~~
7 ~~225.14~~ pursuant to section 225.11 that the respondent is an
8 appropriate subject for placement at the state psychiatric
9 hospital, and that the respondent, or those legally
10 responsible for the respondent, are able to pay the expenses
11 associated with the placement, the judge shall enter an order
12 directing that the respondent shall be sent to the state
13 psychiatric hospital at the state university of Iowa for
14 observation, treatment, and hospital care as a committed
15 private patient.

16 2. When the respondent arrives at the hospital, the
17 respondent shall receive the same treatment as is provided for
18 committed public patients in section 225.15, in compliance
19 with sections 229.13 to 229.16. However, observation,
20 treatment, and hospital care under this section of a
21 respondent whose expenses are payable in whole or in part by a
22 county shall only be provided as determined through the
23 central point of coordination process.

24 Sec. 7. Section 225.18, Code 2005, is amended to read as
25 follows:

26 225.18 ATTENDANTS.

27 The ~~court or clerk~~ county board of supervisors may appoint
28 a person to accompany the committed public patient or the
29 voluntary public patient or the committed private patient from
30 the place where the patient may be to the state psychiatric
31 hospital ~~of the state university at Iowa City~~, or to accompany
32 the patient from the hospital to a place as may be designated
33 by the ~~court or clerk~~ board. If a patient is moved pursuant
34 to this section, at least one attendant shall be of the same
35 sex gender as the patient.

1 Sec. 8. Section 225.19, Code 2005, is amended to read as
2 follows:

3 225.19 COMPENSATION FOR ATTENDANT.

4 ~~Any person~~ An individual appointed by the ~~court or judge or~~
5 ~~clerk~~ county board of supervisors to accompany ~~said a~~ person
6 to or from the hospital or to make an investigation and report
7 on any question involved in the ~~complaint, other than the~~
8 ~~physician making the examination,~~ matter shall receive ~~the sum~~
9 of three dollars per day for the time actually spent in making
10 ~~such the~~ investigation ~~(except in cases where the person~~
11 ~~appointed therefor receives a fixed salary or compensation)~~
12 and actual necessary expenses incurred in making ~~such the~~
13 investigation or trip. This section does not apply to the
14 physician examining the person or to an appointee who receives
15 fixed compensation or a salary.

16 Sec. 9. Section 225.20, Code 2005, is amended to read as
17 follows:

18 225.20 COMPENSATION FOR PHYSICIAN.

19 The physician making the examination of a voluntary public
20 patient on which is based any information filed under section
21 225.10 shall ~~receive such sum~~ be compensated as ~~the court may~~
22 ~~direct~~ directed by the county board of supervisors for each
23 ~~and every~~ examination ~~information so made~~ performed, and the
24 actual and necessary expenses incurred by the physician in
25 making ~~such the~~ examination, in conformity with the
26 requirements of this chapter, if the person named in the
27 information is referred to the state psychiatric hospital.

28 Sec. 10. Section 225.21, Code 2005, is amended to read as
29 follows:

30 225.21 VOUCHERS.

31 The person making claim to compensation under section
32 225.19 or 225.20 shall ~~present to the court or judge an~~
33 ~~itemized sworn statement of the claim, and when the claim for~~
34 ~~compensation has been approved by the court or judge or clerk,~~
35 ~~it shall be filed~~ file the claim in the office of the county

1 auditor ~~and shall be allowed.~~ The claim is subject to review
2 and approval by the board of supervisors.

3 Sec. 11. Section 225.23, Code 2005, is amended to read as
4 follows:

5 225.23 COLLECTION FOR TREATMENT.

6 If the bills for such a committed or voluntary private
7 patient are paid by the state, ~~it shall be the duty of~~ the
8 state psychiatric hospital ~~to shall~~ file a certified copy of
9 the claim ~~which has been so paid,~~ for the bills with the
10 auditor of the proper patient's county, ~~who of residence.~~ The
11 county of residence shall proceed to collect the ~~same by~~
12 ~~action, if necessary,~~ claim in the name of the state
13 psychiatric hospital, and when collected pay the same amount
14 collected to the director of the department of administrative
15 services. The hospital shall also, at the same time, forward
16 a duplicate of the account claim to the director of the
17 department of administrative services.

18 Sec. 12. Section 225.24, Code 2005, is amended to read as
19 follows:

20 225.24 COLLECTION OF PRELIMINARY EXPENSE.

21 Unless said a committed private patient or those legally
22 responsible for the patient patient's support offer to make
23 such settlement settle the amount of the claims, ~~it shall also~~
24 ~~be the duty of the~~ county auditor of the proper person's
25 county ~~as aforesaid to proceed to~~ of residence shall collect,
26 by action if necessary, ~~in the name of the said county,~~ the
27 amount of all claims for per diem and expenses that have been
28 approved by the ~~said court or judge~~ county board of
29 supervisors and paid by the ~~county treasurer of said~~ county as
30 provided ~~for under the provisions of~~ section 225.21, ~~and when,~~
31 Any amount collected to pay the same into the shall be
32 credited to the county treasury.

33 Sec. 13. Section 225.25, Code 2005, is amended to read as
34 follows:

35 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC.

1 If ~~any~~ a patient be-admitted is committed to the state
2 psychiatric hospital as a private patient and thereafter-an
3 ~~order-of-commitment-of-the-patient-as-a-public-patient-be-made~~
4 ~~by-the-court-or-judge-or-clerk-having-jurisdiction-thereof~~
5 after admission it is determined through an investigation made
6 pursuant to section 225.13 that the person is a public
7 patient, the expense of keeping and maintaining the patient
8 from the date of the filing of the information upon which the
9 order is made shall be paid by the state.

10 Sec. 14. Section 225.30, Code 2005, is amended to read as
11 follows:

12 225.30 BLANKS -- AUDIT.

13 The medical faculty of the university of Iowa college of
14 medicine shall prepare blanks containing such questions and
15 requiring such information as may be necessary and proper to
16 be obtained by the physician who examines a person or
17 respondent whose referral to the state psychiatric hospital is
18 contemplated. A judge may request that a physician who
19 examines a respondent as required by section 229.10 complete
20 such blanks in duplicate in the course of the examination. A
21 physician who proposes to file information under section
22 225.10 shall obtain and complete such blanks in duplicate and
23 file them with the information. The blanks shall be printed
24 by the state and a supply thereof of the blanks shall be sent
25 ~~to-the-clerk-of-each-district-court-of-the-state~~ made
26 available to counties. The director of the department of
27 administrative services shall audit, allow, and pay the cost
28 of the blanks as other bills for public printing are allowed
29 and paid.

30

EXPLANATION

31 This bill amends Code chapter 225, relating to the state
32 psychiatric hospital at the state university of Iowa, to
33 require the office of the county general assistance director
34 to conduct financial condition investigations of persons who
35 are sent to the state psychiatric hospital for evaluation and

1 treatment, instead of the court and the clerk of court. The
2 county board of supervisors is given the responsibility of
3 directing that a voluntary public patient be sent to the state
4 psychiatric hospital, instead of requiring a court order.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: January 16, 2006

RE: TLSB 5303DP

The procedures prescribed in chapter 225 for processing public patients at the state psychiatric hospital have become outmoded over time. Arrangements for admission of patients to the university psychiatric hospital and for payment of their care are typically handled by the counties and the hospital without court involvement. This bill would conform the statute to the practice by eliminating court involvement, except for cases brought pursuant to chapter 229. Similar legislation regarding medical treatment for indigent persons under chapter 255 was enacted in 2003.