

SSB 1120/HSB 153

Amend SSB 1120/HSB 153 As follows:

1. Page 1, by striking lines 2 and 3, and inserting:
<SERVICES AND SUPPORTS FOR CHILDREN AND YOUTH>
2. Page 1, by striking lines 4 through 6, and inserting:
<Sec.____. Section 125.13, subsection 2, Code 2025, is amended by adding the following new paragraph:
NEW PARARAPH. k. A psychiatric medical institution for children licensed under chapter 135H.>
3. Page 1, by striking lines 18 through 21, and inserting:
< A nationally recognized accrediting organization with standards comparable to the entities specified in paragraphs “a” through “c” that are acceptable under federal regulations.>
4. Page 1, line 22, by striking <promulgated> and inserting <adopted>
5. Page 2, by striking lines 8 through 10, and inserting:
< b. A mental disorder included in the mental and behavioral disorders chapter of the most recent version of the international classification of diseases published by the world health organization.>
6. Page 3, line 1, after <diagnosis> by inserting <,assessment,>
7. Page 3, by striking lines 14 through 23, and inserting:
<Serious emotional disturbance” means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. “Serious emotional disturbance” does not include a substance use or developmental disorder unless such disorder co-occurs with such a diagnosable mental, behavioral, or emotional disorder. >>
8. Page 3, line 35, after <care,> by inserting <assessment,>
9. Page 4, line 3, by striking <disorder>
10. Page 5, line 5, by striking <disturbance disorder> and inserting <disturbance>
11. Page 5, line 18, by striking <disturbance disorders> and inserting <disturbance>
12. Page 5, by striking lines 29 and 30, and inserting <and services required of a psychiatric institution.>
13. Page 7, by striking lines 1 through 12, and inserting:
<f. e. If a child youth has an a serious emotional, behavioral, or mental health disorder disturbance, the psychiatric institution does not require court any of the following as a condition for the youth to obtain treatment:
(1) Court proceedings to be initiated, or that a
(2) That a child’s parent, guardian, or custodian must to terminate parental rights over or transfer legal custody of the child for the purpose of obtaining treatment from the>

~~psychiatric institution for the child.~~

(3) Relinquishment of a child's custody ~~shall not be a condition of the child receiving services.~~>

14. Page 8, by striking lines 17 and 18, and inserting <shall be performed in accordance with procedures adopted for this purpose by the department of health>

15. Page 8, by striking lines 22 through 25, and inserting:

<The department, in cooperation with the department of health and human services, shall adopt rules pursuant to chapter 17A relating to the application of a protective locked environment in a psychiatric medical institution for children. >

16. Page 9, lines 25 and 26, by striking <a public hospital> and inserting < an appropriate public hospital.>

17. Page 9, by striking line 34, and inserting <. An>

18. By striking page 9, line 35, through page 10, line 6, and inserting:

<~~(2) If the respondent is a minor placed under the care of an appropriate public hospital pursuant to subsection 1. paragraph "c". subparagraph (2). the chief medical officer of the public hospital shall report to the court and make a recommendation for disposition of the matter no later than thirty days after the date the minor respondent is placed.~~>

19. Page 10, by striking line 25, and inserting <and shall be punished under chapter 665. The court shall>

20. Page 11, lines 2 and 3, by striking <a public hospital> 3, and inserting < an appropriate public hospital.>

21. Page 11, by striking lines 6 through 11, and inserting:

<~~NEW SUBSECTION.~~ 3A. "*Behavioral health condition*" means serious emotional disturbance, a mental health disorder or substance use disorder, life stressors and crises, and stress-related physical symptoms.>

22. Page 11, by striking lines 23 and 24, and inserting:

<~~NEW SUBSECTION.~~ 58A. "*Serious emotional disturbance*" means the same as defined in section 135H.1.>

23. Page 12, by striking lines 22 through 30, and inserting:

<1. a. ~~Following~~ At any time after the entry of an order of adjudication under section 232.47 the court may, after a hearing ~~which may be simultaneous with the adjudicatory hearing,~~ order a physical assessment or mental examination behavioral health evaluation of the child if it the court finds that ~~an examination~~ a physical assessment or behavioral health evaluation is necessary to determine the child's physical condition or ~~mental~~ to determine if the child has a behavioral health condition. >

24. Page 13, by striking lines 12 through 22, and inserting:

~~2.~~ 3. a. When possible ~~an examination~~, a physical assessment or behavioral health evaluation shall be conducted on an outpatient basis, ~~but~~ . However, if deemed necessary by the court, the court may, if it deems necessary, commit order the child to a suitable hospital, facility, or institution for the purpose of ~~examination~~ an inpatient physical assessment or behavioral health evaluation.

a. ~~Commitment for examination~~ An inpatient physical assessment or behavioral health evaluation shall not exceed thirty days and the civil commitment provisions of chapter 229 shall not apply.>

25. By striking page 13, line 33, through page 14, line 8, and inserting:

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

(2) ~~Commitment for examination~~ An inpatient physical assessment or behavioral health evaluation shall not exceed thirty days and the civil commitment provisions of chapter 229 shall not apply.>

25. Page 14, by striking lines 9 through 25, and inserting:

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

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

26. Page 15, by striking lines 1 through 18, and inserting:

<Sec.____. Section 232.69, subsection 3, paragraph b, Code 2025, is amended to read as follows:

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete the core training curriculum relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the ~~examination~~ physical assessment, behavioral health evaluation, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-

employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete the core training curriculum relating to the identification and reporting of child abuse every three years. >

27. By striking page 15, line 32, through page 16, line 24, and inserting:

<Sec. __. Section 232.77, subsection 1, Code 2025, is amended to read as follows:

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

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

c. A person who takes any photographs or X rays or performs any physical examinations assessments or other tests pursuant to this section, shall notify the department that the photographs or X rays have been taken or the ~~examinations~~ physical assessments or other tests have been performed. ~~The person who made notification, and shall retain the photographs or X rays or examination~~ the physical assessment or other test findings for a reasonable time following the notification.

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

28. By striking page 16, line 25, through page 17, line 6, and inserting:

<Sec. __. Section 232.78, subsection 1, paragraph a, Code 2025, is amended to read as follows:

a. Any of the following circumstances exists:

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

(2) The person responsible for the care of the child is absent, ~~or,~~

(3) The person responsible for the care of the child, though present, was asked and refused to consent to the removal of the child and was informed of an intent to apply for an order under this section, ~~or there,~~

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

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

29. By striking page 17, line 17, through page 18, line 12, and inserting:

<Sec. __. Section 232.78, subsection 5, unnumbered paragraph 1, Code 2025, is amended to read as follows:

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

Sec. __. Section 232.78, subsection 5, paragraph a, Code 2025, is amended to read as follows:

a. Any of the following circumstances exists:

- (1) The child's parent, guardian, or custodian consents to the physical assessment or behavioral health evaluation.
- (2) ~~The child's parent, guardian, or legal custodian is absent, or,~~
- (3) The child's parent, guardian, or custodian, though present, was asked and refused to provide written consent to the examination physical assessment or behavioral health evaluation.>

30. By striking page 18, line 22, through page 19, line 14, and inserting:

<Sec. __. Section 232.83, subsection 2, Code 2025, is amended to read as follows:

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

a. Any of the following circumstances exists:

- (1) The parent, guardian, or custodian consents to the physical assessment or behavioral health evaluation.
- (2) ~~The parent, guardian, or legal custodian is absent, or,~~
- (3) The parent, guardian, or custodian, though present, was asked and refused to authorize the examination physical assessment or behavioral health evaluation.

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

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

31. By striking page 19, line 15 through page 22, line 13, and inserting:
<Sec. __. Section 232.98, Code 2025, is amended to read as follows:

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

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

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

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

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

(1) Probable cause exists to believe that the child is a child in need of assistance pursuant to section 232.96A, subsection 5 or 6.

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

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

~~c:~~ e. ~~An examination~~ A physical assessment or behavioral health evaluation ordered after the adjudication shall be conducted on an outpatient basis when possible, ~~but~~ However, if deemed necessary by the court, the court may commit order the child to a suitable ~~nonsecure~~ hospital, facility, or institution for the purpose of ~~examination~~ an inpatient physical assessment or a behavioral health evaluation for a period not to exceed thirty days.

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

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

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

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

b. (1) The prohibition under paragraph "a", shall not preclude the department's use of the facilities of the state training school for the purposes of conducting a physical assessment or a behavioral health evaluation, or both, as described in section 232.98, of a male child for a period not to exceed thirty days. Such use of the state training school shall be subject to the director's authorization and approval for any request to obtain a court order for these purposes. Following review of the authorized and approved departmental request, the court may order such use of the state training school.

(2) A male child temporarily located at the state training school for a physical assessment or a behavioral health evaluation, or both, under this paragraph "b", shall at all times be separated from children adjudicated to have committed a delinquent act who are placed at the state training school.

(3) The department shall adopt rules pursuant to chapter 17A to administer this paragraph "b".

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

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

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

c. (1) The prohibition under paragraph “b”, shall not preclude the department’s use of the facilities of the state training school for the purposes of conducting a physical assessment or a behavioral health evaluation, or both, as described in section 232.98, of a male child for a period not to exceed thirty days. Such use of the state training school shall be subject to the director’s authorization and approval for any request to obtain a court order for such purposes. Following review of the authorized and approved departmental request, the court may order such use of the state training school.

(2) A male child temporarily located at the state training school for a physical assessment or a behavioral health evaluation, or both, under this paragraph “c”, shall at all times be separated from children adjudicated to have committed a delinquent act who are placed at the state training school.

(3) The department shall adopt rules pursuant to chapter 17A to administer this paragraph “c”.>

32. Page 23, by striking lines 12 and 13, and inserting <relating to an assessment performed pursuant to section 232.71B, shall be paid by the state if the>

33. By striking page 23, line 27, through page 25, line 14, and inserting:

<Sec.__. Section 237.3, Code 2025, is amended by adding the following new subsection:
NEW SUBSECTION. 13. The department shall adopt rules pursuant to chapter 17A relating to the application of a protective locked environment to child foster care licensees.

Sec.__. Section 237.4, Code 2025, is amended by adding the following new subsection:
NEW SUBSECTION. 9. A psychiatric medical institution for children licensed pursuant to chapter 135H.

Sec.__. Section 237C.1, Code 2025, is amended by adding the following new subsection:
NEW SUBSECTION. 5. “*Protective locked environment*” means a setting that prevents egress from a building or grounds as a protective measure to ensure safety and security.

Sec.__. Section 237C.4, Code 2025, is amended by adding the following new subsection:
NEW SUBSECTION. 6A. Rules governing the application of a protective locked environment to a children’s residential facility shall be adopted by the department.

Sec.__. DEPARTMENT OF HEALTH AND HUMAN SERVICES—DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING--ADMINISTRATIVE RULES.

1. The department of health and human services and the department of inspections, appeals, and licensing shall each adopt rules pursuant to chapter 17A to administer this division of this Act. The departments shall collaborate in developing their

respective rules to provide continuity for, and maximize utilization of the array of behavioral health services available by, affected individuals.

2. a. The department of health and human services and the department of inspections, appeals, and licensing shall review applicable existing rules and shall each adopt rules pursuant to chapter 17A to provide for the following relative to facilities licensed or certified under chapters 135H, 237, and 237C:
 - (1) Consistency to the greatest extent possible regarding the use of restraints and seclusion across these facilities.
 - (2) Adaptation in application of licensing and certification requirements to provide for the unmet residential care needs of affected individuals.
- b. In reviewing and adopting the rules, the departments shall consider the nature of the services and programming provided by the specific type of facility and applicable federal requirements including those for psychiatric residential treatment facilities as described in 42 C.F.R § 483.352.
3. The department of health and human services shall adopt rules pursuant to chapter 17A relating to the application of a protective locked environment to detention and shelter care as defined in section 232.2. For the purposes of this subsection, “*protective locked environment*” means a setting that prevents egress from a building or grounds as a protective measure to ensure safety and security. >

34. Page 25, by striking lines 18 through 28, and inserting:

<HOME AND COMMUNITY-BASED SERVICES AND HABILITATION SERVICES PROVIDED BY
A RESIDENTIAL PROGRAM—EXCLUSION FROM DEFINITION OF CHILDREN’S RESIDENTIAL
FACILITY

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

NEW PARAGRAPH. j. Care furnished to persons sixteen years of age and older by a residential program to which the department of health and human services applies accreditation, certification, or standards of review under the provisions of a federally-approved medical assistance home and community-based services waiver or other provision of the medical assistance program. >

35. By striking page 25, line 34, through page 26, line 2, and inserting:

<NEW SUBSECTION. 5A. “*Director of juvenile court services*” means the same as defined in the Iowa rules of juvenile court services directed programs and includes a designee of the director or juvenile court services. >

36. Page 26, by striking lines 19 and 20, and inserting < court services, in accordance with law and with the rules, directives, and procedures of>

37. Page 26, by striking lines 22 through 26, and inserting:

<4. The chief juvenile court officer shall assist the state court administrator and the ~~district court administrator~~ director of juvenile court services in implementing the rules, directives, and procedures of the judicial branch and the judicial district.>

38. Page 26, by striking lines 30 and 31, and inserting:

<Sec.__. Section 602.7201, subsections 2 and 3, Code 2025, are amended to read as follows: >

39. Page 26, by inserting before line 32:

<2. The juvenile court officers and other personnel employed in juvenile court service offices are subject to the supervision of the chief juvenile court officer. The chief juvenile court officer is subject to the supervision and direction of the director of juvenile court services.>

40. Page 27, by striking lines 2 through 14, and inserting:

<Sec.__. Section 602.7202, subsections 1 and 3, Code 2025, are amended to read as follows:

1. Subject to the approval of the ~~chief judge of the judicial district~~ director of juvenile court services, the chief juvenile court officer shall appoint juvenile court officers to serve the juvenile court. Juvenile court officers may be required to serve in two or more counties within the judicial district.

3. Juvenile court officers have the duties prescribed in chapter 232, subject to the direction of the director of juvenile court services in consultation with the chief judges of the juvenile court judicial districts. A judge of the juvenile court shall not attempt to direct or influence a juvenile court officer in the performance of the officer’s duties.>

41. By striking page 27, line 17, through page 28, line 14, and inserting:

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

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

Sec.__. NEW SECTION. 514I.8B Inmates of public institutions—suspension of medical assistance.

1. Following the first thirty days of commitment, the department shall suspend, but not terminate, the eligibility of an eligible child who is an inmate of a public

institution as defined in 42 C.F.R. §435.1010, who is enrolled in the medical assistance program under this chapter at the time of commitment to the public institution, and who remains eligible for medical assistance under this chapter except for the eligible child's institutional status, during the entire period of the eligible child's commitment to the public institution.

2. The public institution and the department shall comply with the reporting requirements and the expediting of the restoration of an eligible child's medical assistance benefits under this chapter upon the eligible child's discharge, consistent with section 249A.38, to the extent applicable.
3. The department shall adopt rules pursuant to chapter 17A to administer this section. >

42. Page 31, after line 13, by inserting:

<Sec. ____. Section 135J.2, subsection 2, Code 2025, is amended to read as follows:

2. The hospice program shall meet the criteria pursuant to section 135J.3 before a license is issued. The department is responsible to provide the necessary personnel to inspect the hospice program, the home care and inpatient care provided and the hospital or facility used by the hospice to determine if the hospice complies with necessary standards before a license is issued. Hospices that are certified as Medicare hospice providers by the department or are accredited as hospices by the joint commission ~~on the accreditation of health care organizations~~, shall be licensed without inspection by the department.

Sec. ____. Section 144F.5, subsection 1, Code 2025, is amended to read as follows:

1. The standards for accreditation adopted by the joint commission ~~on the accreditation of health care organizations~~ or any other nationally recognized hospital accreditation organization.

Sec. ____. Section 155A.13, subsection 4, paragraph a, subparagraph (4), Code 2025, is amended to read as follows:

(4) Give recognition to the standards of the joint commission ~~on the accreditation of health care organizations~~ and the American osteopathic association and to the conditions of participation under Medicare.>

43. Title page, by striking lines 1 through 6, and inserting:

<An Act relating to services and supports for youth including assessment, evaluation, and treatment for youth involved in involuntary commitment, juvenile delinquency, child in need of assistance, and family in need of assistance proceedings and the licensing and certification of certain residential facilities; the provision of home and community-based services and habilitation services to certain youth by residential programs; administration

and supervision of juvenile court services; and the suspension of HAWKI eligibility for inmates of public institutions.>

44. BRAN2
