IN THE IOWA DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

IN RE: TEMPORARY ACCOMMODATION ASSISTANCE WITH OFFICIAL DUTIES FOR THE DALLAS AND GUTHRIE COUNTY MENTAL HEALTH ADVOCATE	**ADMINISTRATIVE ORDER 2014 - 16**

WHEREAS the Court has received a request from Kris Gerhard, Dallas and Guthrie Counties Mental Health Advocate, for temporary Americans With Disability Act accommodation to assist in the performance of her official job duties; whereas Johanna Powell has been interviewed, screened and meets the statutory requirements for appointment as a MH Advocate; and Ms. Gerhard has been in communication with the CPC's/Community Services Directors of Dallas and Guthrie Counties;

NOW, THEREFORE, IT IS HEREBY ORDERED that effective immediately Johanna Powell of Creston, Iowa, is hereby appointed as a temporary assistant to Ms. Gerhard for purposes of providing accommodations as requested. Ms. Powell will serve under Ms. Gerhard's supervision and shall perform reasonable duties set out in the Mental Health Advocate Job Description approved by the Judicial Council on 9/9/08 (copy attached) on Ms. Gerhard's behalf. Ms. Powell has authority to act during any intermittent or short periods of incapacity on Ms. Gerhard's part. Compensation for Ms. Powell shall be at a rate of $15.00 per hour, plus reasonable expenses as set forth in Administrative Order 2005-60 (copy attached). Ms. Powell shall therefore have access to all charts, information, medical records and court file information as is necessary to perform her duties on behalf of respondents in the necessary MH cases in Dallas and Guthrie Counties. This Order shall remain in effect until further Order of the Court.

DATED this 27 day of February, 2014.

FILED
POLK COUNTY, IA.
FEB 28 AM 8:51
CLERK DISTRICT COURT

ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Distribution List for 5th Judicial District Administrative Order 2014-16

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Magistrate Leslie Clemenson
Magistrate Donna Schauer
Magistrate Jonathan Kimple
Elizabeth Baldwin, DCA
Darci Alt, CPC, Dallas County
Diane Jackson, CPC, Guthrie County
Kris Gerhard, MH Advocate Dallas and Guthrie Counties
Johanna Powell, Assistant MH Advocate Dallas and Guthrie Counties

Mental Health Advocate Job Description

General Statement: The Code of Iowa, section 229.19, governs the MH Advocate position. The District Court, in each county with a population of less than 300,000 persons, is required to appoint a mental health advocate to represent the interests of clients involuntarily hospitalized by the Court. The advocate is to act as the support person for all persons in their assigned county involved in involuntary hospitalization proceedings and their follow-up treatment. The advocate's responsibilities begin when notice is received in compliance with Code section 229.9A.[1]

Primary Duties: For each person the advocate is assigned to, the advocate is required by law to perform the activities listed below. This is an overall list, not one fully descriptive of every detail of what the MH advocate's responsibilities are.

(1) review the reports, orders and applications submitted on the client pursuant to Chapter 229 of the Code of Iowa;

(2) advise the Court at any time if it appears that the services of an attorney are needed to safeguard the client's interests;

(3) be readily available to receive communications from the client and to communicate with the client directly within 5 days of the client's commitment;

(4) to visit the client within 15 days of that commitment and periodically thereafter;

(5) to communicate with the medical personnel treating the client as necessary and review the client's medical records;

(6) to file quarterly reports (or more often as necessary or required by the court) stating the actions taken with respect to each individual client and amount of time spent.

(7) may attend the hospitalization hearing of any respondent for whom the advocate has received notice of a hospitalization hearing pursuant to 229.9A

Related Duties:

1. To inform the client within five (5) days of commitment of the name of the advocate and how to communicate with the advocate. It is recommended this occur through a letter of introduction, pamphlet of rights and business card.

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[1] There is an apparent statutory inconsistency with §229.19 regarding when the advocate's job begins. Statutory clarification on this issue is indicated.

2. To arrange with the Court a system that allows dissemination of documents in a timely manner or visit the appropriate Clerk of Court at least once a week to pick up new commitment paperwork, and all other reports and orders.
3. Review all documents for necessary action. The advocate should contact any medical personnel and any appropriate service agencies involved for any needed clarification or questions.

4. Individual case files should be kept.

5. Safeguarding the client's rights and interests as well as informing the client of their responsibilities, including but not limited to the following activities:

a. Act as a spokesperson for the client;
b. Negotiate between the client and the treatment team when communication is broken or otherwise requires clarification, or a violation of a client's right(s) occurs or is alleged,;
c. Act as a liaison between the treatment team and the individual;
d. Act as a liaison between the treatment team and the Court which ordered the treatment;
e. Facilitate understanding of client rights and strengthen relationships among the various persons and agencies responsible for the care of the mentally ill; and
f. Review with the client their responsibilities under commitment and consequences of actions or lack thereof.

6. Collaborate with the Court as appropriate, including to:

a. Advise the Court when needed to properly safeguard the client's interest and legal rights: and
b. Assist the Clerk in tracking and locating clients and physician's reports;

7. Attend subsequent hearings.

8. Travel to the appropriate facilities or locations for required and periodic client visits.

9. Perform administrative duties including, but not limited to, preparing reports and claims, maintaining client files, providing information and referrals, attending meetings, conferences or seminars related to the advocate's duties (Attendance at conferences or seminars shall be approved in advance by the District Court Administrator, after receiving input from the CPC for advocates appointed by the Court);

10. Perform other related advocate services or actions within the scope of Iowa Code Section 229.19 service to clients.

a. Assist the Court in its attempts to locate clients (e.g., returned mail, moves, etc.);

b. Provide case coordination services for clients without a case manager or similarly assigned individual (e.g., county social worker, etc.); and

c. Make referral to treatment/service providers and other social service agencies, e.g., CPC, case management, community supportive living, Social Security Administration, etc.

Knowledge and Skills:

- Familiar with laws and major Iowa Supreme Court decisions on mental health and involuntary commitment, including Chapter 229 of the Iowa Code;
- Ability to communicate with mental health providers and treatment professionals in a constructive, positive manner;
- Familiarity with mental health treatment resources within the area of service;
- All confidential files and records shall be maintained in accordance with law; and
- The advocate shall abide by confidentiality requirements contained in the Code of Iowa, including those of Chapter 229.

Qualifications:

Preferred Qualifications: Bachelor's degree or related post-secondary education coursework in a social science, education, nursing, or other related area, and at least one year of work experience in a mental health treatment related position. Working knowledge of basic computer software and skills.

Minimum and Statutory Requirements: High School degree or GED equivalent; demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness; not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to persons with mental illness.

Other Related Requirements: Possess and maintain a valid Driver's License, or have the ability to arrange reliable transportation; possess and maintain appropriate vehicle insurance, or demonstrate coverage for arranged transportation; and pass criminal background history, sex offender registry, and child and dependent adult abuse registry checks.

Addendum – Recommended *Best Practices* for Related Duties

NOTE: The following information provides recommended ***Best Practices*** corresponding with the Related Duties set out in the Job Description. These ***Best Practices*** will be incorporated into a future procedural manual for the MH Advocates.

Related Duties:

1. To inform the client within five (5) days of commitment of the name of the advocate and how to communicate with the advocate. It is recommended this occur through a letter of introduction, pamphlet of rights and business card.

   Best Practice: meet with the individual and provide information in person. Provide written information (commitment process, role of advocate, etc) and answer any related questions or concerns.

   Best Practice: meet with the individual in the hospital as it is the most restrictive placement which increases right violation issues.

   Best Practice: Distance of hospital may be cost prohibited and meeting 'visit' requirement appropriate at hearing.

   Best Practice: The advocate may attend hospitalization hearings pursuant to Code Section 229.9A.

2. To arrange with the Court a system that allows dissemination of documents in a timely manner or visit the appropriate Clerk of Court at least once a week to pick up new commitment paperwork, and all other reports and orders.

   Best Practice: dependent upon local utilization and resources.

3. Review all documents for necessary action. The advocate should contact any medical personnel and any appropriate service agencies involved for any needed clarification or questions.

   Best Practice: conduct periodic contacts with appropriate service agencies at a minimum of 3-6 months if no contact has been initiated.

4. Individual case files should be kept.

   Best Practice: Include contact notes/narrative for all direct activities: 1) client face to face; 2) client phone; 3) collateral face to face; and 4) collateral phone.

5. Safeguarding the client's rights and interests as well as informing the client of their responsibilities, including but not limited to the following activities:

   a. Act as a spokesperson for the client;

      Best Practice: Encourage as appropriate self advocacy and provide support to empower the individual as needed.

   b. Negotiate between the client and the treatment team when communication is broken or otherwise requires clarification, or a violation of a client's right(s) occurs or is alleged,;

   c. Act as a liaison between the treatment team and the individual;

d. Act as a liaison between the treatment team and the Court which ordered the treatment;
e. Facilitate understanding of client rights and strengthen relationships among the various persons and agencies responsible for the care of the mentally ill; and
f. Review with the client their responsibilities under commitment and consequences of actions or lack thereof.

6. Collaborate with the Court as appropriate, including to:
   a. Advise the Court when needed to properly safeguard the client's interest and legal rights;
      Best Practice: Provide to the Court written concerns and recommended resolutions to situations; and
   b. Assist the Clerk in tracking and locating clients and physician's reports;

7. Attend subsequent hearings.

8. Travel to the appropriate facilities or locations for required and periodic client visits.
   Best Practice: Visit hospitals and 24/7 licensed facilities every quarter or at minimum every six months.
   Best Practice: Visit facilities unannounced as appropriate.
   Best Practice: Visit with clients in a safe/secure/confidential location. Be cautious entering anyone's home. Arrange with the Clerk of Court a room in the Courthouse to do face to face visits.
   Best Practice: To reduce intrusiveness and encourage independence, majority of contact with stable outpatient can be done through correspondence or by telephone. Inform the individual to initiate contact with you if there are any problems or concerns.
   Best Practice: When reviewing physician reports, investigate reports of non-compliance with client by phone or face to face contact.

9. Perform administrative duties including, but not limited to, preparing reports and claims, maintaining client files, providing information and referrals, attending meetings, conferences or seminars related to the advocate's duties (Attendance at conferences or seminars shall be approved in advance by the District Court Administrator, after receiving input from the CPC for advocates appointed by the Court);

10. Perform other related advocate services or actions within the scope of Iowa Code Section 229.19 service to clients.
   a. Assist the Court in its attempts to locate clients (e.g., returned mail, moves, etc.);
   b. Provide case coordination services for clients without a case manager or similarly assigned individual (e.g., county social worker, etc.); and
   c. Make referral to treatment/service providers and other social service agencies, e.g., CPC, case management, community supportive living, Social Security Administration, etc.

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

FILED
POLK COUNTY, IA
2005 NOV 29 AM 10:24
CLERK DISTRICT COURT

IN RE: MENTAL HEALTH ADVOCATE COMPENSATION CLAIMS AND HEARINGS	**ADMINISTRATIVE ORDER 2005-60**

WHEREAS Iowa Code Section 229.19 provides that the Court, in counties where the Board of Supervisors does not appoint the Mental Health Advocate, shall prescribe a reasonable rate of compensation for the services of the Mental Health Advocate, and the actual compensation of the advocate shall be based upon reports filed by the advocate with the Court, for payment by the applicable County to which the Mental Health Advocate is appointed;

AND, WHEREAS the County responsible for payment of the advocate's compensation is entitled to notice and hearing on the advocate's claims for compensation before allowance and entry of order for payment;

IT IS THEREFORE ORDERED THAT:

1. Filing of Claims: Mental Health Advocates of the Fifth Judicial District appointed by the Court shall file their claims for compensation on a monthly basis and shall submit their claims in the manner prescribed in this Order unless otherwise agreed upon in writing (e.g. resolution, contract, 28E Agreement) by the Mental Health Advocate and applicable County, as approved by the Chief Judge. The claims shall be filed with the Clerk of the District Court in the county responsible for the claim within twenty (20) days of the applicable month's end.

2. Approval of Claims: The Clerk of District Court shall deliver the claim to a District Court Judge no later than the next Court Service Day following the filing of the Advocate's claim. The District Court Judge shall, by order, set a time and place for hearing on the Advocate's claim, and shall direct the Clerk of the District Court to give notice thereof to the Advocate, the Board of Supervisors, and the County Attorney of the appropriate county. The Clerk of District Court shall append to the notice of hearing a file stamped copy of the Advocate's claim. A District Court Judge shall preside over the hearing on the Advocate's claim for compensation.

a. In lieu of a hearing on the Advocate's claim, the Advocate may, prior to filing the claim with the Clerk of District Court, obtain from the Board of Supervisors or County Attorney of the appropriate county, a waiver of the hearing on the compensation claim. The waiver shall be in the form of a statement endorsed upon the claim, to-wit: "Hearing on this claim is waived, _____ County, Iowa, by _____, Chairperson, Board of Supervisors or _____, County Attorney.

b. All claims bearing this or substantially similar endorsements shall be delivered to the Clerk of District Court who shall deliver such claim to a District Court Judge, who shall, without hearing, review the claim, allow appropriate compensation and expenses, and order the payment of the claim by the appropriate county. Upon approval, the claim shall be submitted by the Clerk of Court to the applicable county CPC or other appropriate county staff person as designated by the County for payment. Court approved claims shall be paid in a timely manner by the appropriate county entity.

3. Claim Itemization: All claims for compensation by the Mental Health Advocate shall be itemized with the following information and submitted with appropriate supporting documentation including corresponding patient identification number(s) for patient specific services rendered (see Section 5 below):

a. Dates and location of services rendered, with applicable mileage pursuant to Section 4 below (travel voucher or equivalent county form is acceptable documentation);

b. List of the type of services rendered with corresponding time frames:
   - Travel;
   - Patient visits;
   - Records review;
   - Communications with medical or treatment personnel, or other pertinent parties including other patient communications;
   - Iowa Code Section 229.9A Hospitalization hearings;
   - Administrative duties (e.g. preparing reports and claims, attending meetings, conferences or seminars related to duties); and
   - Other reasonable advocate services or actions within the scope of Iowa Code Section 229.19.

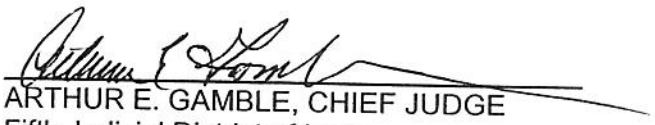
c. Itemized list of reasonable business expenses associated with maintaining an office out of the MH Advocate's residence, including but not limited to necessary office supplies, postage and telephone calls, if not otherwise provided for by the County.

4. Domicile for Travel: For purposes of calculating travel mileage reimbursement if not otherwise agreed to in writing pursuant to Section 1 above, if the MH Advocate is a resident of the county he or she is appointed to serve, the designated office of the Advocate shall be the Advocate's place of residence (home office), unless the County has otherwise provided reasonable office accommodations at the county seat in proximity to the courts and/or CPC location. If the MH Advocate is appointed to serve in a county(ies) other than the Advocate's county of residence, travel reimbursement shall be calculated from the Advocate's residence or the county seat in the Advocate's county of residence, whichever is less.

5. Patient Identification Numbers: As noted above in Section 3, Advocates' claims for reimbursement shall clearly identify patient specific services rendered with the individual patient for whom services were rendered, noting the patient involved by a patient identification number. The Advocate shall then maintain a separate confidential list of the patient identification numbers and the corresponding actual patient names. Such confidential list shall be placed in a sealed envelope marked "Confidential - pursuant to Iowa Code Section 22.7" and shall be attached to the Advocate's claims for services submitted to the Clerk of Court pursuant to Section 1 above. Such confidential sealed envelope shall be available to the Court and the County for purposes of review, however this confidential list shall be safeguarded at all times as a confidential record not available for public inspection.

6. Compliance: The procedures set out herein shall be substantially adhered to when considering mental health advocate claims for compensation within the Fifth Judicial District. This administrative order hereby updates and supersedes Administrative Order 1992/02, In Re: Hearing on Mental Health Advocate Claim for Compensation, and is effecting upon signing.

Dated the 28 day of November 2005.



ARTHUR E. GAMBLE, CHIEF JUDGE
Fifth Judicial District of Iowa

Copies to:
All Fifth Judicial District Judges
All Fifth Judicial Clerks of District Court
All Fifth Judicial District County Attorneys
All Fifth Judicial District County Auditors
Supreme Court Liaison Justice Marsha Ternus
All Fifth Judicial District Mental Health Advocates
All Fifth Judicial District Boards of Supervisors
All Fifth Judicial District County CPC's
State Court Administrator
Fifth Judicial District Court Administrator