

Senate File 2425 - Enrolled

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1 1 SENATE FILE 2425
1 2
1 3 AN ACT
1 4 RELATING TO AND MAKING APPROPRIATIONS FOR HEALTH AND HUMAN
1 5 SERVICES AND INCLUDING OTHER RELATED PROVISIONS AND APPRO-
1 6 PRIATIONS, PROVIDING PENALTIES, MAKING PENALTIES APPLICABLE
1 7 AND PROVIDING EFFECTIVE, RETROACTIVE, AND APPLICABILITY
1 8 DATE PROVISIONS.
1 9
1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 11
1 12 DIVISION I
1 13 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 14 ELDER AFFAIRS
1 15 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 16 appropriated from the general fund of the state to the
1 17 department of elder affairs for the fiscal year beginning July
1 18 1, 2008, and ending June 30, 2009, the following amount, or so
1 19 much thereof as is necessary, to be used for the purposes
1 20 designated:
1 21 For aging programs for the department of elder affairs and
1 22 area agencies on aging to provide citizens of Iowa who are 60
1 23 years of age and older with case management for the frail
1 24 elderly only if the monthly cost per client for case
1 25 management for the frail elderly services provided does not
1 26 exceed an average of \$70, resident advocate committee
1 27 coordination, employment, and other services which may include
1 28 but are not limited to adult day services, respite care, chore
1 29 services, telephone reassurance, information and assistance,
1 30 and home repair services, and for the construction of entrance
1 31 ramps which make residences accessible to the physically
1 32 handicapped, and for salaries, support, administration,
1 33 maintenance, and miscellaneous purposes, and for not more than
1 34 the following full-time equivalent positions:
1 35 \$ 5,251,698
2 1 FTEs 40.50
2 2 1. Funds appropriated in this section may be used to
2 3 supplement federal funds under federal regulations. To
2 4 receive funds appropriated in this section, a local area
2 5 agency on aging shall match the funds with moneys from other
2 6 sources according to rules adopted by the department. Funds
2 7 appropriated in this section may be used for elderly services
2 8 not specifically enumerated in this section only if approved
2 9 by an area agency on aging for provision of the service within
2 10 the area.
2 11 2. Of the funds appropriated in this section, \$2,788,223
2 12 shall be used for case management for the frail elderly. Of
2 13 the funds allocated in this subsection, \$1,385,015 shall be
2 14 transferred to the department of human services in equal
2 15 amounts on a quarterly basis for reimbursement of case
2 16 management services provided under the medical assistance
2 17 elderly waiver. The department of human services shall adopt

2 18 rules for case management services provided under the medical
2 19 assistance elderly waiver in consultation with the department
2 20 of elder affairs. The monthly cost per client for case
2 21 management for the frail elderly services provided shall not
2 22 exceed an average of \$70.
2 23 3. Of the funds appropriated in this section, \$200,198
2 24 shall be transferred to the department of economic development
2 25 for the Iowa commission on volunteer services to be used for
2 26 the retired and senior volunteer program.
2 27 4. Of the funds appropriated in this section, \$130,000
2 28 shall be used to continue to fund additional long-term care
2 29 resident's advocate positions.
2 30 5. Of the funds appropriated in this section, \$250,000
2 31 shall be used for continuation of the substitute decision
2 32 maker Act pursuant to chapter 231E.
2 33 6. Of the funds appropriated in this section, \$200,000
2 34 shall be used to replace federal funding for the aging and
2 35 disability resource center.
3 1 7. Of the funds appropriated in this section, \$200,000
3 2 shall be used to expand the elder abuse initiative program
3 3 established pursuant to section 231.56A to additional
3 4 counties.

3 5 HEALTH

3 6 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
3 7 appropriated from the general fund of the state to the
3 8 department of public health for the fiscal year beginning July
3 9 1, 2008, and ending June 30, 2009, the following amounts, or
3 10 so much thereof as is necessary, to be used for the purposes
3 11 designated:

3 12 1. ADDICTIVE DISORDERS

3 13 For reducing the prevalence of use of tobacco, alcohol, and
3 14 other drugs, and treating individuals affected by addictive
3 15 behaviors, including gambling, and for not more than the
3 16 following full-time equivalent positions:

3 17	\$	3,082,149
3 18	FTEs	6.00

3 19 a. The requirement of section 123.53, subsection 3, is met
3 20 by the appropriations made in this Act for purposes of
3 21 addictive disorders for the fiscal year beginning July 1,
3 22 2008.

3 23 b. Of the funds appropriated in this subsection,
3 24 \$1,550,000 shall be used for tobacco use prevention,
3 25 cessation, and treatment.

3 26 2. HEALTHY CHILDREN AND FAMILIES

3 27 For promoting the optimum health status for children,
3 28 adolescents from birth through 21 years of age, and families,
3 29 and for not more than the following full-time equivalent
3 30 positions:

3 31	\$	2,636,913
3 32	FTEs	16.00

3 33 a. Of the funds appropriated in this subsection, not more
3 34 than \$645,917 shall be used for the healthy opportunities to
3 35 experience success (HOPES)=healthy families Iowa (HFI) program
4 1 established pursuant to section 135.106. The department shall
4 2 transfer the funding allocated for the HOPES=HFI program to
4 3 the Iowa empowerment board for distribution and shall assist
4 4 the board in managing the contracting for the funding. The
4 5 funding shall be distributed to renew the grants that were
4 6 provided to the grantees that operated the program during the

4 7 fiscal year ending June 30, 2008.

4 8 b. Of the funds appropriated in this subsection, \$325,000
4 9 shall be used to continue to address the healthy mental
4 10 development of children from birth through five years of age
4 11 through local evidence-based strategies that engage both the
4 12 public and private sectors in promoting healthy development,
4 13 prevention, and treatment for children.

4 14 c. Of the funds appropriated in this subsection, \$100,000
4 15 is allocated for distribution to the children's hospital of
4 16 Iowa mother's milk bank.

4 17 d. Of the funds appropriated in this subsection, \$40,000
4 18 shall be distributed to a statewide dental carrier to provide
4 19 funds to continue the donated dental services program
4 20 patterned after the projects developed by the national
4 21 foundation of dentistry for the handicapped to provide dental
4 22 services to indigent elderly and disabled individuals.

4 23 e. Of the funds appropriated in this subsection, \$100,000
4 24 shall be transferred to the university of Iowa college of
4 25 dentistry for provision of primary dental services to
4 26 children. State funds shall be matched on a dollar-for-dollar
4 27 basis. The university of Iowa college of dentistry shall
4 28 coordinate efforts with the department of public health bureau
4 29 of oral health to provide dental care to underserved
4 30 populations throughout the state.

4 31 3. CHRONIC CONDITIONS

4 32 For serving individuals identified as having chronic
4 33 conditions or special health care needs, and for not more than
4 34 the following full-time equivalent positions:

4 35 \$ 2,242,840
5 1 FTEs 5.00

5 2 a. Of the funds appropriated in this subsection, \$100,000
5 3 shall be used for grants to individual patients who have
5 4 phenylketonuria (PKU) to assist with the costs of necessary
5 5 special foods.

5 6 b. Of the funds appropriated in this subsection, \$500,000
5 7 is allocated for continuation of the contracts for resource
5 8 facilitator services in accordance with section 135.22B,
5 9 subsection 10, and for brain injury training services and
5 10 recruiting of service providers to increase the capacity
5 11 within this state to address the needs of individuals with
5 12 brain injuries and such individuals' families.

5 13 4. COMMUNITY CAPACITY

5 14 For strengthening the health care delivery system at the
5 15 local level, and for not more than the following full-time
5 16 equivalent positions:

5 17 \$ 1,760,532
5 18 FTEs 12.00

5 19 a. Of the funds appropriated in this subsection, \$100,000
5 20 is allocated for a child vision screening program implemented
5 21 through the university of Iowa hospitals and clinics in
5 22 collaboration with community empowerment areas.

5 23 b. Of the funds appropriated in this subsection, \$159,700
5 24 is allocated for an initiative implemented at the university
5 25 of Iowa and \$140,300 is allocated for an initiative at the
5 26 state mental health institute at Cherokee to expand and
5 27 improve the workforce engaged in mental health treatment and
5 28 services. The initiatives shall receive input from the
5 29 university of Iowa, the department of human services, the
5 30 department of public health, and the mental health, mental

5 31 retardation, developmental disabilities, and brain injury
5 32 commission to address the focus of the initiatives. The
5 33 department of human services, the department of public health,
5 34 and the commission shall receive regular updates concerning
5 35 the status of the initiatives.

6 1 5. ELDERLY WELLNESS
6 2 For promotion of healthy aging and optimization of the
6 3 health of older adults:
6 4 \$ 9,233,985

6 5 6. ENVIRONMENTAL HAZARDS
6 6 For reducing the public's exposure to hazards in the
6 7 environment, primarily chemical hazards, and for not more than
6 8 the following full-time equivalent positions:
6 9 \$ 747,960
6 10 FTEs 2.00

6 11 Of the funds appropriated in this subsection, \$121,000
6 12 shall be used for childhood lead poisoning provisions.

6 13 7. INFECTIOUS DISEASES
6 14 For reducing the incidence and prevalence of communicable
6 15 diseases, and for not more than the following full-time
6 16 equivalent positions:
6 17 \$ 1,858,286
6 18 FTEs 7.00

6 19 a. Of the funds appropriated in this subsection, an
6 20 increase of \$200,000 is provided for the purchasing of
6 21 vaccines for immunizations.

6 22 b. Of the funds appropriated in this subsection, \$100,000
6 23 shall be used to fund the position of bureau chief for the
6 24 center for acute disease epidemiology (CADE).

6 25 8. PUBLIC PROTECTION
6 26 For protecting the health and safety of the public through
6 27 establishing standards and enforcing regulations, and for not
6 28 more than the following full-time equivalent positions:
6 29 \$ 3,161,013
6 30 FTEs 128.00

6 31 a. Of the funds appropriated in this subsection, \$643,500
6 32 shall be credited to the emergency medical services fund
6 33 created in section 135.25. Moneys in the emergency medical
6 34 services fund are appropriated to the department to be used
6 35 for the purposes of the fund.

7 1 b. Of the funds appropriated in this subsection, \$23,810
7 2 shall be used for the office of the state medical examiner.

7 3 c. Of the funds appropriated in this subsection, \$150,000
7 4 shall be used for management of the antiviral stockpile.

7 5 d. Of the funds appropriated in this subsection, \$262,500
7 6 shall be used for sexual violence prevention programming
7 7 through a statewide organization representing programs serving
7 8 victims of sexual violence through the department's sexual
7 9 violence prevention program. The amount allocated in this
7 10 paragraph "d" shall not be used to supplant funding
7 11 administered for other sexual violence prevention or victims
7 12 assistance programs.

7 13 e. Of the funds appropriated in this subsection, \$200,000
7 14 shall be used for start-up costs to implement licensing of
7 15 plumbers and mechanical professionals in accordance with 2007
7 16 Iowa Acts, chapter 198.

7 17 f. The department may incur expenses for start-up costs to
7 18 implement licensing of plumbers and mechanical professionals
7 19 in accordance with 2007 Iowa Acts, chapter 198, provided the

7 20 amounts expended are covered by the close of the fiscal year
7 21 through the repayment receipts from license fees.

7 22 9. RESOURCE MANAGEMENT

7 23 For establishing and sustaining the overall ability of the
7 24 department to deliver services to the public, and for not more
7 25 than the following full-time equivalent positions:

7 26 \$ 1,205,933
7 27 FTEs 10.00

7 28 Of the funds appropriated in this subsection, \$150,150
7 29 shall be used for administration of tobacco-related programs.

7 30 The university of Iowa hospitals and clinics under the
7 31 control of the state board of regents shall not receive
7 32 indirect costs from the funds appropriated in this section.
7 33 The university of Iowa hospitals and clinics billings to the
7 34 department shall be on at least a quarterly basis.

7 35 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.

8 1 1. In lieu of the appropriation made in section 135.150,
8 2 subsection 1, there is appropriated from funds available in
8 3 the gambling treatment fund created in section 135.150 to the
8 4 department of public health for the fiscal year beginning July
8 5 1, 2008, and ending June 30, 2009, the following amount, or so
8 6 much thereof as is necessary, to be used for the purposes
8 7 designated:

8 8 To be utilized for the benefit of persons with addictive
8 9 disorders:

8 10 \$ 1,690,000

8 11 It is the intent of the general assembly that from the
8 12 moneys appropriated in this subsection persons with a dual
8 13 diagnosis of substance abuse and gambling addictions shall be
8 14 given priority in treatment services. The amount appropriated
8 15 in this subsection includes moneys credited to the fund in
8 16 previous fiscal years.

8 17 2. In addition to the appropriation made in subsection 1,
8 18 there is appropriated from funds available in the gambling
8 19 treatment fund created in section 135.150 to the department of
8 20 public health for the fiscal year beginning July 1, 2008, and
8 21 ending June 30, 2009, the following amount, or so much thereof
8 22 as is necessary, to be used for the purposes designated:

8 23 To be utilized for the benefit of substance abuse treatment
8 24 for persons with addictions:

8 25 \$ 525,000

8 26 The amount appropriated in this subsection is one-time
8 27 funding from moneys remaining in the gambling treatment fund
8 28 from the carryforward of appropriations made for addictive
8 29 disorders in previous fiscal years.

8 30 3. The amount remaining in the gambling treatment fund
8 31 after the appropriations are made in subsections 1 and 2, is
8 32 appropriated to the department to be used for funding of
8 33 administrative costs and to provide programs which may include
8 34 but are not limited to outpatient and follow-up treatment for
8 35 persons affected by problem gambling, rehabilitation and
9 1 residential treatment programs, information and referral
9 2 services, education and preventive services, and financial
9 3 management services. Of the amount appropriated in this
9 4 subsection, up to \$100,000 may be used for the licensing of
9 5 gambling treatment programs as provided in section 135.150.

9 6 4. Notwithstanding any provision to the contrary, to
9 7 standardize the availability, delivery, cost of delivery, and
9 8 accountability of gambling and substance abuse treatment

9 9 services statewide, the department shall implement a process
9 10 to create a system for delivery of the treatment services. To
9 11 ensure the system provides a continuum of treatment services
9 12 that best meets the needs of Iowans, the gambling and
9 13 substance abuse treatment services in an area may be provided
9 14 either by a single agency or by separate agencies submitting a
9 15 joint proposal. The process shall be completed by July 1,
9 16 2010.

9 17 a. The process shall include the establishment of joint
9 18 licensure for gambling and substance abuse treatment programs
9 19 that includes one set of standards, one licensure survey,
9 20 comprehensive technical assistance, and appropriately
9 21 credentialed counselors to support the following goals:

9 22 (1) Gambling and substance abuse treatment services are
9 23 available to Iowans statewide.

9 24 (2) To the greatest extent possible, outcome measures are
9 25 uniform statewide for both gambling and substance abuse
9 26 treatment services and include but are not limited to
9 27 prevalence indicators, service delivery areas, financial
9 28 accountability, and longitudinal clinical outcomes.

9 29 (3) The costs to deliver gambling and substance abuse
9 30 treatment services in the system are based upon best practices
9 31 and are uniform statewide.

9 32 b. From the amounts appropriated in this section and from
9 33 other funding sources available for gambling and substance
9 34 abuse treatment, the department may allocate up to \$100,000
9 35 for administrative costs to develop and implement the process
10 1 in accordance with this subsection.

10 2 DEPARTMENT OF VETERANS AFFAIRS

10 3 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
10 4 appropriated from the general fund of the state to the
10 5 department of veterans affairs for the fiscal year beginning
10 6 July 1, 2008, and ending June 30, 2009, the following amounts,
10 7 or so much thereof as is necessary, to be used for the
10 8 purposes designated:

10 9 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

10 10 For salaries, support, maintenance, and miscellaneous
10 11 purposes, including the war orphans educational assistance
10 12 fund created in section 35.8, and for not more than the
10 13 following full-time equivalent positions:

10 14	\$ 1,163,457
10 15	FTEs 17.20

10 16 Of the amount appropriated in this subsection, \$50,000 is
10 17 allocated for continuation of the veterans counseling program
10 18 established pursuant to section 35.12.

10 19 2. IOWA VETERANS HOME

10 20 For salaries, support, maintenance, and miscellaneous
10 21 purposes, and for not more than the following full-time
10 22 equivalent positions:

10 23	\$ 12,694,154
10 24	FTEs 951.95

10 25 The Iowa veterans home billings involving the department of
10 26 human services shall be submitted to the department on at
10 27 least a monthly basis.

10 28 If there is a change in the employer of employees providing
10 29 services at the Iowa veterans home under a collective
10 30 bargaining agreement, such employees and the agreement shall
10 31 be continued by the successor employer as though there had not
10 32 been a change in employer.

10 33 3. COUNTY GRANT PROGRAM FOR VETERANS
10 34 For providing grants to counties to provide services to
10 35 living veterans:

11 1 \$ 600,000

11 2 The department shall establish or continue a grant
11 3 application process and shall require each county applying for
11 4 a grant to submit a plan for utilizing the grant for providing
11 5 services for living veterans. The maximum grant to be awarded
11 6 to a county shall be \$10,000. Each county receiving a grant
11 7 shall submit a report to the department identifying the impact
11 8 of the grant on providing services to veterans as specified by
11 9 the department. The department shall submit a report to the
11 10 general assembly by October 1, 2008, concerning the impact of
11 11 the grant program on services to veterans.

11 12 Notwithstanding section 8.33, moneys appropriated in this
11 13 subsection that remain unencumbered or unobligated at the
11 14 close of the fiscal year shall not revert to the fund from
11 15 which appropriated but shall be credited to the veterans trust
11 16 fund.

11 17 4. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
11 18 VETERANS

11 19 For provision of educational assistance pursuant to section
11 20 35.9:

11 21 \$ 27,000

11 22 HUMAN SERVICES

11 23 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
11 24 GRANT. There is appropriated from the fund created in section
11 25 8.41 to the department of human services for the fiscal year
11 26 beginning July 1, 2008, and ending June 30, 2009, from moneys
11 27 received under the federal temporary assistance for needy
11 28 families (TANF) block grant pursuant to the federal Personal
11 29 Responsibility and Work Opportunity Reconciliation Act of
11 30 1996, Pub. L. No. 104=193, and successor legislation, which
11 31 are federally appropriated for the federal fiscal years
11 32 beginning October 1, 2007, and ending September 30, 2008, and
11 33 beginning October 1, 2008, and ending September 30, 2009, the
11 34 following amounts, or so much thereof as is necessary, to be
11 35 used for the purposes designated:

12 1 1. To be credited to the family investment program account
12 2 and used for assistance under the family investment program
12 3 under chapter 239B:

12 4 \$ 26,101,513

12 5 2. To be credited to the family investment program account
12 6 and used for the job opportunities and basic skills (JOBS)
12 7 program and implementing family investment agreements in
12 8 accordance with chapter 239B:

12 9 \$ 13,334,528

12 10 Notwithstanding section 8.33, not more than 5 percent of
12 11 the moneys designated in this subsection that are allocated by
12 12 the department for contracted services, other than family
12 13 self=sufficiency grant services allocated under this
12 14 subsection, that remain unencumbered or unobligated at the
12 15 close of the fiscal year shall not revert but shall remain
12 16 available for expenditure for the purposes designated until
12 17 the close of the succeeding fiscal year. However, unless such
12 18 moneys are encumbered or obligated on or before September 30,
12 19 2009, the moneys shall revert.

12 20 3. To be used for the family development and
12 21 self=sufficiency grant program in accordance with 2008 Iowa

12 22 Acts, House File 2328:
12 23 \$ 2,998,675
12 24 Notwithstanding section 8.33, moneys appropriated in this
12 25 subsection that remain unencumbered or unobligated at the
12 26 close of the fiscal year shall not revert but shall remain
12 27 available for expenditure for the purposes designated until
12 28 the close of the succeeding fiscal year. However, unless such
12 29 moneys are encumbered or obligated on or before September 30,
12 30 2009, the moneys shall revert.
12 31 4. For field operations:
12 32 \$ 18,507,495
12 33 Of the funds appropriated in this subsection, \$800,000 is
12 34 allocated for additional income maintenance workers and social
12 35 workers.
13 1 It is the intent of the general assembly that the
13 2 department work with Indian tribes providing services under
13 3 the federal Temporary Assistance for Needy Families block
13 4 grant to Indians who reside in Iowa but live outside the
13 5 reservation to establish a formula for providing match funding
13 6 for the expenditures made by the tribes for such services.
13 7 The department shall provide recommendations regarding
13 8 implementation of the formula beginning in FY 2009=2010 to the
13 9 governor and the persons designated by this Act to receive
13 10 reports. For the purposes of this paragraph, "Indian",
13 11 "reservation", and "Indian tribe" mean the same as defined in
13 12 section 232B.3.
13 13 5. For general administration:
13 14 \$ 3,744,000
13 15 6. For local administrative costs:
13 16 \$ 2,189,830
13 17 7. For state child care assistance:
13 18 \$ 27,886,177
13 19 a. Of the funds appropriated in this subsection,
13 20 \$18,986,177 shall be transferred to the child care and
13 21 development block grant appropriation made in 2008 Iowa Acts,
13 22 Senate File 2286, if enacted, for the federal fiscal year
13 23 beginning October 1, 2008, and ending September 30, 2009. Of
13 24 this amount, \$200,000 shall be used for provision of
13 25 educational opportunities to registered child care home
13 26 providers in order to improve services and programs offered by
13 27 this category of providers and to increase the number of
13 28 providers. The department may contract with institutions of
13 29 higher education or child care resource and referral centers
13 30 to provide the educational opportunities. Allowable
13 31 administrative costs under the contracts shall not exceed 5
13 32 percent. The application for a grant shall not exceed two
13 33 pages in length.
13 34 b. Any funds appropriated in this subsection remaining
13 35 unallocated shall be used for state child care assistance
14 1 payments for individuals enrolled in the family investment
14 2 program who are employed.
14 3 8. For mental health and developmental disabilities
14 4 community services:
14 5 \$ 4,894,052
14 6 9. For child and family services:
14 7 \$ 32,084,430
14 8 10. For child abuse prevention grants:
14 9 \$ 250,000
14 10 11. For pregnancy prevention grants on the condition that

14 11 family planning services are funded:
14 12 \$ 1,930,067
14 13 Pregnancy prevention grants shall be awarded to programs in
14 14 existence on or before July 1, 2008, if the programs are
14 15 comprehensive in scope and have demonstrated positive
14 16 outcomes. Grants shall be awarded to pregnancy prevention
14 17 programs which are developed after July 1, 2008, if the
14 18 programs are comprehensive in scope and are based on existing
14 19 models that have demonstrated positive outcomes. Grants shall
14 20 comply with the requirements provided in 1997 Iowa Acts,
14 21 chapter 208, section 14, subsections 1 and 2, including the
14 22 requirement that grant programs must emphasize sexual
14 23 abstinence. Priority in the awarding of grants shall be given
14 24 to programs that serve areas of the state which demonstrate
14 25 the highest percentage of unplanned pregnancies of females of
14 26 childbearing age within the geographic area to be served by
14 27 the grant.
14 28 12. For technology needs and other resources necessary to
14 29 meet federal welfare reform reporting, tracking, and case
14 30 management requirements:
14 31 \$ 1,037,186
14 32 13. For the healthy opportunities for parents to
14 33 experience success (HOPES) program administered by the
14 34 department of public health to target child abuse prevention:
14 35 \$ 200,000
15 1 14. To be credited to the state child care assistance
15 2 appropriation made in this section to be used for funding of
15 3 community-based early childhood programs targeted to children
15 4 from birth through five years of age developed by community
15 5 empowerment areas as provided in section 28.9:
15 6 \$ 7,350,000
15 7 The department shall transfer TANF block grant funding
15 8 appropriated and allocated in this subsection to the child
15 9 care and development block grant appropriation in accordance
15 10 with federal law as necessary to comply with the provisions of
15 11 this subsection.
15 12 15. For a pilot program established in one or more
15 13 judicial districts, selected by the department and the
15 14 judicial council, to provide employment and support services
15 15 to delinquent child support obligors as an alternative to
15 16 commitment to jail as punishment for contempt of court:
15 17 \$ 200,000
15 18 Of the amounts appropriated in this section, \$12,962,008
15 19 for the fiscal year beginning July 1, 2008, shall be
15 20 transferred to the appropriation of the federal social
15 21 services block grant for that fiscal year.
15 22 The department may transfer funds allocated in this section
15 23 to the appropriations in this Act for general administration
15 24 and field operations for resources necessary to implement and
15 25 operate the services referred to in this section and those
15 26 funded in the appropriation made in this division of this Act
15 27 for the family investment program from the general fund of the
15 28 state.
15 29 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
15 30 1. Moneys credited to the family investment program (FIP)
15 31 account for the fiscal year beginning July 1, 2008, and ending
15 32 June 30, 2009, shall be used to provide assistance in
15 33 accordance with chapter 239B.
15 34 2. The department may use a portion of the moneys credited

15 35 to the FIP account under this section as necessary for
16 1 salaries, support, maintenance, and miscellaneous purposes.

16 2 3. The department may transfer funds allocated in this
16 3 section to the appropriations in this Act for general
16 4 administration and field operations for resources necessary to
16 5 implement and operate the services referred to in this section
16 6 and those funded in the appropriation made in this division of
16 7 this Act for the family investment program from the general
16 8 fund of the state.

16 9 4. Moneys appropriated in this division of this Act and
16 10 credited to the FIP account for the fiscal year beginning July
16 11 1, 2008, and ending June 30, 2009, are allocated as follows:

16 12 a. To be retained by the department of human services to
16 13 be used for coordinating with the department of human rights
16 14 to more effectively serve participants in the FIP program and
16 15 other shared clients and to meet federal reporting
16 16 requirements under the federal temporary assistance for needy
16 17 families block grant:

16 18 \$ 20,000

16 19 b. To the department of human rights for staffing,
16 20 administration, and implementation of the family development
16 21 and self=sufficiency grant program in accordance with 2008
16 22 Iowa Acts, House File 2328:

16 23 \$ 5,563,042

16 24 (1) Of the funds allocated for the family development and
16 25 self=sufficiency grant program in this lettered paragraph, not
16 26 more than 5 percent of the funds shall be used for the
16 27 administration of the grant program.

16 28 (2) The department of human rights may continue to
16 29 implement the family development and self=sufficiency grant
16 30 program statewide during fiscal year 2008=2009.

16 31 c. For the diversion subaccount of the FIP account:

16 32 \$ 2,814,000

16 33 (1) A portion of the moneys allocated for the subaccount
16 34 may be used for field operations salaries, data management
16 35 system development, and implementation costs and support
17 1 deemed necessary by the director of human services in order to
17 2 administer the FIP diversion program.

17 3 (2) Of the funds allocated in this lettered paragraph, not
17 4 more than \$250,000 shall be used to develop or continue
17 5 community=level parental obligation pilot projects. The
17 6 requirements established under 2001 Iowa Acts, chapter 191,
17 7 section 3, subsection 5, paragraph "c", subparagraph (3),
17 8 shall remain applicable to the parental obligation pilot
17 9 projects for fiscal year 2008=2009. Notwithstanding 441 IAC
17 10 100.8, providing for termination of rules relating to the
17 11 pilot projects the earlier of October 1, 2006, or when
17 12 legislative authority is discontinued, the rules relating to
17 13 the pilot projects shall remain in effect until June 30, 2009.

17 14 d. For the food stamp employment and training program:

17 15 \$ 68,059

17 16 The department shall amend the food stamp employment and
17 17 training state plan in order to maximize to the fullest extent
17 18 permitted by federal law the use of the fifty=fifty match
17 19 provisions for the claiming of allowable federal matching
17 20 funds from the United States department of agriculture
17 21 pursuant to the federal food stamp employment and training
17 22 program for providing education, employment, and training
17 23 services for eligible food assistance program participants,

17 24 including but not limited to related dependent care and
17 25 transportation expenses.

17 26 e. For the JOBS program:
17 27 \$ 22,310,116

17 28 5. Of the child support collections assigned under FIP, an
17 29 amount equal to the federal share of support collections shall
17 30 be credited to the child support recovery appropriation. Of
17 31 the remainder of the assigned child support collections
17 32 received by the child support recovery unit, a portion shall
17 33 be credited to the FIP account, a portion may be used to
17 34 increase recoveries, and a portion may be used to sustain cash
17 35 flow in the child support payments account. If as a result
18 1 the appropriations allocated in this section are insufficient
18 2 to sustain cash assistance payments and meet federal
18 3 maintenance of effort requirements, the department shall seek
18 4 supplemental funding. If child support collections assigned
18 5 under FIP are greater than estimated or are otherwise
18 6 determined not to be required for maintenance of effort, the
18 7 state share of either amount may be transferred to or retained
18 8 in the child support payment account.

18 9 6. The department may adopt emergency rules for the family
18 10 investment, JOBS, family development and self-sufficiency
18 11 grant, food stamp, and medical assistance programs if
18 12 necessary to comply with federal requirements.

18 13 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
18 14 appropriated from the general fund of the state to the
18 15 department of human services for the fiscal year beginning
18 16 July 1, 2008, and ending June 30, 2009, the following amount,
18 17 or so much thereof as is necessary, to be used for the purpose
18 18 designated:

18 19 To be credited to the family investment program (FIP)
18 20 account and used for family investment program assistance
18 21 under chapter 239B:
18 22 \$ 42,675,127

18 23 1. Of the funds appropriated in this section, \$8,975,588
18 24 is allocated for the JOBS program.

18 25 2. Of the funds appropriated in this section, \$2,584,367
18 26 is allocated for the family development and self-sufficiency
18 27 grant program.

18 28 3. a. Of the funds appropriated in this section, \$250,000
18 29 shall be used for a grant to an Iowa-based nonprofit
18 30 organization with a history of providing tax preparation
18 31 assistance to low-income Iowans in order to expand the usage
18 32 of the earned income tax credit. The purpose of the grant is
18 33 to supply this assistance to underserved areas of the state.
18 34 The grant shall be provided to an organization that has
18 35 existing national foundation support for supplying such
19 1 assistance that can also secure local charitable match
19 2 funding.

19 3 b. The general assembly supports efforts by the
19 4 organization receiving funding under this subsection to create
19 5 a statewide earned income tax credit and asset-building
19 6 coalition to achieve both of the following purposes:

19 7 (1) Expanding the usage of the tax credit through new and
19 8 enhanced outreach and marketing strategies, as well as
19 9 identifying new local sites and human and financial resources.

19 10 (2) Assessing and recommending various strategies for
19 11 Iowans to develop assets through savings, individual
19 12 development accounts, financial literacy, antipredatory

19 13 lending initiatives, informed home ownership, use of various
19 14 forms of support for work, and microenterprise business
19 15 development targeted to persons who are self-employed or have
19 16 fewer than five employees.

19 17 4. Notwithstanding section 8.39, for the fiscal year
19 18 beginning July 1, 2008, if necessary to meet federal
19 19 maintenance of effort requirements or to transfer federal
19 20 temporary assistance for needy families block grant funding to
19 21 be used for purposes of the federal social services block
19 22 grant or to meet cash flow needs resulting from delays in
19 23 receiving federal funding or to implement, in accordance with
19 24 this division of this Act, activities currently funded with
19 25 juvenile court services, county, or community moneys and state
19 26 moneys used in combination with such moneys, the department of
19 27 human services may transfer funds within or between any of the
19 28 appropriations made in this division of this Act and
19 29 appropriations in law for the federal social services block
19 30 grant to the department for the following purposes, provided
19 31 that the combined amount of state and federal temporary
19 32 assistance for needy families block grant funding for each
19 33 appropriation remains the same before and after the transfer:

19 34 a. For the family investment program.

19 35 b. For child care assistance.

20 1 c. For child and family services.

20 2 d. For field operations.

20 3 e. For general administration.

20 4 f. MH/MR/DD/BI community services (local purchase).

20 5 This subsection shall not be construed to prohibit the use
20 6 of existing state transfer authority for other purposes. The
20 7 department shall report any transfers made pursuant to this
20 8 subsection to the legislative services agency.

20 9 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
20 10 from the general fund of the state to the department of human
20 11 services for the fiscal year beginning July 1, 2008, and
20 12 ending June 30, 2009, the following amount, or so much thereof
20 13 as is necessary, to be used for the purposes designated:

20 14 For child support recovery, including salaries, support,
20 15 maintenance, and miscellaneous purposes, and for not more than
20 16 the following full-time equivalent positions:

20 17 \$ 14,951,757

20 18 FTEs 515.00

20 19 1. The department shall expend up to \$31,000, including
20 20 federal financial participation, for the fiscal year beginning
20 21 July 1, 2008, for a child support public awareness campaign.
20 22 The department and the office of the attorney general shall
20 23 cooperate in continuation of the campaign. The public
20 24 awareness campaign shall emphasize, through a variety of media
20 25 activities, the importance of maximum involvement of both
20 26 parents in the lives of their children as well as the
20 27 importance of payment of child support obligations.

20 28 2. Federal access and visitation grant moneys shall be
20 29 issued directly to private not-for-profit agencies that
20 30 provide services designed to increase compliance with the
20 31 child access provisions of court orders, including but not
20 32 limited to neutral visitation sites and mediation services.

20 33 3. The appropriation made to the department for child
20 34 support recovery may be used throughout the fiscal year in the
20 35 manner necessary for purposes of cash flow management, and for
21 1 cash flow management purposes the department may temporarily

21 2 draw more than the amount appropriated, provided the amount
21 3 appropriated is not exceeded at the close of the fiscal year.
21 4 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
21 5 the general fund of the state to the department of human
21 6 services for the fiscal year beginning July 1, 2008, and
21 7 ending June 30, 2009, the following amount, or so much thereof
21 8 as is necessary, to be used for the purpose designated:

21 9 For medical assistance reimbursement and associated costs
21 10 as specifically provided in the reimbursement methodologies in
21 11 effect on June 30, 2008, except as otherwise expressly
21 12 authorized by law, including reimbursement for abortion
21 13 services which shall be available under the medical assistance
21 14 program only for those abortions which are medically
21 15 necessary:

21 16 \$649,629,269

21 17 1. Medically necessary abortions are those performed under
21 18 any of the following conditions:

21 19 a. The attending physician certifies that continuing the
21 20 pregnancy would endanger the life of the pregnant woman.

21 21 b. The attending physician certifies that the fetus is
21 22 physically deformed, mentally deficient, or afflicted with a
21 23 congenital illness.

21 24 c. The pregnancy is the result of a rape which is reported
21 25 within 45 days of the incident to a law enforcement agency or
21 26 public or private health agency which may include a family
21 27 physician.

21 28 d. The pregnancy is the result of incest which is reported
21 29 within 150 days of the incident to a law enforcement agency or
21 30 public or private health agency which may include a family
21 31 physician.

21 32 e. Any spontaneous abortion, commonly known as a
21 33 miscarriage, if not all of the products of conception are
21 34 expelled.

21 35 2. The department shall utilize not more than \$60,000 of
22 1 the funds appropriated in this section to continue the
22 2 AIDS/HIV health insurance premium payment program as
22 3 established in 1992 Iowa Acts, Second Extraordinary Session,
22 4 chapter 1001, section 409, subsection 6. Of the funds
22 5 allocated in this subsection, not more than \$5,000 may be
22 6 expended for administrative purposes.

22 7 3. Of the funds appropriated in this Act to the department
22 8 of public health for addictive disorders, \$950,000 for the
22 9 fiscal year beginning July 1, 2008, shall be transferred to
22 10 the department of human services for an integrated substance
22 11 abuse managed care system. The department shall not assume
22 12 management of the substance abuse system in place of the
22 13 managed care contractor unless such a change in approach is
22 14 specifically authorized in law. The departments of human
22 15 services and public health shall work together to maintain the
22 16 level of mental health and substance abuse services provided
22 17 by the managed care contractor through the Iowa plan for
22 18 behavioral health. Each department shall take the steps
22 19 necessary to continue the federal waivers as necessary to
22 20 maintain the level of services.

22 21 4. a. The department shall aggressively pursue options
22 22 for providing medical assistance or other assistance to
22 23 individuals with special needs who become ineligible to
22 24 continue receiving services under the early and periodic
22 25 screening, diagnosis, and treatment program under the medical

22 26 assistance program due to becoming 21 years of age who have
22 27 been approved for additional assistance through the
22 28 department's exception to policy provisions, but who have
22 29 health care needs in excess of the funding available through
22 30 the exception to policy provisions.

22 31 b. Of the funds appropriated in this section, \$100,000
22 32 shall be used for participation in one or more pilot projects
22 33 operated by a private provider to allow the individual or
22 34 individuals to receive service in the community in accordance
22 35 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
23 1 (1999), for the purpose of providing medical assistance or
23 2 other assistance to individuals with special needs who become
23 3 ineligible to continue receiving services under the early and
23 4 periodic screening, diagnosis, and treatment program under the
23 5 medical assistance program due to becoming 21 years of age who
23 6 have been approved for additional assistance through the
23 7 department's exception to policy provisions, but who have
23 8 health care needs in excess of the funding available through
23 9 the exception to the policy provisions.

23 10 5. Of the funds appropriated in this section, up to
23 11 \$3,050,082 may be transferred to the field operations or
23 12 general administration appropriations in this Act for
23 13 operational costs associated with Part D of the federal
23 14 Medicare Prescription Drug, Improvement, and Modernization Act
23 15 of 2003, Pub. L. No. 108=173.

23 16 6. In addition to any other funds appropriated in this
23 17 Act, of the funds appropriated in this section, \$250,000 shall
23 18 be used for the grant to the Iowa healthcare collaborative as
23 19 defined in section 135.40.

23 20 7. Of the funds appropriated in this section, not more
23 21 than \$166,600 shall be used to enhance outreach efforts. The
23 22 department may transfer funds allocated in this subsection to
23 23 the appropriations in this division of this Act for general
23 24 administration, the state children's health insurance program,
23 25 or medical contracts, as necessary, to implement the outreach
23 26 efforts.

23 27 8. Of the funds appropriated in this section, up to
23 28 \$442,100 may be transferred to the appropriation in this Act
23 29 for medical contracts to be used for clinical assessment
23 30 services related to remedial services in accordance with
23 31 federal law.

23 32 9. Of the funds appropriated in this section, \$1,143,522
23 33 may be used for the demonstration to maintain independence and
23 34 employment (DMIE) if the waiver for DMIE is approved by the
23 35 centers for Medicare and Medicaid services of the United
24 1 States department of health and human services. Additionally,
24 2 if the waiver is approved, \$440,000 of the funds shall be
24 3 transferred to the department of corrections for DMIE
24 4 activities.

24 5 10. The drug utilization review commission shall monitor
24 6 the smoking cessation benefit provided under the medical
24 7 assistance program and shall provide a report of utilization,
24 8 client success, cost=effectiveness, and recommendations for
24 9 any changes in the benefit to the persons designated in this
24 10 Act to receive reports by January 15, 2009. If a prescriber
24 11 determines that all smoking cessation aids on the preferred
24 12 drug list are not effective or medically appropriate for a
24 13 patient, the prescriber may apply for an exception to policy
24 14 for another product approved by the United States food and

24 15 drug administration for smoking cessation pursuant to 441 IAC
24 16 1.8(1).

24 17 11. A portion of the funds appropriated in this section
24 18 may be transferred to the appropriations in this division of
24 19 this Act for general administration, medical contracts, the
24 20 state children's health insurance program, or field operations
24 21 to be used for the state match cost to comply with the payment
24 22 error rate measurement (PERM) program for both the medical
24 23 assistance and state children's health insurance programs as
24 24 developed by the centers for Medicare and Medicaid services of
24 25 the United States department of health and human services to
24 26 comply with the federal Improper Payments Information Act of
24 27 2002, Pub. L. No. 107=300.

24 28 12. It is the intent of the general assembly that the
24 29 department implement the recommendations of the assuring
24 30 better child health and development initiative II (ABCDII)
24 31 clinical panel to the Iowa early and periodic screening,
24 32 diagnostic, and treatment services healthy mental development
24 33 collaborative board regarding changes to billing procedures,
24 34 codes, and eligible service providers.

24 35 13. Of the funds appropriated in this section, a
25 1 sufficient amount is allocated to supplement the incomes of
25 2 residents of nursing facilities, intermediate care facilities
25 3 for persons with mental illness, and intermediate care
25 4 facilities for persons with mental retardation, with incomes
25 5 of less than \$50 in the amount necessary for the residents to
25 6 receive a personal needs allowance of \$50 per month pursuant
25 7 to section 249A.30A.

25 8 14. Of the funds appropriated in this section, the
25 9 following amounts shall be transferred to appropriations made
25 10 in this division of this Act to the state mental health
25 11 institutes:

25 12	a. Cherokee mental health institute	\$ 5,933,659
25 13	b. Clarinda mental health institute	\$ 1,289,526
25 14	c. Independence mental health institute	\$ 5,899,400
25 15	d. Mount Pleasant mental health institute	\$ 3,751,626

25 16 15. a. Of the funds appropriated in this section,
25 17 \$2,753,055 is allocated for state match for disproportionate
25 18 share hospital payment of \$7,321,954 to hospitals that meet
25 19 both of the following conditions:

25 20 (1) The hospital qualifies for disproportionate share and
25 21 graduate medical education payments.

25 22 (2) The hospital is an Iowa state=owned hospital with more
25 23 than 500 beds and eight or more distinct residency specialty
25 24 or subspecialty programs recognized by the American college of
25 25 graduate medical education.

25 26 b. Distribution of the disproportionate share payment
25 27 shall be made on a monthly basis. The total amount of
25 28 disproportionate share payments including graduate medical
25 29 education, enhanced disproportionate share, and Iowa
25 30 state=owned teaching hospital payments shall not exceed the
25 31 amount of the state's allotment under Pub. L. No. 102=234. In
25 32 addition, the total amount of all disproportionate share
25 33 payments shall not exceed the hospital=specific
25 34 disproportionate share limits under Pub. L. No. 103=66.

25 35 16. Of the funds appropriated in this section, \$4,568,899
26 1 is transferred to the IowaCare account created in section
26 2 249J.24.

26 3 17. Of the funds appropriated in this section, \$250,000

26 4 shall be used for the Iowa chronic care consortium pursuant to
26 5 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
26 6 Iowa Acts, chapter 179, sections 166 and 167.

26 7 18. The department shall implement cost=saving initiatives
26 8 including implementing a surcharge for claims filed on paper
26 9 when electronic filing is available and collecting a
26 10 supplemental rebate for diabetic supplies.

26 11 19. One hundred percent of the nonfederal share of
26 12 payments to area education agencies that are medical
26 13 assistance providers for medical assistance=covered services
26 14 provided to medical assistance=covered children, shall be made
26 15 from the appropriation made in this section.

26 16 20. a. Beginning July 1, 2009, any new or renewed
26 17 contract entered into by the department with a third party to
26 18 administer behavioral health services under the medical
26 19 assistance program shall provide that any interest earned on
26 20 payments from the state during the state fiscal year shall be
26 21 remitted to the department for deposit in a separate account
26 22 after the end of the fiscal year.

26 23 b. Beginning July 1, 2008, the department shall maintain a
26 24 separate account within the medical assistance budget for the
26 25 deposit of all funds remitted pursuant to a contract with a
26 26 third party to administer behavioral health services under the
26 27 medical assistance program. Notwithstanding section 8.33,
26 28 funds remaining in the account that remain unencumbered or
26 29 unobligated at the end of any fiscal year shall not revert but
26 30 shall remain available in succeeding fiscal years and shall be
26 31 used only in accordance with appropriations from the account
26 32 for health and human services=related purposes.

26 33 c. Of the state share of any funds remitted to the medical
26 34 assistance program pursuant to a contract with a third party
26 35 to administer behavioral health services under the medical
27 1 assistance program, the following amounts are appropriated to
27 2 the department for the fiscal year beginning July 1, 2008, and
27 3 ending June 30, 2009, to be used as follows:

27 4 (1) For implementation of the emergency mental health
27 5 crisis services system in accordance with section 225C.19, as
27 6 enacted by this Act, beginning January 1, 2009, \$1,500,000.

27 7 (2) For implementation of the mental health services
27 8 system for children and youth in accordance with section
27 9 225C.52, as enacted by this Act, beginning January 1, 2009,
27 10 \$500,000.

27 11 (3) For the mental health, mental retardation, and
27 12 developmental disabilities risk pool created in the property
27 13 tax relief fund in section 426B.5, \$1,000,000.

27 14 (4) To reduce the waiting lists of the medical assistance
27 15 home and community=based services waivers, \$2,000,000. The
27 16 department shall distribute the funding allocated under this
27 17 subparagraph proportionately among all home and
27 18 community=based services waivers.

27 19 (5) For Medicaid services provided under the children's
27 20 mental health waiver, \$750,000.

27 21 (6) For training for child welfare services providers,
27 22 \$250,000. The training shall be developed by the department
27 23 in collaboration with the coalition for children and family
27 24 services in Iowa.

27 25 d. The department shall provide the results of the audits
27 26 of the third party administering behavioral health services
27 27 under the medical assistance program for the fiscal years

27 28 beginning July 1, 2006, and July 1, 2007, to the legislative
27 29 services agency for review.

27 30 21. Of the funds appropriated in this section, at least
27 31 \$2,500,000 shall be used for existing and new home and
27 32 community-based waiver slots for persons with brain injury.

27 33 22. Of the funds appropriated in this section, \$250,000
27 34 shall be used to implement the provisions in 2007 Iowa Acts,
27 35 chapter 218, section 124, as amended by the Eighty-second
28 1 General Assembly, 2008 Session, relating to eligibility for
28 2 certain persons with disabilities under the medical assistance
28 3 program.

28 4 23. The department of human services shall conduct a
28 5 review of the impact of broadening the list of drugs
28 6 prescribed for the treatment of diabetes on the preferred drug
28 7 list under the medical assistance program in order to promote
28 8 drugs that are appropriate and therapeutically effective for
28 9 persons with diabetes. The review shall include, at a
28 10 minimum, a comparison of the effectiveness of drugs prescribed
28 11 for the treatment of diabetes and a cost analysis. The
28 12 department shall report its findings and recommendations to
28 13 the individuals specified in this Act to receive reports by
28 14 December 15, 2008.

28 15 24. The department of human services shall conduct a
28 16 review of the medical assistance home and community-based
28 17 services waivers, including but not limited to the upper limit
28 18 of reimbursement for each waiver and the services provided
28 19 under each waiver, and shall make recommendations to the
28 20 individuals specified in this Act to receive reports by
28 21 December 15, 2008, regarding revising the upper limits of
28 22 reimbursement and services provided.

28 23 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
28 24 is appropriated from the general fund of the state to the
28 25 department of human services for the fiscal year beginning
28 26 July 1, 2008, and ending June 30, 2009, the following amount,
28 27 or so much thereof as is necessary, to be used for the purpose
28 28 designated:

28 29 For administration of the health insurance premium payment
28 30 program, including salaries, support, maintenance, and
28 31 miscellaneous purposes, and for not more than the following
28 32 full-time equivalent positions:

28 33 \$ 566,338
28 34 FTEs 21.00

28 35 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
29 1 the general fund of the state to the department of human
29 2 services for the fiscal year beginning July 1, 2008, and
29 3 ending June 30, 2009, the following amount, or so much thereof
29 4 as is necessary, to be used for the purpose designated:

29 5 For medical contracts, including salaries, support,
29 6 maintenance, and miscellaneous purposes, and for not more than
29 7 the following full-time equivalent positions:

29 8 \$ 14,165,550
29 9 FTEs 6.00

29 10 1. Of the funds appropriated in this section, \$50,000
29 11 shall be used for electronic cross-matching with state vital
29 12 records databases through the department of public health.

29 13 2. Of the funds appropriated in this section, \$250,000
29 14 shall be used for monitoring of home and community-based
29 15 services waivers.

29 16 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

29 17 1. There is appropriated from the general fund of the
29 18 state to the department of human services for the fiscal year
29 19 beginning July 1, 2008, and ending June 30, 2009, the
29 20 following amount, or so much thereof as is necessary, to be
29 21 used for the purpose designated:
29 22 For the state supplementary assistance program:
29 23 \$ 18,611,385
29 24 2. The department shall increase the personal needs
29 25 allowance for residents of residential care facilities by the
29 26 same percentage and at the same time as federal supplemental
29 27 security income and federal social security benefits are
29 28 increased due to a recognized increase in the cost of living.
29 29 The department may adopt emergency rules to implement this
29 30 subsection.
29 31 3. If during the fiscal year beginning July 1, 2008, the
29 32 department projects that state supplementary assistance
29 33 expenditures for a calendar year will not meet the federal
29 34 pass-through requirement specified in Title XVI of the federal
29 35 Social Security Act, section 1618, as codified in 42 U.S.C. }
30 1 1382g, the department may take actions including but not
30 2 limited to increasing the personal needs allowance for
30 3 residential care facility residents and making programmatic
30 4 adjustments or upward adjustments of the residential care
30 5 facility or in-home health-related care reimbursement rates
30 6 prescribed in this division of this Act to ensure that federal
30 7 requirements are met. In addition, the department may make
30 8 other programmatic and rate adjustments necessary to remain
30 9 within the amount appropriated in this section while ensuring
30 10 compliance with federal requirements. The department may
30 11 adopt emergency rules to implement the provisions of this
30 12 subsection.
30 13 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.
30 14 1. There is appropriated from the general fund of the
30 15 state to the department of human services for the fiscal year
30 16 beginning July 1, 2008, and ending June 30, 2009, the
30 17 following amount, or so much thereof as is necessary, to be
30 18 used for the purpose designated:
30 19 For maintenance of the healthy and well kids in Iowa (hawk=
30 20 i) program pursuant to chapter 514I for receipt of federal
30 21 financial participation under Title XXI of the federal Social
30 22 Security Act, which creates the state children's health
30 23 insurance program:
30 24 \$ 13,868,885
30 25 2. If sufficient funding is available under this Act, and
30 26 if federal reauthorization of the state children's health
30 27 insurance program provides sufficient federal allocations to
30 28 the state and authorization to cover the following populations
30 29 as an option under the state children's health insurance
30 30 program, the department may expand coverage under the state
30 31 children's health insurance program as follows:
30 32 a. By eliminating the categorical exclusion of state
30 33 employees from receiving state children's health insurance
30 34 program benefits.
30 35 b. By providing coverage for legal immigrant children and
31 1 pregnant women not eligible under current federal guidelines.
31 2 c. By covering children up to age twenty-one, or up to age
31 3 twenty-three if the child is attending school.
31 4 3. If the United States Congress does not authorize
31 5 additional federal funds necessary to address any shortfall

31 6 for the state children's health insurance program for the
31 7 federal fiscal year beginning October 1, 2008, and ending
31 8 September 30, 2009, the department may use 100 percent of
31 9 state funds from the appropriation made in this section for
31 10 the period beginning July 1, 2008, and ending June 30, 2009,
31 11 and may, after consultation with the governor and the general
31 12 assembly, utilize funding from the appropriations made in this
31 13 Act for medical assistance to maintain the state children's
31 14 health insurance program. If deemed necessary, the department
31 15 shall request a supplemental appropriation from the
31 16 Eighty-third General Assembly, 2009 Session, to address any
31 17 remaining shortfall for the fiscal year beginning July 1,
31 18 2008.

31 19 4. Of the funds appropriated in this section, \$134,050 is
31 20 allocated for continuation of the contract for advertising and
31 21 outreach with the department of public health and \$90,050 is
31 22 allocated for other advertising and outreach.

31 23 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
31 24 from the general fund of the state to the department of human
31 25 services for the fiscal year beginning July 1, 2008, and
31 26 ending June 30, 2009, the following amount, or so much thereof
31 27 as is necessary, to be used for the purpose designated:

31 28 For child care programs:

31 29 \$ 41,345,381

31 30 1. Of the funds appropriated in this section, \$37,589,569
31 31 shall be used for state child care assistance in accordance
31 32 with section 237A.13.

31 33 2. Nothing in this section shall be construed or is
31 34 intended as or shall imply a grant of entitlement for services
31 35 to persons who are eligible for assistance due to an income
32 1 level consistent with the waiting list requirements of section
32 2 237A.13. Any state obligation to provide services pursuant to
32 3 this section is limited to the extent of the funds
32 4 appropriated in this section.

32 5 3. Of the funds appropriated in this section, \$525,524 is
32 6 allocated for the statewide program for child care resource
32 7 and referral services under section 237A.26. A list of the
32 8 registered and licensed child care facilities operating in the
32 9 area served by a child care resource and referral service
32 10 shall be made available to the families receiving state child
32 11 care assistance in that area.

32 12 4. Of the funds appropriated in this section, \$1,680,288
32 13 is allocated for child care quality improvement initiatives
32 14 including but not limited to the voluntary quality rating
32 15 system in accordance with section 237A.30.

32 16 5. The department may use any of the funds appropriated in
32 17 this section as a match to obtain federal funds for use in
32 18 expanding child care assistance and related programs. For the
32 19 purpose of expenditures of state and federal child care
32 20 funding, funds shall be considered obligated at the time
32 21 expenditures are projected or are allocated to the
32 22 department's service areas. Projections shall be based on
32 23 current and projected caseload growth, current and projected
32 24 provider rates, staffing requirements for eligibility
32 25 determination and management of program requirements including
32 26 data systems management, staffing requirements for
32 27 administration of the program, contractual and grant
32 28 obligations and any transfers to other state agencies, and
32 29 obligations for decategorization or innovation projects.

32 30 6. A portion of the state match for the federal child care
32 31 and development block grant shall be provided as necessary to
32 32 meet federal matching funds requirements through the state
32 33 general fund appropriation made for child development grants
32 34 and other programs for at-risk children in section 279.51.

32 35 7. Of the funds appropriated in this section, \$1,200,000
33 1 is transferred to the Iowa empowerment fund from which it is
33 2 appropriated to be used for professional development for the
33 3 system of early care, health, and education.

33 4 8. Of the funds appropriated in this section, \$350,000
33 5 shall be allocated to a county with a population of more than
33 6 300,000 to be used for a one-time grant to support child care
33 7 center services provided to children with mental, physical, or
33 8 emotional challenges in order for the children to remain in a
33 9 home or family setting.

33 10 9. Notwithstanding section 8.33, moneys appropriated in
33 11 this section or received from the federal appropriations made
33 12 for the purposes of this section that remain unencumbered or
33 13 unobligated at the close of the fiscal year shall not revert
33 14 to any fund but shall remain available for expenditure for the
33 15 purposes designated until the close of the succeeding fiscal
33 16 year.

33 17 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
33 18 from the general fund of the state to the department of human
33 19 services for the fiscal year beginning July 1, 2008, and
33 20 ending June 30, 2009, the following amounts, or so much
33 21 thereof as is necessary, to be used for the purposes
33 22 designated:

33 23 1. For operation of the Iowa juvenile home at Toledo and
33 24 for salaries, support, and maintenance, and for not more than
33 25 the following full-time equivalent positions:

33 26 \$ 7,579,484
33 27 FTEs 126.00

33 28 2. For operation of the state training school at Eldora
33 29 and for salaries, support, and maintenance, and for not more
33 30 than the following full-time equivalent positions:

33 31 \$ 11,948,327
33 32 FTEs 202.70

33 33 3. A portion of the moneys appropriated in this section
33 34 shall be used by the state training school and by the Iowa
33 35 juvenile home for grants for adolescent pregnancy prevention
34 1 activities at the institutions in the fiscal year beginning
34 2 July 1, 2008.

34 3 Sec. 16. CHILD AND FAMILY SERVICES.

34 4 1. There is appropriated from the general fund of the
34 5 state to the department of human services for the fiscal year
34 6 beginning July 1, 2008, and ending June 30, 2009, the
34 7 following amount, or so much thereof as is necessary, to be
34 8 used for the purpose designated:

34 9 For child and family services:

34 10 \$ 89,326,628

34 11 2. In order to address a reduction of \$5,200,000 from the
34 12 amount allocated under the appropriation made for the purposes
34 13 of this section in prior years for purposes of juvenile
34 14 delinquent graduated sanction services, up to \$5,200,000 of
34 15 the amount of federal temporary assistance for needy families
34 16 block grant funding appropriated in this division of this Act
34 17 for child and family services shall be made available for
34 18 purposes of juvenile delinquent graduated sanction services.

34 19 3. The department may transfer funds appropriated in this
34 20 section as necessary to pay the nonfederal costs of services
34 21 reimbursed under the medical assistance program, state child
34 22 care assistance program, or the family investment program
34 23 which are provided to children who would otherwise receive
34 24 services paid under the appropriation in this section. The
34 25 department may transfer funds appropriated in this section to
34 26 the appropriations in this division of this Act for general
34 27 administration and for field operations for resources
34 28 necessary to implement and operate the services funded in this
34 29 section.

34 30 4. a. Of the funds appropriated in this section, up to
34 31 \$35,841,744 is allocated as the statewide expenditure target
34 32 under section 232.143 for group foster care maintenance and
34 33 services.

34 34 b. If at any time after September 30, 2008, annualization
34 35 of a service area's current expenditures indicates a service
35 1 area is at risk of exceeding its group foster care expenditure
35 2 target under section 232.143 by more than 5 percent, the
35 3 department and juvenile court services shall examine all group
35 4 foster care placements in that service area in order to
35 5 identify those which might be appropriate for termination. In
35 6 addition, any aftercare services believed to be needed for the
35 7 children whose placements may be terminated shall be
35 8 identified. The department and juvenile court services shall
35 9 initiate action to set dispositional review hearings for the
35 10 placements identified. In such a dispositional review
35 11 hearing, the juvenile court shall determine whether needed
35 12 aftercare services are available and whether termination of
35 13 the placement is in the best interest of the child and the
35 14 community.

35 15 5. In accordance with the provisions of section 232.188,
35 16 the department shall continue the child welfare and juvenile
35 17 justice funding initiative during fiscal year 2008=2009. Of
35 18 the moneys subject to the nonreversion clause provided in the
35 19 amendment in this Act to 2006 Iowa Acts, chapter 1184, section
35 20 17, subsection 4, \$3,605,000 is allocated specifically for
35 21 expenditure for fiscal year 2008=2009 through the
35 22 decategorization service funding pools and governance boards
35 23 established pursuant to section 232.188.

35 24 6. A portion of the funds appropriated in this section may
35 25 be used for emergency family assistance to provide other
35 26 resources required for a family participating in a family
35 27 preservation or reunification project or successor project to
35 28 stay together or to be reunified.

35 29 7. Notwithstanding section 234.35 or any other provision
35 30 of law to the contrary, state funding for shelter care shall
35 31 be limited to \$7,072,215. The department shall work with the
35 32 coalition for children and family services in Iowa and other
35 33 representatives of shelter care providers to reduce the number
35 34 of guaranteed shelter beds and shift a portion of available
35 35 funding to develop new or expand existing child welfare
36 1 emergency services for children who might otherwise be served
36 2 in shelter care. The child welfare emergency services shall
36 3 be provided by shelter care agencies that currently have a
36 4 contract for shelter care services with the department and may
36 5 include mobile crisis response units for child and family
36 6 crises, in-home supervision services, emergency family foster
36 7 care homes, expanding capacity to provide emergency services

36 8 in other family foster care homes, or provide flexible funding
36 9 for child welfare emergency services based on evidence-based
36 10 practices. Notwithstanding chapter 8A, the department may
36 11 amend existing contracts with shelter care agencies as
36 12 necessary to include child welfare emergency services.

36 13 8. Federal funds received by the state during the fiscal
36 14 year beginning July 1, 2008, as the result of the expenditure
36 15 of state funds appropriated during a previous state fiscal
36 16 year for a service or activity funded under this section are
36 17 appropriated to the department to be used as additional
36 18 funding for services and purposes provided for under this
36 19 section. Notwithstanding section 8.33, moneys received in
36 20 accordance with this subsection that remain unencumbered or
36 21 unobligated at the close of the fiscal year shall not revert
36 22 to any fund but shall remain available for the purposes
36 23 designated until the close of the succeeding fiscal year.

36 24 9. Of the funds appropriated in this section, at least
36 25 \$3,696,285 shall be used for protective child care assistance.

36 26 10. a. Of the funds appropriated in this section, up to
36 27 \$2,268,963 is allocated for the payment of the expenses of
36 28 court-ordered services provided to juveniles who are under the
36 29 supervision of juvenile court services, which expenses are a
36 30 charge upon the state pursuant to section 232.141, subsection
36 31 4. Of the amount allocated in this lettered paragraph, up to
36 32 \$1,556,287 shall be made available to provide school-based
36 33 supervision of children adjudicated under chapter 232, of
36 34 which not more than \$15,000 may be used for the purpose of
36 35 training. A portion of the cost of each school-based liaison
37 1 officer shall be paid by the school district or other funding
37 2 source as approved by the chief juvenile court officer.

37 3 b. Of the funds appropriated in this section, up to
37 4 \$823,965 is allocated for the payment of the expenses of
37 5 court-ordered services provided to children who are under the
37 6 supervision of the department, which expenses are a charge
37 7 upon the state pursuant to section 232.141, subsection 4.

37 8 c. Notwithstanding section 232.141 or any other provision
37 9 of law to the contrary, the amounts allocated in this
37 10 subsection shall be distributed to the judicial districts as
37 11 determined by the state court administrator and to the
37 12 department's service areas as determined by the administrator
37 13 of the department's division of child and family services.
37 14 The state court administrator and the division administrator
37 15 shall make the determination of the distribution amounts on or
37 16 before June 15, 2008.

37 17 d. Notwithstanding chapter 232 or any other provision of
37 18 law to the contrary, a district or juvenile court shall not
37 19 order any service which is a charge upon the state pursuant to
37 20 section 232.141 if there are insufficient court-ordered
37 21 services funds available in the district court or departmental
37 22 service area distribution amounts to pay for the service. The
37 23 chief juvenile court officer and the departmental service area
37 24 manager shall encourage use of the funds allocated in this
37 25 subsection such that there are sufficient funds to pay for all
37 26 court-related services during the entire year. The chief
37 27 juvenile court officers and departmental service area managers
37 28 shall attempt to anticipate potential surpluses and shortfalls
37 29 in the distribution amounts and shall cooperatively request
37 30 the state court administrator or division administrator to
37 31 transfer funds between the judicial districts' or departmental

37 32 service areas' distribution amounts as prudent.
37 33 e. Notwithstanding any provision of law to the contrary, a
37 34 district or juvenile court shall not order a county to pay for
37 35 any service provided to a juvenile pursuant to an order
38 1 entered under chapter 232 which is a charge upon the state
38 2 under section 232.141, subsection 4.

38 3 f. Of the funds allocated in this subsection, not more
38 4 than \$100,000 may be used by the judicial branch for
38 5 administration of the requirements under this subsection.

38 6 11. Of the funds appropriated in this section, \$1,030,000
38 7 shall be transferred to the department of public health to be
38 8 used for the child protection center grant program in
38 9 accordance with section 135.118.

38 10 12. If the department receives federal approval to
38 11 implement a waiver under Title IV-E of the federal Social
38 12 Security Act to enable providers to serve children who remain
38 13 in the children's families and communities, for purposes of
38 14 eligibility under the medical assistance program children who
38 15 participate in the waiver shall be considered to be placed in
38 16 foster care.

38 17 13. Of the funds appropriated in this section, \$2,862,164
38 18 is allocated for the preparation for adult living program
38 19 pursuant to section 234.46.

38 20 14. Of the funds appropriated in this section, \$1,030,000
38 21 shall be used for juvenile drug courts. The amount allocated
38 22 in this subsection shall be distributed as follows:

38 23 a. To the judicial branch for salaries to assist with the
38 24 operation of juvenile drug court programs operated in the
38 25 following jurisdictions:

38 26 (1) Marshall county:	
38 27	\$ 61,800
38 28 (2) Woodbury county:	
38 29	\$ 123,862
38 30 (3) Polk county:	
38 31	\$ 193,057
38 32 (4) The third judicial district:	
38 33	\$ 66,950
38 34 (5) The eighth judicial district:	
38 35	\$ 66,950

39 1 b. For court-ordered services to support substance abuse
39 2 services provided to the juveniles participating in the
39 3 juvenile drug court programs listed in paragraph "a" and the
39 4 juveniles' families:

39 5	\$ 517,381
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39 6 The state court administrator shall allocate the funding
39 7 designated in this paragraph among the programs.

39 8 15. Of the funds appropriated in this section, \$203,000 is
39 9 allocated for continuation of the contracts for the
39 10 multidimensional treatment level foster care program
39 11 established pursuant to 2006 Iowa Acts, chapter 1123, for a
39 12 third year.

39 13 16. Of the funds appropriated in this section, \$236,900
39 14 shall be used for a grant to a nonprofit human services
39 15 organization providing services to individuals and families in
39 16 multiple locations in southwest Iowa and Nebraska for support
39 17 of a project providing immediate, sensitive support and
39 18 forensic interviews, medical exams, needs assessments, and
39 19 referrals for victims of child abuse and their nonoffending
39 20 family members.

39 21 17. Of the funds appropriated in this section, \$131,000 is
39 22 allocated for the elevate approach of providing a support
39 23 network to children placed in foster care.

39 24 18. Of the funds appropriated in this section, \$300,000 is
39 25 allocated for sibling visitation provisions for children
39 26 subject to a court order for out-of-home placement in
39 27 accordance with section 232.108.

39 28 19. Of the funds appropriated in this section, \$200,000 is
39 29 allocated for use pursuant to section 235A.1 for the
39 30 initiative to address child sexual abuse implemented pursuant
39 31 to 2007 Iowa Acts, ch. 218, section 18, subsection 21.

39 32 20. Of the funds appropriated in this section, \$80,000 is
39 33 allocated for renewal of a grant to a county with a population
39 34 between 189,000 and 196,000 in the latest preceding certified
39 35 federal census for implementation of the county's runaway
40 1 treatment plan under section 232.195.

40 2 21. Of the funds appropriated in this section, \$418,000 is
40 3 allocated for the community partnership for child protection
40 4 sites.

40 5 22. Of the funds appropriated in this section, \$375,000 is
40 6 allocated for the department's minority youth and family
40 7 projects under the redesign of the child welfare system.

40 8 23. Of the funds appropriated in this section, \$300,000 is
40 9 allocated for funding of the state match for the federal
40 10 substance abuse and mental health services administration
40 11 (SAMHSA) system of care grant.

40 12 24. The department shall develop options for providing a
40 13 growth mechanism for reimbursement of the child and family
40 14 services traditionally funded under this appropriation. The
40 15 growth mechanism options may provide for a tie to allowable
40 16 growth for school aid, an inflationary adjustment reflective
40 17 of the cost increases for the services, or other reasonable
40 18 proxy for the cost increases affecting such service providers.

40 19 25. Of the funds appropriated in this section, \$152,440
40 20 shall be used for continuation of the funding of one or more
40 21 child welfare diversion and mediation pilot projects as
40 22 provided in 2004 Iowa Acts, chapter 1130, section 1.

40 23 26. The department shall review the processes for drug
40 24 testing of persons responsible for the care of a child in
40 25 child abuse cases to evaluate the effectiveness of the
40 26 testing, whether it is applied in the same manner in all
40 27 service areas, identify how the funding designated for drug
40 28 testing is utilized, and address other issues associated with
40 29 the testing. The department shall report on or before
40 30 December 1, 2008, concerning the review to the persons
40 31 designated by this Act to receive reports.

40 32 27. Of the funds appropriated in this section, \$100,000
40 33 shall be used for a grant to support a satellite project
40 34 associated with a child protection center in a county with a
40 35 population between 189,000 and 196,000 to be operated in a
41 1 hospital in a county in northeast Iowa with a population
41 2 between 120,000 and 135,000. The pilot project shall provide
41 3 immediate, sensitive support and forensic interviews, medical
41 4 exams, needs assessments, and referrals for victims of child
41 5 abuse and the victims' nonoffender family members. Population
41 6 numbers used in this subsection are from the latest preceding
41 7 certified federal census.

41 8 Sec. 17. ADOPTION SUBSIDY.

41 9 1. There is appropriated from the general fund of the

41 10 state to the department of human services for the fiscal year
41 11 beginning July 1, 2008, and ending June 30, 2009, the
41 12 following amount, or so much thereof as is necessary, to be
41 13 used for the purpose designated:

41 14 For adoption subsidy payments and services:

41 15 \$ 34,168,872

41 16 2. The department may transfer funds appropriated in this
41 17 section to the appropriation made in this Act for general
41 18 administration for costs paid from the appropriation relating
41 19 to adoption subsidy.

41 20 3. Federal funds received by the state during the fiscal
41 21 year beginning July 1, 2008, as the result of the expenditure
41 22 of state funds during a previous state fiscal year for a
41 23 service or activity funded under this section are appropriated
41 24 to the department to be used as additional funding for the
41 25 services and activities funded under this section.

41 26 Notwithstanding section 8.33, moneys received in accordance
41 27 with this subsection that remain unencumbered or unobligated
41 28 at the close of the fiscal year shall not revert to any fund
41 29 but shall remain available for expenditure for the purposes
41 30 designated until the close of the succeeding fiscal year.

41 31 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
41 32 in the juvenile detention home fund created in section 232.142
41 33 during the fiscal year beginning July 1, 2008, and ending June
41 34 30, 2009, are appropriated to the department of human services
41 35 for the fiscal year beginning July 1, 2008, and ending June
42 1 30, 2009, for distribution of an amount equal to a percentage
42 2 of the costs of the establishment, improvement, operation, and
42 3 maintenance of county or multicounty juvenile detention homes
42 4 in the fiscal year beginning July 1, 2007. Moneys
42 5 appropriated for distribution in accordance with this section
42 6 shall be allocated among eligible detention homes, prorated on
42 7 the basis of an eligible detention home's proportion of the
42 8 costs of all eligible detention homes in the fiscal year
42 9 beginning July 1, 2007. The percentage figure shall be
42 10 determined by the department based on the amount available for
42 11 distribution for the fund. Notwithstanding section 232.142,
42 12 subsection 3, the financial aid payable by the state under
42 13 that provision for the fiscal year beginning July 1, 2008,
42 14 shall be limited to the amount appropriated for the purposes
42 15 of this section.

42 16 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

42 17 1. There is appropriated from the general fund of the
42 18 state to the department of human services for the fiscal year
42 19 beginning July 1, 2008, and ending June 30, 2009, the
42 20 following amount, or so much thereof as is necessary, to be
42 21 used for the purpose designated:

42 22 For the family support subsidy program:

42 23 \$ 1,936,434

42 24 2. The department shall use at least \$433,212 of the
42 25 moneys appropriated in this section for the family support
42 26 center component of the comprehensive family support program
42 27 under section 225C.47. Not more than \$20,000 of the amount
42 28 allocated in this subsection shall be used for administrative
42 29 costs.

42 30 Sec. 20. CONNER DECREE. There is appropriated from the
42 31 general fund of the state to the department of human services
42 32 for the fiscal year beginning July 1, 2008, and ending June
42 33 30, 2009, the following amount, or so much thereof as is

42 34 necessary, to be used for the purpose designated:

42 35 For building community capacity through the coordination
43 1 and provision of training opportunities in accordance with the
43 2 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
43 3 Iowa, July 14, 1994):

43 4 \$ 42,623

43 5 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
43 6 from the general fund of the state to the department of human
43 7 services for the fiscal year beginning July 1, 2008, and
43 8 ending June 30, 2009, the following amounts, or so much
43 9 thereof as is necessary, to be used for the purposes
43 10 designated:

43 11 1. For the state mental health institute at Cherokee for
43 12 salaries, support, maintenance, and miscellaneous purposes,
43 13 and for not more than the following full-time equivalent
43 14 positions:

43 15 \$ 5,727,743

43 16 FTEs 210.00

43 17 2. For the state mental health institute at Clarinda for
43 18 salaries, support, maintenance, and miscellaneous purposes,
43 19 and for not more than the following full-time equivalent
43 20 positions:

43 21 \$ 7,323,073

43 22 FTEs 114.95

43 23 Of the funds appropriated in this section, \$300,000 shall
43 24 be used to establish and operate an Alzheimer's patient mobile
43 25 consultation and assessment program.

43 26 3. For the state mental health institute at Independence
43 27 for salaries, support, maintenance, and miscellaneous
43 28 purposes, and for not more than the following full-time
43 29 equivalent positions:

43 30 \$ 10,495,879

43 31 FTEs 287.66

43 32 4. For the state mental health institute at Mount Pleasant
43 33 for salaries, support, maintenance, and miscellaneous
43 34 purposes, and for not more than the following full-time
43 35 equivalent positions:

44 1 \$ 1,874,721

44 2 FTEs 116.44

44 3 Sec. 22. STATE RESOURCE CENTERS.

44 4 1. There is appropriated from the general fund of the
44 5 state to the department of human services for the fiscal year
44 6 beginning July 1, 2008, and ending June 30, 2009, the
44 7 following amounts, or so much thereof as is necessary, to be
44 8 used for the purposes designated:

44 9 a. For the state resource center at Glenwood for salaries,
44 10 support, maintenance, and miscellaneous purposes:

44 11 \$ 17,102,330

44 12 b. For the state resource center at Woodward for salaries,
44 13 support, maintenance, and miscellaneous purposes:

44 14 \$ 11,266,164

44 15 2. The department may continue to bill for state resource
44 16 center services utilizing a scope of services approach used
44 17 for private providers of ICFMR services, in a manner which
44 18 does not shift costs between the medical assistance program,
44 19 counties, or other sources of funding for the state resource
44 20 centers.

44 21 3. The state resource centers may expand the time-limited
44 22 assessment and respite services during the fiscal year.

44 23 4. If the department's administration and the department
44 24 of management concur with a finding by a state resource
44 25 center's superintendent that projected revenues can reasonably
44 26 be expected to pay the salary and support costs for a new
44 27 employee position, or that such costs for adding a particular
44 28 number of new positions for the fiscal year would be less than
44 29 the overtime costs if new positions would not be added, the
44 30 superintendent may add the new position or positions. If the
44 31 vacant positions available to a resource center do not include
44 32 the position classification desired to be filled, the state
44 33 resource center's superintendent may reclassify any vacant
44 34 position as necessary to fill the desired position. The
44 35 superintendents of the state resource centers may, by mutual
45 1 agreement, pool vacant positions and position classifications
45 2 during the course of the fiscal year in order to assist one
45 3 another in filling necessary positions.

45 4 5. If existing capacity limitations are reached in
45 5 operating units, a waiting list is in effect for a service or
45 6 a special need for which a payment source or other funding is
45 7 available for the service or to address the special need, and
45 8 facilities for the service or to address the special need can
45 9 be provided within the available payment source or other
45 10 funding, the superintendent of a state resource center may
45 11 authorize opening not more than two units or other facilities
45 12 and begin implementing the service or addressing the special
45 13 need during fiscal year 2008=2009.

45 14 Sec. 23. MI/MR/DD STATE CASES.

45 15 1. There is appropriated from the general fund of the
45 16 state to the department of human services for the fiscal year
45 17 beginning July 1, 2008, and ending June 30, 2009, the
45 18 following amount, or so much thereof as is necessary, to be
45 19 used for the purpose designated:

45 20 For distribution to counties for state case services for
45 21 persons with mental illness, mental retardation, and
45 22 developmental disabilities in accordance with section 331.440:
45 23 \$ 13,067,178

45 24 2. For the fiscal year beginning July 1, 2008, and ending
45 25 June 30, 2009, \$200,000 is allocated for state case services
45 26 from the amounts appropriated from the fund created in section
45 27 8.41 to the department of human services from the funds
45 28 received from the federal government under 42 U.S.C., ch. 6A,
45 29 subch. XVII, relating to the community mental health center
45 30 block grant, for the federal fiscal years beginning October 1,
45 31 2006, and ending September 30, 2007, beginning October 1,
45 32 2007, and ending September 30, 2008, and beginning October 1,
45 33 2008, and ending September 30, 2009. The allocation made in
45 34 this subsection shall be made prior to any other distribution
45 35 allocation of the appropriated federal funds.

46 1 3. Notwithstanding section 8.33, moneys appropriated in
46 2 this section that remain unencumbered or unobligated at the
46 3 close of the fiscal year shall not revert but shall remain
46 4 available for expenditure for the purposes designated until
46 5 the close of the succeeding fiscal year.

46 6 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
46 7 COMMUNITY SERVICES FUND. There is appropriated from the
46 8 general fund of the state to the mental health and
46 9 developmental disabilities community services fund created in
46 10 section 225C.7 for the fiscal year beginning July 1, 2008, and
46 11 ending June 30, 2009, the following amount, or so much thereof

46 12 as is necessary, to be used for the purpose designated:
46 13 For mental health and developmental disabilities community
46 14 services in accordance with this division of this Act:
46 15 \$ 18,017,890
46 16 1. Of the funds appropriated in this section, \$17,727,890
46 17 shall be allocated to counties for funding of community-based
46 18 mental health and developmental disabilities services. The
46 19 moneys shall be allocated to a county as follows:
46 20 a. Fifty percent based upon the county's proportion of the
46 21 state's population of persons with an annual income which is
46 22 equal to or less than the poverty guideline established by the
46 23 federal office of management and budget.
46 24 b. Fifty percent based upon the county's proportion of the
46 25 state's general population.
46 26 2. a. A county shall utilize the funding the county
46 27 receives pursuant to subsection 1 for services provided to
46 28 persons with a disability, as defined in section 225C.2.
46 29 However, no more than 50 percent of the funding shall be used
46 30 for services provided to any one of the service populations.
46 31 b. A county shall use at least 50 percent of the funding
46 32 the county receives under subsection 1 for contemporary
46 33 services provided to persons with a disability, as described
46 34 in rules adopted by the department.
46 35 3. Of the funds appropriated in this section, \$30,000
47 1 shall be used to support the Iowa compass program providing
47 2 computerized information and referral services for Iowans with
47 3 disabilities and their families.
47 4 4. a. Funding appropriated for purposes of the federal
47 5 social services block grant is allocated for distribution to
47 6 counties for local purchase of services for persons with
47 7 mental illness or mental retardation or other developmental
47 8 disability.
47 9 b. The funds allocated in this subsection shall be
47 10 expended by counties in accordance with the county's approved
47 11 county management plan. A county without an approved county
47 12 management plan shall not receive allocated funds until the
47 13 county's management plan is approved.
47 14 c. The funds provided by this subsection shall be
47 15 allocated to each county as follows:
47 16 (1) Fifty percent based upon the county's proportion of
47 17 the state's population of persons with an annual income which
47 18 is equal to or less than the poverty guideline established by
47 19 the federal office of management and budget.
47 20 (2) Fifty percent based upon the amount provided to the
47 21 county for local purchase of services in the preceding fiscal
47 22 year.
47 23 5. A county is eligible for funds under this section if
47 24 the county qualifies for a state payment as described in
47 25 section 331.439.
47 26 6. Of the funds appropriated in this section, \$260,000
47 27 shall be used for a grant to a statewide association of
47 28 counties for development and implementation of the community
47 29 services network to replace the county management information
47 30 system.
47 31 7. The most recent population estimates issued by the
47 32 United States bureau of the census shall be applied for the
47 33 population factors utilized in this section.
47 34 Sec. 25. SEXUALLY VIOLENT PREDATORS.
47 35 1. There is appropriated from the general fund of the

48 1 state to the department of human services for the fiscal year
48 2 beginning July 1, 2008, and ending June 30, 2009, the
48 3 following amount, or so much thereof as is necessary, to be
48 4 used for the purpose designated:

48 5 For costs associated with the commitment and treatment of
48 6 sexually violent predators in the unit located at the state
48 7 mental health institute at Cherokee, including costs of legal
48 8 services and other associated costs, including salaries,
48 9 support, maintenance, and miscellaneous purposes, and for not
48 10 more than the following full-time equivalent positions:

48 11 \$ 6,720,268
48 12 FTEs 94.50

48 13 2. Unless specifically prohibited by law, if the amount
48 14 charged provides for recoupment of at least the entire amount
48 15 of direct and indirect costs, the department of human services
48 16 may contract with other states to provide care and treatment
48 17 of persons placed by the other states at the unit for sexually
48 18 violent predators at Cherokee. The moneys received under such
48 19 a contract shall be considered to be repayment receipts and
48 20 used for the purposes of the appropriation made in this
48 21 section.

48 22 Sec. 26. FIELD OPERATIONS. There is appropriated from the
48 23 general fund of the state to the department of human services
48 24 for the fiscal year beginning July 1, 2008, and ending June
48 25 30, 2009, the following amount, or so much thereof as is
48 26 necessary, to be used for the purposes designated:

48 27 For field operations, including salaries, support,
48 28 maintenance, and miscellaneous purposes, and for not more than
48 29 the following full-time equivalent positions:

48 30 \$ 67,852,732
48 31 FTEs 2,130.68

48 32 Priority in filling full-time equivalent positions shall be
48 33 given to those positions related to child protection services
48 34 and eligibility determination for low-income families.

48 35 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
49 1 from the general fund of the state to the department of human
49 2 services for the fiscal year beginning July 1, 2008, and
49 3 ending June 30, 2009, the following amount, or so much thereof
49 4 as is necessary, to be used for the purpose designated:

49 5 For general administration, including salaries, support,
49 6 maintenance, and miscellaneous purposes, and for not more than
49 7 the following full-time equivalent positions:

49 8 \$ 16,682,067
49 9 FTEs 407.50

49 10 1. Of the funds appropriated in this section, \$57,000 is
49 11 allocated for the prevention of disabilities policy council
49 12 established in section 225B.3.

49 13 2. The department shall report at least monthly to the
49 14 legislative services agency concerning the department's
49 15 operational and program expenditures.

49 16 Sec. 28. VOLUNTEERS. There is appropriated from the
49 17 general fund of the state to the department of human services
49 18 for the fiscal year beginning July 1, 2008, and ending June
49 19 30, 2009, the following amount, or so much thereof as is
49 20 necessary, to be used for the purpose designated:

49 21 For development and coordination of volunteer services:

49 22 \$ 109,568

49 23 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated
49 24 from the general fund of the state to the department of human

49 25 services for the fiscal year beginning July 1, 2008, and
49 26 ending June 30, 2009, the following amount or so much thereof
49 27 as is necessary, to be used for the purpose designated:
49 28 For family planning services to individuals with incomes
49 29 not to exceed two hundred percent of the federal poverty level
49 30 as defined by the most recently revised income guidelines
49 31 published by the United States department of health and human
49 32 services, who are not currently receiving the specific benefit
49 33 under the medical assistance program:
49 34 \$ 750,000
49 35 Moneys appropriated under this section shall not be used to
50 1 provide abortions. The department shall work with appropriate
50 2 stakeholders to implement and administer the program.
50 3 Sec. 30. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM
50 4 == APPROPRIATION. There is appropriated from the general fund
50 5 of the state to the department of human services for the
50 6 fiscal year beginning July 1, 2008, and ending June 30, 2009,
50 7 the following amount or so much thereof as is necessary for
50 8 the purpose designated:
50 9 For a pregnancy counseling and support services program as
50 10 specified in this section:
50 11 \$ 200,000
50 12 The department of human services shall establish a
50 13 pregnancy counseling and support services program to provide
50 14 core services consisting of information, education,
50 15 counseling, and support services to women who experience
50 16 unplanned pregnancies by supporting childbirth, assisting
50 17 pregnant women in remaining healthy and maintaining a healthy
50 18 pregnancy while deciding whether to keep the child or place
50 19 the child for adoption, and assisting women after the birth of
50 20 a child. The services provided may include but are not
50 21 limited to: counseling and mentoring; pregnancy, childbirth,
50 22 and parenting classes; fostering of a statewide pregnancy and
50 23 parenting support system; assistance with physical and mental
50 24 well-being of a woman during pregnancy and postdelivery;
50 25 assistance with the physical well-being of the woman during
50 26 pregnancy and the newborn; assistance with food, shelter,
50 27 clothing, health care, child care, and employment; and other
50 28 supportive programs and services. The department shall award
50 29 grants to service providers that have been in existence for at
50 30 least one year prior to the awarding of the grant, are
50 31 qualified and experienced in providing core pregnancy support
50 32 services that support childbirth and parenting support
50 33 services, including qualified Medicaid providers, social
50 34 service agencies, and adoption agencies. Actual provision and
50 35 delivery of services and counseling shall be dependent on
51 1 client needs and not otherwise prioritized by agency or
51 2 agencies administering the program.
51 3 Sec. 31. CIVIL MONETARY PENALTIES == DIRECT CARE WORKERS.
51 4 Of the funds received by the department of human services
51 5 through federal civil monetary penalties from nursing
51 6 facilities, during the fiscal year beginning July 1, 2008, and
51 7 ending June 30, 2009, \$70,000 shall be used to provide
51 8 conference scholarships to direct care workers, subject to
51 9 approval by the centers for Medicare and Medicaid services of
51 10 the United States department of health and human services.
51 11 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
51 12 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
51 13 DEPARTMENT OF HUMAN SERVICES.

51 14 1. a. (1) For the fiscal year beginning July 1, 2008,
51 15 the total state funding amount for the nursing facility budget
51 16 shall not exceed \$183,367,323.

51 17 (2) For the state fiscal year beginning July 1, 2008, the
51 18 patient=day weighted medians used in rate setting for nursing
51 19 facilities shall be recalculated and the rates adjusted to
51 20 provide an increase in nursing facility rates by applying the
51 21 skilled nursing facility market basket inflation factor from
51 22 the mid=point of the cost report to July 1, 2007, plus 1
51 23 percent. Nursing facility rates calculated in accordance with
51 24 this subparagraph shall in no instance exceed the rate
51 25 component limits as defined in 441 IAC 81.6(16).

51 26 (3) The department, in cooperation with nursing facility
51 27 representatives, shall review projections for state funding
51 28 expenditures for reimbursement of nursing facilities on a
51 29 quarterly basis and the department shall determine if an
51 30 adjustment to the medical assistance reimbursement rate is
51 31 necessary in order to provide reimbursement within the state
51 32 funding amount. Any temporary enhanced federal financial
51 33 participation that may become available to the Iowa medical
51 34 assistance program during the fiscal year shall not be used in
51 35 projecting the nursing facility budget. Notwithstanding 2001
52 1 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
52 2 "c", and subsection 3, paragraph "a", subparagraph (2), if the
52 3 state funding expenditures for the nursing facility budget for
52 4 the fiscal year beginning July 1, 2008, are projected to
52 5 exceed the amount specified in subparagraph (1), the
52 6 department shall adjust the reimbursement for nursing
52 7 facilities reimbursed under the case=mix reimbursement system
52 8 to maintain expenditures of the nursing facility budget within
52 9 the specified amount. The department shall revise such
52 10 reimbursement as necessary to adjust the annual accountability
52 11 measures payment in accordance with the amendment in this
52 12 division of this Act to 2001 Iowa Acts, chapter 192, section
52 13 4, subsection 4.

52 14 b. For the fiscal year beginning July 1, 2008, the
52 15 department shall reimburse pharmacy dispensing fees using a
52 16 single rate of \$4.57 per prescription or the pharmacy's usual
52 17 and customary fee, whichever is lower.

52 18 c. (1) (a) For the fiscal year beginning July 1, 2008,
52 19 reimbursement rates for inpatient and outpatient hospital
52 20 services shall be increased by 1 percent over the rates in
52 21 effect on June 30, 2008.

52 22 (b) If the centers for Medicare and Medicaid services of
52 23 the United States department of health and human services does
52 24 not approve the increased reimbursement for hospitals provided
52 25 pursuant to subparagraph subdivision (a), of the funds
52 26 appropriated to the department for reimbursement to medical
52 27 assistance providers for the fiscal year beginning July 1,
52 28 2008, \$1,700,000 shall be used as nonmedical assistance
52 29 payments to hospitals paid under the prospective payment
52 30 system methodology under the medical assistance program for
52 31 the purposes of addressing health care workforce shortages by
52 32 increasing salaries for registered nurses who are permanent
52 33 employees, eligible for benefits, and who provide direct care
52 34 to patients.

52 35 (c) Hospitals paid under the prospective payment system
53 1 methodology under the medical assistance program shall report
53 2 to the department the total amount of nurse salary increases

53 3 compared to the total amount of the medical assistance payment
53 4 increase for the fiscal year beginning July 1, 2008. Nurse
53 5 salary information shall only include information for
53 6 registered nurses who are permanent employees, eligible for
53 7 benefits, and who provide direct care to patients. Reports
53 8 submitted shall be a public record.

53 9 (d) The department shall continue the outpatient hospital
53 10 reimbursement system based upon ambulatory patient groups
53 11 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
53 12 25, subsection 1, paragraph "f", unless the department adopts
53 13 the Medicare ambulatory payment classification methodology
53 14 authorized in subparagraph (2).

53 15 (2) The department may implement the Medicare ambulatory
53 16 payment classification methodology for reimbursement of
53 17 outpatient hospital services. Any change in hospital
53 18 reimbursement shall be budget neutral.

53 19 (3) In order to ensure the efficient use of limited state
53 20 funds in procuring health care services for low-income Iowans,
53 21 funds appropriated in this Act for hospital services shall not
53 22 be used for activities which would be excluded from a
53 23 determination of reasonable costs under the federal Medicare
53 24 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

53 25 d. For the fiscal year beginning July 1, 2008,
53 26 reimbursement rates for rural health clinics, hospices,
53 27 independent laboratories, and acute mental hospitals shall be
53 28 increased in accordance with increases under the federal
53 29 Medicare program or as supported by their Medicare audited
53 30 costs.

53 31 e. (1) For the fiscal year beginning July 1, 2008,
53 32 reimbursement rates for home health agencies shall be
53 33 increased by 1 percent over the rates in effect on June 30,
53 34 2008, not to exceed a home health agency's actual allowable
53 35 cost.

54 1 (2) The department shall establish a fixed fee
54 2 reimbursement schedule for home health agencies under the
54 3 medical assistance program beginning July 1, 2009.

54 4 f. For the fiscal year beginning July 1, 2008, federally
54 5 qualified health centers shall receive cost-based
54 6 reimbursement for 100 percent of the reasonable costs for the
54 7 provision of services to recipients of medical assistance.

54 8 g. For the fiscal year beginning July 1, 2008, the
54 9 reimbursement rates for dental services shall be increased by
54 10 1 percent over the rates in effect on June 30, 2008.

54 11 h. For the fiscal year beginning July 1, 2008, the maximum
54 12 reimbursement rate for psychiatric medical institutions for
54 13 children shall be \$167.19 per day.

54 14 i. For the fiscal year beginning July 1, 2008, unless
54 15 otherwise specified in this Act, all noninstitutional medical
54 16 assistance provider reimbursement rates shall be increased by
54 17 1 percent over the rates in effect on June 30, 2008, except
54 18 for area education agencies, local education agencies, infant
54 19 and toddler services providers, and those providers whose
54 20 rates are required to be determined pursuant to section
54 21 249A.20.

54 22 j. Notwithstanding any provision to the contrary, for the
54 23 fiscal year beginning July 1, 2008, the reimbursement rate for
54 24 anesthesiologists shall be increased by 1 percent over the
54 25 medical assistance rate for anesthesiologists in effect on
54 26 July 1, 2007.

54 27 k. Notwithstanding section 249A.20, for the fiscal year
54 28 beginning July 1, 2008, the average reimbursement rate for
54 29 health care providers eligible for use of the federal Medicare
54 30 resource-based relative value scale reimbursement methodology
54 31 under that section shall be increased by 1 percent over the
54 32 rate in effect on June 30, 2008; however, this rate shall not
54 33 exceed the maximum level authorized by the federal government.

54 34 1. For the fiscal year beginning July 1, 2008, the
54 35 reimbursement rate for residential care facilities shall not
55 1 be less than the minimum payment level as established by the
55 2 federal government to meet the federally mandated maintenance
55 3 of effort requirement. The flat reimbursement rate for
55 4 facilities electing not to file semiannual cost reports shall
55 5 not be less than the minimum payment level as established by
55 6 the federal government to meet the federally mandated
55 7 maintenance of effort requirement.

55 8 m. For the fiscal year beginning July 1, 2008, inpatient
55 9 mental health services provided at hospitals shall be
55 10 reimbursed at the cost of the services, subject to Medicaid
55 11 program upper payment limit rules; community mental health
55 12 centers and providers of mental health services to county
55 13 residents pursuant to a waiver approved under section 225C.7,
55 14 subsection 3, shall be reimbursed at 100 percent of the
55 15 reasonable costs for the provision of services to recipients
55 16 of medical assistance; and psychiatrists shall be reimbursed
55 17 at the medical assistance program fee for service rate.

55 18 2. For the fiscal year beginning July 1, 2008, the
55 19 reimbursement rate for providers reimbursed under the in=
55 20 home-related care program shall not be less than the minimum
55 21 payment level as established by the federal government to meet
55 22 the federally mandated maintenance of effort requirement.

55 23 3. Unless otherwise directed in this section, when the
55 24 department's reimbursement methodology for any provider
55 25 reimbursed in accordance with this section includes an
55 26 inflation factor, this factor shall not exceed the amount by
55 27 which the consumer price index for all urban consumers
55 28 increased during the calendar year ending December 31, 2002.

55 29 4. For the fiscal year beginning July 1, 2008, the foster
55 30 family basic daily maintenance rate paid in accordance with
55 31 section 234.38, the maximum adoption subsidy rate, and the
55 32 maximum supervised apartment living foster care rate for
55 33 children ages 0 through 5 years shall be \$16.36, the rate for
55 34 children ages 6 through 11 years shall be \$17.01, the rate for
55 35 children ages 12 through 15 years shall be \$18.62, and the
56 1 rate for children ages 16 and older shall be \$18.87.

56 2 5. For the fiscal year beginning July 1, 2008, the maximum
56 3 reimbursement rates for social services providers reimbursed
56 4 under a purchase of social services contract shall be
56 5 increased by 1 percent over the rates in effect on June 30,
56 6 2008, or the provider's actual and allowable cost plus
56 7 inflation for each service, whichever is less. However, the
56 8 rates may be adjusted under any of the following
56 9 circumstances:

56 10 a. If a new service was added after June 30, 2008, the
56 11 initial reimbursement rate for the service shall be based upon
56 12 actual and allowable costs.

56 13 b. If a social service provider loses a source of income
56 14 used to determine the reimbursement rate for the provider, the
56 15 provider's reimbursement rate may be adjusted to reflect the

56 16 loss of income, provided that the lost income was used to
56 17 support actual and allowable costs of a service purchased
56 18 under a purchase of service contract.

56 19 6. For the fiscal year beginning July 1, 2008, the
56 20 reimbursement rates for family-centered service providers,
56 21 family foster care service providers, group foster care
56 22 service providers, and the resource family recruitment and
56 23 retention contractor shall be increased by 1 percent over
56 24 rates in effect on June 30, 2008.

56 25 7. The group foster care reimbursement rates paid for
56 26 placement of children out of state shall be calculated
56 27 according to the same rate-setting principles as those used
56 28 for in-state providers, unless the director of human services
56 29 or the director's designee determines that appropriate care
56 30 cannot be provided within the state. The payment of the daily
56 31 rate shall be based on the number of days in the calendar
56 32 month in which service is provided.

56 33 8. For the fiscal year beginning July 1, 2008, remedial
56 34 service providers shall receive cost-based reimbursement for
56 35 100 percent of the reasonable costs plus 1 percent not to
57 1 exceed the established limit for the provision of services to
57 2 recipients of medical assistance.

57 3 9. a. For the fiscal year beginning July 1, 2008, the
57 4 combined service and maintenance components of the
57 5 reimbursement rate paid for shelter care services purchased
57 6 under a contract shall be based on the financial and
57 7 statistical report submitted to the department. The maximum
57 8 reimbursement rate shall be \$92.36 per day. The department
57 9 shall reimburse a shelter care provider at the provider's
57 10 actual and allowable unit cost, plus inflation, not to exceed
57 11 the maximum reimbursement rate.

57 12 b. Notwithstanding section 232.141, subsection 8, for the
57 13 fiscal year beginning July 1, 2008, the amount of the
57 14 statewide average of the actual and allowable rates for
57 15 reimbursement of juvenile shelter care homes that is utilized
57 16 for the limitation on recovery of unpaid costs shall be
57 17 increased by \$0.91 over the amount in effect for this purpose
57 18 in the preceding fiscal year.

57 19 10. For the fiscal year beginning July 1, 2008, the
57 20 department shall calculate reimbursement rates for
57 21 intermediate care facilities for persons with mental
57 22 retardation at the 80th percentile.

57 23 11. For the fiscal year beginning July 1, 2008, for child
57 24 care providers reimbursed under the state child care
57 25 assistance program, the department shall set provider
57 26 reimbursement rates based on the rate reimbursement survey
57 27 completed in December 2004. Effective October 1, 2008, the
57 28 child care provider reimbursement rates shall be increased by
57 29 2 percent over the rates in effect on September 30, 2008. The
57 30 department shall set rates in a manner so as to provide
57 31 incentives for a nonregistered provider to become registered
57 32 by applying the increase only to registered and licensed
57 33 providers.

57 34 12. For the fiscal year beginning July 1, 2008,
57 35 reimbursements for providers reimbursed by the department of
58 1 human services may be modified if appropriated funding is
58 2 allocated for that purpose from the senior living trust fund
58 3 created in section 249H.4, or as specified in appropriations
58 4 from the healthy Iowans tobacco trust created in section

58 5 12.65.

58 6 13. The department may adopt emergency rules to implement
58 7 this section.

58 8 Sec. 33. 2001 Iowa Acts, chapter 192, section 4,
58 9 subsection 4, is amended to read as follows:

58 10 4. ACCOUNTABILITY MEASURES MEASUREMENTS == ANNUAL
58 11 ACCOUNTABILITY PAYMENTS.

58 12 a. It is the intent of the general assembly that the
58 13 department of human services initiate a system to measure a
58 14 variety of elements to determine a nursing facility's capacity
58 15 to provide quality of life and appropriate access to medical
58 16 assistance program beneficiaries in a cost-effective manner.
58 17 Beginning July 1, 2001, the department shall implement a
58 18 process to collect data for these measurements and shall
58 19 develop procedures to increase nursing facility reimbursements
58 20 based upon a nursing facility's achievement of multiple
58 21 favorable outcomes as determined by these measurements. Any
58 22 increased reimbursement shall not exceed 3 percent of the
58 23 calculation of the modified price-based case-mix reimbursement
58 24 median. The increased reimbursement shall be included in the
58 25 calculation of nursing facility modified price-based payment
58 26 rates beginning July 1, 2002, with the exception of
58 27 Medicare-certified hospital-based nursing facilities,
58 28 state-operated nursing facilities, and special population
58 29 nursing facilities.

58 30 b. ~~It is the intent of the general assembly that increases~~
~~58 31 in payments to nursing facilities under the case-mix adjusted~~
~~58 32 component shall be used for the provision of direct care with~~
~~58 33 an emphasis on compensation to direct care workers. The~~
~~58 34 department shall compile and provide a detailed analysis to~~
~~58 35 demonstrate growth of direct care costs, increased acuity, and~~
~~59 1 care needs of residents. The department shall also provide~~
~~59 2 analysis of cost reports submitted by providers and the~~
~~59 3 resulting desk review and field audit adjustments to~~
~~59 4 reclassify and amend provider cost and statistical data. The~~
~~59 5 results of these analyses shall be submitted to the general~~
~~59 6 assembly for evaluation to determine payment levels following~~
~~59 7 the transition funding period.~~

59 8 b. Beginning July 1, 2008, notwithstanding any law or rule
59 9 to the contrary, the increased nursing facility reimbursement
59 10 available pursuant to paragraph "a" shall be based upon the
59 11 accountability measures and calculations existing on July 1,
59 12 2008, pursuant to 441 IAC 81.6(16)(g), as adjusted in
59 13 accordance with the following provisions, and the increased
59 14 reimbursement shall be disbursed to each qualifying nursing
59 15 facility as an accountability payment at the end of each
59 16 fiscal year. The department of human services shall request
59 17 any medical assistance state plan amendment necessary to
59 18 implement the modified accountability payment methodology. If
59 19 the department does not receive approval of the state plan
59 20 amendment, the funds designated for the purposes of providing
59 21 the accountability measures payment shall instead be disbursed
59 22 through the case-mix reimbursement system:

59 23 (1) If a nursing facility receives a citation resulting in
59 24 actual harm pursuant to the federal certification guidelines
59 25 at a G level scope and severity or higher, the increased
59 26 reimbursement calculated for payment under this paragraph "b"
59 27 shall be reduced by 25 percent for each such citation during
59 28 the year. Additionally, if a nursing facility fails to cure

59 29 any deficiency cited within the time required by the
59 30 department of inspections and appeals, the increased
59 31 reimbursement calculated for payment under this paragraph
59 32 shall be forfeited and the nursing facility shall not receive
59 33 any accountability measure payment for the year.

59 34 (2) If a nursing facility receives a deficiency resulting
59 35 in actual harm or immediate jeopardy, pursuant to the federal
60 1 certification guidelines at an H level scope and severity or
60 2 higher, regardless of the amount of any fines assessed, the
60 3 increased reimbursement calculated for payment under this
60 4 paragraph "b" shall be forfeited and the nursing facility
60 5 shall not receive any accountability measure payment for the
60 6 year.

60 7 (3) Beginning July 1, 2008, accountability measure
60 8 payments to providers shall be reduced by 20 percent of the
60 9 calculated amount. The percentage reduction shall continue
60 10 until June 30, 2009, or until such time as the general
60 11 assembly adopts a modification of the accountability measures
60 12 system.

60 13 c. It is the intent of the general assembly that the
60 14 department of human services assemble a workgroup to develop
60 15 recommendations to redesign the accountability measures for
60 16 implementation in the fiscal year beginning July 1, 2009. The
60 17 workgroup shall include long-term care services stakeholders
60 18 and advocates including but not limited to representatives of
60 19 the AARP Iowa chapter, direct care workers, long-term care
60 20 provider entities, the state and local offices of the
60 21 long-term care resident's advocate, the older Iowans'
60 22 legislature, area agencies on aging, the consumer members of
60 23 the senior living coordinating unit, the department of elder
60 24 affairs, the department of inspections and appeals, and the
60 25 chairpersons and ranking members of the joint appropriations
60 26 subcommittee on health and human services. The workgroup
60 27 shall submit its recommendations for the redesigned
60 28 accountability measures which shall meet all of the following
60 29 specifications:

60 30 (1) Acknowledge and establish higher benchmarks for
60 31 performance-based reimbursement to those nursing facilities
60 32 meeting the identified and weighted components recommended by
60 33 the workgroup.

60 34 (2) Reinforce the expectation that the performance-based
60 35 payments will be used to support direct care and support care
61 1 staff through increased wages, enhanced benefits, and expanded
61 2 training opportunities and provide a system for determining
61 3 compliance with this expectation.

61 4 (3) Identify the best practices that are used in
61 5 facilities receiving a performance-based payment and create a
61 6 system to assist other facilities in the implementation of
61 7 those best practices.

61 8 Sec. 34. REVIEW == DRUG PRODUCT SELECTION. On or after
61 9 the effective date of this section, the chairpersons of the
61 10 joint appropriations subcommittee on health and human services
61 11 shall convene a group of representatives of appropriate
61 12 entities to review current law regarding drug product
61 13 selection. The representatives shall include but are not
61 14 limited to representatives of the Iowa pharmacy association,
61 15 the Iowa medical society, pharmacy industry representatives of
61 16 the Iowa retail federation, advocacy groups, the department of
61 17 human services, the board of pharmacy, and the department of

61 18 public health. The legislative services agency shall provide
61 19 administrative support to the group. The group shall complete
61 20 its deliberations on or before December 15, 2008.

61 21 Sec. 35. VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS.

61 22 The department of human services and the department of
61 23 education shall adopt rules to require programs and facilities
61 24 under the purview of the respective department to conduct
61 25 visual assessments for lead hazards and to repair lead hazards
61 26 identified.

61 27 Sec. 36. EMERGENCY RULES. If specifically authorized by a
61 28 provision of this division of this Act, the department of
61 29 human services or the mental health, mental retardation,
61 30 developmental disabilities, and brain injury commission may
61 31 adopt administrative rules under section 17A.4, subsection 2,
61 32 and section 17A.5, subsection 2, paragraph "b", to implement
61 33 the provisions and the rules shall become effective
61 34 immediately upon filing or on a later effective date specified
61 35 in the rules, unless the effective date is delayed by the
62 1 administrative rules review committee. Any rules adopted in
62 2 accordance with this section shall not take effect before the
62 3 rules are reviewed by the administrative rules review
62 4 committee. The delay authority provided to the administrative
62 5 rules review committee under section 17A.4, subsection 5, and
62 6 section 17A.8, subsection 9, shall be applicable to a delay
62 7 imposed under this section, notwithstanding a provision in
62 8 those sections making them inapplicable to section 17A.5,
62 9 subsection 2, paragraph "b". Any rules adopted in accordance
62 10 with the provisions of this section shall also be published as
62 11 notice of intended action as provided in section 17A.4.

62 12 Sec. 37. REPORTS. Any reports or information required to
62 13 be compiled and submitted under this Act shall be submitted to
62 14 the chairpersons and ranking members of the joint
62 15 appropriations subcommittee on health and human services, the
62 16 legislative services agency, and the legislative caucus staffs
62 17 on or before the dates specified for submission of the reports
62 18 or information.

62 19 Sec. 38. EFFECTIVE DATE. The following provisions of this
62 20 division of this Act, being deemed of immediate importance,
62 21 take effect upon enactment:

62 22 1. The provision under the appropriation for child and
62 23 family services, relating to requirements of section 232.143
62 24 for representatives of the department of human services and
62 25 juvenile court services to establish a plan for continuing
62 26 group foster care expenditures for the 2008=2009 fiscal year.

62 27 2. The section directing the chairpersons of the joint
62 28 appropriations subcommittee on health and human services to
62 29 convene a group to review drug product selection.

62 30 DIVISION II

62 31 SENIOR LIVING TRUST FUND,
62 32 PHARMACEUTICAL SETTLEMENT ACCOUNT,
62 33 IOWACARE ACCOUNT, HEALTH CARE
62 34 TRANSFORMATION ACCOUNT, AND
62 35 PROPERTY TAX RELIEF FUND

63 1 Sec. 39. DEPARTMENT OF ELDER AFFAIRS. There is
63 2 appropriated from the senior living trust fund created in
63 3 section 249H.4 to the department of elder affairs for the
63 4 fiscal year beginning July 1, 2008, and ending June 30, 2009,
63 5 the following amount, or so much thereof as is necessary, to
63 6 be used for the purpose designated:

63 7 For the development and implementation of a comprehensive
63 8 senior living program, including case management only if the
63 9 monthly cost per client for case management for the frail
63 10 elderly services provided does not exceed an average of \$70,
63 11 and including program administration and costs associated with
63 12 implementation:

63 13 \$ 8,442,707

63 14 1. Of the funds appropriated in this section, \$2,196,967
63 15 shall be used for case management for the frail elderly. Of
63 16 the funds allocated in this subsection, \$1,010,000 shall be
63 17 transferred to the department of human services in equal
63 18 amounts on a quarterly basis for reimbursement of case
63 19 management services provided under the medical assistance
63 20 elderly waiver. The monthly cost per client for case
63 21 management for the frail elderly services provided shall not
63 22 exceed an average of \$70.

63 23 2. Notwithstanding section 249H.7, the department of elder
63 24 affairs shall distribute up to \$400,000 of the funds
63 25 appropriated in this section in a manner that will supplement
63 26 and maximize federal funds under the federal Older Americans
63 27 Act and shall not use the amount distributed for any
63 28 administrative purposes of either the department of elder
63 29 affairs or the area agencies on aging.

63 30 3. Of the funds appropriated in this section, \$60,000
63 31 shall be used to provide dementia-specific education to direct
63 32 care workers and other providers of long-term care to enhance
63 33 existing or scheduled efforts through the Iowa caregivers
63 34 association, the Alzheimer's association, and other
63 35 organizations identified as appropriate by the department.

64 1 Sec. 40. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
64 2 appropriated from the senior living trust fund created in
64 3 section 249H.4 to the department of inspections and appeals
64 4 for the fiscal year beginning July 1, 2008, and ending June
64 5 30, 2009, the following amount, or so much thereof as is
64 6 necessary, to be used for the purpose designated:

64 7 For the inspection and certification of assisted living
64 8 facilities and adult day care services, including program
64 9 administration and costs associated with implementation:

64 10 \$ 1,183,303

64 11 Sec. 41. DEPARTMENT OF HUMAN SERVICES. There is
64 12 appropriated from the senior living trust fund created in
64 13 section 249H.4 to the department of human services for the
64 14 fiscal year beginning July 1, 2008, and ending June 30, 2009,
64 15 the following amount, or so much thereof as is necessary, to
64 16 be used for the purpose designated:

64 17 To supplement the medical assistance appropriations made in
64 18 this Act, including program administration and costs
64 19 associated with implementation:

64 20 \$111,753,195

64 21 In order to carry out the purposes of this section, the
64 22 department may transfer funds appropriated in this section to
64 23 supplement other appropriations made to the department of
64 24 human services.

64 25 Sec. 42. IOWA FINANCE AUTHORITY. There is appropriated
64 26 from the senior living trust fund created in section 249H.4 to
64 27 the Iowa finance authority for the fiscal year beginning July
64 28 1, 2008, and ending June 30, 2009, the following amount, or so
64 29 much thereof as is necessary, to be used for the purposes
64 30 designated:

64 31 To provide reimbursement for rent expenses to eligible
64 32 persons:
64 33 \$ 700,000
64 34 Participation in the rent subsidy program shall be limited
64 35 to only those persons who meet the requirements for the
65 1 nursing facility level of care for home and community-based
65 2 services waiver services as in effect on July 1, 2008, and to
65 3 those individuals who are eligible for the federal money
65 4 follows the person grant program under the medical assistance
65 5 program.

65 6 Sec. 43. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
65 7 appropriated from the pharmaceutical settlement account
65 8 created in section 249A.33 to the department of human services
65 9 for the fiscal year beginning July 1, 2008, and ending June
65 10 30, 2009, the following amount, or so much thereof as is
65 11 necessary, to be used for the purpose designated:
65 12 To supplement the appropriations made for medical contracts
65 13 under the medical assistance program:
65 14 \$ 1,323,833

65 15 Sec. 44. APPROPRIATIONS FROM IOWACARE ACCOUNT.
65 16 1. There is appropriated from the IowaCare account created
65 17 in section 249J.24 to the state board of regents for
65 18 distribution to the university of Iowa hospitals and clinics
65 19 for the fiscal year beginning July 1, 2008, and ending June
65 20 30, 2009, the following amount, or so much thereof as is
65 21 necessary, to be used for the purposes designated:
65 22 For salaries, support, maintenance, equipment, and
65 23 miscellaneous purposes, for the provision of medical and
65 24 surgical treatment of indigent patients, for provision of
65 25 services to members of the expansion population pursuant to
65 26 chapter 249J, and for medical education:
65 27 \$ 27,284,584

65 28 a. Funds appropriated in this subsection shall not be used
65 29 to perform abortions except medically necessary abortions, and
65 30 shall not be used to operate the early termination of
65 31 pregnancy clinic except for the performance of medically
65 32 necessary abortions. For the purpose of this subsection, an
65 33 abortion is the purposeful interruption of pregnancy with the
65 34 intention other than to produce a live-born infant or to
65 35 remove a dead fetus, and a medically necessary abortion is one
66 1 performed under one of the following conditions:
66 2 (1) The attending physician certifies that continuing the
66 3 pregnancy would endanger the life of the pregnant woman.
66 4 (2) The attending physician certifies that the fetus is
66 5 physically deformed, mentally deficient, or afflicted with a
66 6 congenital illness.
66 7 (3) The pregnancy is the result of a rape which is
66 8 reported within 45 days of the incident to a law enforcement
66 9 agency or public or private health agency which may include a
66 10 family physician.
66 11 (4) The pregnancy is the result of incest which is
66 12 reported within 150 days of the incident to a law enforcement
66 13 agency or public or private health agency which may include a
66 14 family physician.
66 15 (5) The abortion is a spontaneous abortion, commonly known
66 16 as a miscarriage, wherein not all of the products of
66 17 conception are expelled.

66 18 b. Notwithstanding any provision of law to the contrary,
66 19 the amount appropriated in this subsection shall be allocated

66 20 in twelve equal monthly payments as provided in section
66 21 249J.24.

66 22 2. There is appropriated from the IowaCare account created
66 23 in section 249J.24 to the state board of regents for
66 24 distribution to the university of Iowa hospitals and clinics
66 25 for the fiscal year beginning July 1, 2008, and ending June
66 26 30, 2009, the following amount, or so much thereof as is
66 27 necessary, to be used for the purposes designated:

66 28 For salaries, support, maintenance, equipment, and
66 29 miscellaneous purposes, for the provision of medical and
66 30 surgical treatment of indigent patients, for provision of
66 31 services to members of the expansion population pursuant to
66 32 chapter 249J, and for medical education:
66 33 \$ 35,969,365

66 34 The amount appropriated in this subsection shall be
66 35 distributed only if expansion population claims adjudicated
67 1 and paid by the Iowa Medicaid enterprise exceed the
67 2 appropriation to the state board of regents for distribution
67 3 to the university of Iowa hospitals and clinics provided in
67 4 subsection 1. The amount appropriated in this subsection
67 5 shall be distributed monthly for expansion population claims
67 6 adjudicated and approved for payment by the Iowa Medicaid
67 7 enterprise using medical assistance program reimbursement
67 8 rates.

67 9 3. There is appropriated from the IowaCare account created
67 10 in section 249J.24 to the department of human services for the
67 11 fiscal year beginning July 1, 2008, and ending June 30, 2009,
67 12 the following amount, or so much thereof as is necessary, to
67 13 be used for the purposes designated:

67 14 For distribution to a publicly owned acute care teaching
67 15 hospital located in a county with a population over three
67 16 hundred fifty thousand for the provision of medical and
67 17 surgical treatment of indigent patients, for provision of
67 18 services to members of the expansion population pursuant to
67 19 chapter 249J, and for medical education:
67 20 \$ 40,000,000

67 21 Notwithstanding any provision of law to the contrary, the
67 22 amount appropriated in this subsection shall be allocated in
67 23 twelve equal monthly payments as provided in section 249J.24.
67 24 Any amount appropriated in this subsection in excess of
67 25 \$37,000,000 shall be allocated only if federal funds are
67 26 available to match the amount allocated.

67 27 4. There is appropriated from the IowaCare account created
67 28 in section 249J.24 to the department of human services for the
67 29 fiscal year beginning July 1, 2008, and ending June 30, 2009,
67 30 the following amounts, or so much thereof as is necessary, to
67 31 be used for the purposes designated:

67 32 a. For the state mental health institute at Cherokee, for
67 33 salaries, support, maintenance, and miscellaneous purposes,
67 34 including services to members of the expansion population
67 35 pursuant to chapter 249J:
68 1 \$ 3,164,766

68 2 b. For the state mental health institute at Clarinda, for
68 3 salaries, support, maintenance, and miscellaneous purposes,
68 4 including services to members of the expansion population
68 5 pursuant to chapter 249J:
68 6 \$ 687,779

68 7 c. For the state mental health institute at Independence,
68 8 for salaries, support, maintenance, and miscellaneous

68 9 purposes, including services to members of the expansion
68 10 population pursuant to chapter 249J:
68 11 \$ 3,146,494
68 12 d. For the state mental health institute at Mount
68 13 Pleasant, for salaries, support, maintenance, and
68 14 miscellaneous purposes, including services to members of the
68 15 expansion population pursuant to chapter 249J:
68 16 \$ 2,000,961
68 17 Sec. 45. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
68 18 TRANSFORMATION. Notwithstanding any provision to the
68 19 contrary, there is appropriated from the account for health
68 20 care transformation created in section 249J.23 to the
68 21 department of human services for the fiscal year beginning
68 22 July 1, 2008, and ending June 30, 2009, the following amounts,
68 23 or so much thereof as is necessary, to be used for the
68 24 purposes designated:
68 25 1. For the costs of medical examinations and development
68 26 of personal health improvement plans for the expansion
68 27 population pursuant to section 249J.6:
68 28 \$ 556,800
68 29 2. For the provision of a medical information hotline for
68 30 the expansion population as provided in section 249J.6:
68 31 \$ 150,000
68 32 3. For other health promotion partnership activities
68 33 pursuant to section 249J.14:
68 34 \$ 900,000
68 35 4. For the costs related to audits, performance
69 1 evaluations, and studies required pursuant to chapter 249J:
69 2 \$ 400,000
69 3 5. For administrative costs associated with chapter 249J:
69 4 \$ 1,132,412
69 5 6. For planning and development, in cooperation with the
69 6 department of public health, of a phased-in program to provide
69 7 a dental home for children:
69 8 \$ 1,000,000
69 9 The department shall issue a request for proposals for a
69 10 performance-based contract to implement the dental home for
69 11 children and shall apply for any waivers from the centers for
69 12 Medicare and Medicaid services of the United States department
69 13 of health and human services as necessary to pursue a
69 14 phased-in approach. The department shall submit progress
69 15 reports regarding the planning and development of the dental
69 16 home for children to the medical assistance projections and
69 17 assessment council on a periodic basis.
69 18 7. For a mental health transformation pilot program:
69 19 \$ 250,000
69 20 8. For the tuition assistance for individuals serving
69 21 individuals with disabilities pilot program as enacted in this
69 22 Act:
69 23 \$ 500,000
69 24 9. For payment to the publicly owned acute care teaching
69 25 hospital located in a county with a population of over 350,000
69 26 that is a participating provider pursuant to chapter 249J:
69 27 \$ 230,000
69 28 Disbursements under this subsection shall be made monthly.
69 29 The hospital shall submit a report following the close of the
69 30 fiscal year regarding use of the funds appropriated in this
69 31 subsection to the persons specified in this Act to receive
69 32 reports.

69 33 Notwithstanding section 8.39, subsection 1, without the
69 34 prior written consent and approval of the governor and the
69 35 director of the department of management, the director of
70 1 human services may transfer funds among the appropriations
70 2 made in this section as necessary to carry out the purposes of
70 3 the account for health care transformation. The department
70 4 shall report any transfers made pursuant to this section to
70 5 the legislative services agency.

70 6 Sec. 46. TRANSFER FROM ACCOUNT FOR HEALTH CARE
70 7 TRANSFORMATION. There is transferred from the account for
70 8 health care transformation created pursuant to section 249J.23
70 9 to the IowaCare account created in section 249J.24 a total of
70 10 \$3,000,000 for the fiscal year beginning July 1, 2008, and
70 11 ending June 30, 2009.

70 12 Sec. 47. IOWACARE PLAN REPORT. The department of human
70 13 services, in cooperation with the members of the expansion
70 14 population provider network as specified in chapter 249J and
70 15 other interested parties, shall review the current IowaCare
70 16 program and shall develop a plan for continuation, expansion,
70 17 or elimination of the IowaCare program beyond June 30, 2010.
70 18 The plan shall address the issue of establishing a procedure
70 19 to either transfer an expansion population member who seeks
70 20 medical care or treatment for a covered service from a
70 21 nonparticipating provider to a participating provider in the
70 22 expansion population provider network, or to compensate the
70 23 nonparticipating provider for medical care or treatment for a
70 24 covered service provided to an expansion population member, if
70 25 transfer is not medically possible or if the transfer is
70 26 refused and if no other third party is liable for
70 27 reimbursement for the services provided. The review shall
70 28 also address the issue of the future of the IowaCare program
70 29 beyond June 30, 2010, including but not limited to expansion
70 30 of the provider network beyond the initial network, expansion
70 31 population member growth projections, member benefits,
70 32 alternatives for providing health care coverage to the
70 33 expansion population, and other issues pertinent to the
70 34 continuation, expansion, or elimination of the program. The
70 35 department shall report its findings and recommendations to
71 1 the medical assistance projections and assessment council no
71 2 later than December 15, 2008.

71 3 Sec. 48. PROPERTY TAX RELIEF FUND. There is appropriated
71 4 from the property tax relief fund created in section 426B.1 to
71 5 the department of human services for the fiscal year beginning
71 6 July 1, 2008, and ending June 30, 2009, the following amount,
71 7 or so much thereof as is necessary, to be used for the
71 8 purposes designated:

71 9 For the medical assistance program in addition to the
71 10 appropriation made in section 426B.1, subsection 3, and other
71 11 appropriations made for purposes of the program:

71 12 \$ 624,000

71 13 The appropriation made in this section consists of the
71 14 revenues credited to the property tax relief fund pursuant to
71 15 sections 437A.8 and 437A.15 after November 1, 2007, and before
71 16 April 1, 2008.

71 17 Sec. 49. Section 426B.2, subsection 3, Code 2007, is
71 18 amended to read as follows:

71 19 3. a. The director of human services shall draw warrants
71 20 on the property tax relief fund, payable to the county
71 21 treasurer in the amount due to a county in accordance with

71 22 subsection 1 and mail the warrants to the county auditors in
71 23 July and January of each year.

71 24 b. Any replacement generation tax in the property tax
71 25 relief fund as of ~~November~~ May 1 shall be paid to the county
71 26 treasurers in July and January of the fiscal year beginning
71 27 the following July 1. The department of management shall
71 28 determine the amount each county will be paid pursuant to this
71 29 lettered paragraph for the following fiscal year. The
71 30 department shall reduce by the determined amount the amount of
71 31 each county's certified budget to be raised by property tax
71 32 for that fiscal year which is to be expended for mental
71 33 health, mental retardation, and developmental disabilities
71 34 services and shall revise the rate of taxation as necessary to
71 35 raise the reduced amount. The department of management shall
72 1 report the reduction in the certified budget and the revised
72 2 rate of taxation to the county auditors by June 15.

72 3 Sec. 50. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
72 4 LIVING TRUST FUND FOR FY 2008=2009. Notwithstanding section
72 5 8.33, if moneys appropriated for purposes of the medical
72 6 assistance program for the fiscal year beginning July 1, 2008,
72 7 and ending June 30, 2009, from the general fund of the state,
72 8 the senior living trust fund, the healthy Iowans tobacco trust
72 9 fund, the health care trust fund, and the property tax relief
72 10 fund are in excess of actual expenditures for the medical
72 11 assistance program and remain unencumbered or unobligated at
72 12 the close of the fiscal year, the excess moneys shall not
72 13 revert but shall be transferred to the senior living trust
72 14 fund created in section 249H.4.

72 15 DIVISION III
72 16 MH/MR/DD/BI SERVICES
72 17 ALLOWED GROWTH FUNDING ==
72 18 FY 2008=2009

72 19 Sec. 51. Section 225C.5, subsection 1, Code 2007, is
72 20 amended by adding the following new paragraph:
72 21 NEW PARAGRAPH. ii. One member shall be an active board
72 22 member of an agency serving persons with a substance abuse
72 23 problem selected from nominees submitted by the Iowa
72 24 behavioral health association.

72 25 Sec. 52. NEW SECTION. 225C.19 EMERGENCY MENTAL HEALTH
72 26 CRISIS SERVICES SYSTEM.

72 27 1. For the purposes of this section:
72 28 a. "Emergency mental health crisis services provider"
72 29 means a provider accredited or approved by the department to
72 30 provide emergency mental health crisis services.
72 31 b. "Emergency mental health crisis services system" or
72 32 "services system" means a coordinated array of crisis services
72 33 for providing a response to assist an individual adult or
72 34 child who is experiencing a mental health crisis or who is in
72 35 a situation that is reasonably likely to cause the individual
73 1 to have a mental health crisis unless assistance is provided.

73 2 2. a. The division shall implement an emergency mental
73 3 health crises services system in consultation with counties,
73 4 and community mental health centers and other mental health
73 5 and social service providers, in accordance with this section.
73 6 b. The purpose of the services system is to provide a
73 7 statewide array of time=limited intervention services to
73 8 reduce escalation of crisis situations, relieve the immediate
73 9 distress of individuals experiencing a crisis situation,
73 10 reduce the risk of individuals in a crisis situation doing

73 11 harm to themselves or others, and promote timely access to
73 12 appropriate services for those who require ongoing mental
73 13 health services.

73 14 c. The services system shall be available twenty-four
73 15 hours per day, seven days per week to any individual who is
73 16 determined by self or others to be in a crisis situation,
73 17 regardless of whether the individual has been diagnosed with a
73 18 mental illness or a co-occurring mental illness and substance
73 19 abuse disorder, and shall address all ages, income levels, and
73 20 health coverage statuses.

73 21 d. The goals of an intervention offered by a provider
73 22 under the services system shall include but are not limited to
73 23 symptom reduction, stabilization of the individual receiving
73 24 the intervention, and restoration of the individual to a
73 25 previous level of functioning.

73 26 e. The elements of the services system shall be specified
73 27 in administrative rules adopted by the commission.

73 28 3. The services system elements shall include but are not
73 29 limited to all of the following:

73 30 a. Standards for accrediting or approving emergency mental
73 31 health crisis services providers. Such providers may include
73 32 but are not limited to a community mental health center, a
73 33 provider approved in a waiver adopted by the commission to
73 34 provide services to a county in lieu of a community mental
73 35 health center, a unit of the department or other state agency,
74 1 a county, or any other public or private provider who meets
74 2 the accreditation or approval standards for an emergency
74 3 mental health crisis services provider.

74 4 b. Identification by the division of geographic regions,
74 5 service areas, or other means of distributing and organizing
74 6 the emergency mental health crisis services system to ensure
74 7 statewide availability of the services.

74 8 c. Coordination of emergency mental health crisis services
74 9 with all of the following:

74 10 (1) The district and juvenile courts.

74 11 (2) Law enforcement.

74 12 (3) Judicial district departments of correctional
74 13 services.

74 14 (4) County central point of coordination processes.

74 15 (5) Other mental health, substance abuse, and co-occurring
74 16 mental illness and substance abuse services available through
74 17 the state and counties to serve both children and adults.

74 18 d. Identification of basic services to be provided through
74 19 each accredited or approved emergency mental health crisis
74 20 services provider which may include but are not limited to
74 21 face-to-face crisis intervention, stabilization, support,
74 22 counseling, preadmission screening for individuals who may
74 23 require psychiatric hospitalization, transportation, and
74 24 follow-up services.

74 25 e. Identification of operational requirements for
74 26 emergency mental health crisis services provider accreditation
74 27 or approval which may include providing a telephone hotline,
74 28 mobile crisis staff, collaboration protocols, follow-up with
74 29 community services, information systems, and competency-based
74 30 training.

74 31 4. The division shall initially implement the program
74 32 through a competitive block grant process. The implementation
74 33 shall be limited to the extent of the appropriations provided
74 34 for the program.

74 35 Sec. 53. NEW SECTION. 225C.51 DEFINITIONS.

75 1 For the purposes of this division:

75 2 1. "Child" or "children" means a person or persons under
75 3 eighteen years of age.

75 4 2. "Children's system" or "mental health services system
75 5 for children and youth" means the mental health services
75 6 system for children and youth implemented pursuant to this
75 7 division.

75 8 3. "Functional impairment" means difficulties that
75 9 substantially interfere with or limit a person from achieving
75 10 or maintaining one or more developmentally appropriate social,
75 11 behavioral, cognitive, communicative, or adaptive skills and
75 12 that substantially interfere with or limit the person's role
75 13 or functioning in family, school, or community activities.
75 14 "Functional impairment" includes difficulties of episodic,
75 15 recurrent, and continuous duration. "Functional impairment"
75 16 does not include difficulties resulting from temporary and
75 17 expected responses to stressful events in a person's
75 18 environment.

75 19 4. "Other qualifying mental health disorder" means a
75 20 mental health crisis or any diagnosable mental health disorder
75 21 that is likely to lead to mental health crisis unless there is
75 22 an intervention.

75 23 5. "Serious emotional disturbance" means a diagnosable
75 24 mental, behavioral, or emotional disorder of sufficient
75 25 duration to meet diagnostic criteria specified within the most
75 26 current diagnostic and statistical manual of mental disorders
75 27 published by the American psychiatric association that results
75 28 in a functional impairment. "Serious emotional disturbance"
75 29 does not include substance use and developmental disorders
75 30 unless such disorders co-occur with such a diagnosable mental,
75 31 behavioral, or emotional disorder.

75 32 6. "Youth" means a person eighteen years of age or older
75 33 but under twenty-two years of age who met the criteria for
75 34 having a serious emotional disturbance prior to the age of
75 35 eighteen.

76 1 Sec. 54. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES
76 2 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.

76 3 1. Establishing a comprehensive community-based mental
76 4 health services system for children and youth is part of
76 5 fulfilling the requirements of the division and the commission
76 6 to facilitate a comprehensive, continuous, and integrated
76 7 state mental health services plan in accordance with sections
76 8 225C.4, 225C.6, and 225C.6A, and other provisions of this
76 9 chapter. The purpose of establishing the children's system is
76 10 to improve access for children and youth with serious
76 11 emotional disturbances and youth with other qualifying mental
76 12 health disorders to mental health treatment, services, and
76 13 other support in the least restrictive setting possible so the
76 14 children and youth can live with their families and remain in
76 15 their communities. The children's system is also intended to
76 16 meet the needs of children and youth who have mental health
76 17 disorders that co-occur with substance abuse, mental
76 18 retardation, developmental disabilities, or other
76 19 disabilities. The children's system shall emphasize
76 20 community-level collaborative efforts between children and
76 21 youth and the families and the state's systems of education,
76 22 child welfare, juvenile justice, health care, substance abuse,
76 23 and mental health.

76 24 2. The goals and outcomes desired for the children's
76 25 system shall include but are not limited to all of the
76 26 following:

- 76 27 a. Identifying the mental health needs of children and
76 28 youth.
- 76 29 b. Performing comprehensive assessments of children and
76 30 youth that are designed to identify functional skills,
76 31 strengths, and services needed.
- 76 32 c. Providing timely access to available treatment,
76 33 services, and other support.
- 76 34 d. Offering information and referral services to families
76 35 to address service needs other than mental health.
- 77 1 e. Improving access to needed mental health services by
77 2 allowing children and youth to be served with their families
77 3 in the community.
- 77 4 f. Preventing or reducing utilization of more costly,
77 5 restrictive care by reducing the unnecessary involvement of
77 6 children and youth who have mental health needs and their
77 7 families with law enforcement, the corrections system, and
77 8 detention, juvenile justice, and other legal proceedings;
77 9 reducing the involvement of children and youth with child
77 10 welfare services or state custody; and reducing the placement
77 11 of children and youth in the state juvenile institutions,
77 12 state mental health institutes, or other public or private
77 13 residential psychiatric facilities.
- 77 14 g. Increasing the number of children and youth assessed
77 15 for functional skill levels.
- 77 16 h. Increasing the capacity to develop individualized,
77 17 strengths-based, and integrated treatment plans for children,
77 18 youth, and families.
- 77 19 i. Promoting communications with caregivers and others
77 20 about the needs of children, youth, and families engaged in
77 21 the children's system.
- 77 22 j. Developing the ability to aggregate data and
77 23 information, and to evaluate program, service, and system
77 24 efficacy for children, youth, and families being served on a
77 25 local and statewide basis.
- 77 26 k. Implementing and utilizing outcome measures that are
77 27 consistent with but not limited to the national outcomes
77 28 measures identified by the substance abuse and mental health
77 29 services administration of the United States department of
77 30 health and human services.
- 77 31 l. Identifying children and youth whose mental health or
77 32 emotional condition, whether chronic or acute, represents a
77 33 danger to themselves, their families, school students or
77 34 staff, or the community.

77 35 Sec. 55. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND
78 1 DIVISION == TRANSITION TO ADULT SYSTEM.

- 78 2 1. The department is the lead agency responsible for the
78 3 development, implementation, oversight, and management of the
78 4 mental health services system for children and youth in
78 5 accordance with this chapter. The department's
78 6 responsibilities shall be fulfilled by the division.
- 78 7 2. The division's responsibilities relating to the
78 8 children's system include but are not limited to all of the
78 9 following:

- 78 10 a. Ensuring that the rules adopted for the children's
78 11 system provide that, within the limits of appropriations for
78 12 the children's system, children and youth shall not be

78 13 inappropriately denied necessary mental health services.
78 14 b. Establishing standards for the provision of home and
78 15 community-based mental health treatment, services, and other
78 16 support under the children's system.
78 17 c. Identifying and implementing eligibility criteria for
78 18 the treatment, services, and other support available under the
78 19 children's system.
78 20 d. Ongoing implementation of recommendations identified
78 21 through children's system improvement efforts.
78 22 3. An adult person who met the criteria for having a
78 23 serious emotional disturbance prior to the age of eighteen may
78 24 qualify to continue services through the adult mental health
78 25 system.
78 26 Sec. 56. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES
78 27 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.
78 28 1. The mental health services system for children and
78 29 youth shall be initially implemented by the division
78 30 commencing with the fiscal year beginning July 1, 2008. The
78 31 division shall begin implementation by utilizing a competitive
78 32 bidding process to allocate state block grants to develop
78 33 services through existing community mental health centers,
78 34 providers approved in a waiver adopted by the commission to
78 35 provide services to a county in lieu of a community mental
79 1 health center, and other local service partners. The
79 2 implementation shall be limited to the extent of the
79 3 appropriations provided for the children's system.
79 4 2. In order to maximize federal financial participation in
79 5 the children's system, the division and the department's
79 6 Medicaid program staff shall analyze the feasibility of
79 7 leveraging existing Medicaid options, such as expanding the
79 8 home and community-based services waiver for children's mental
79 9 health services, reviewing the feasibility of implementing
79 10 other Medicaid options such as the federal Tax Equity and
79 11 Financial Responsibility Act of 1982 (TEFRA) option for
79 12 children with severe mental illness or emotional disturbance
79 13 and Medicaid administrative funding, and determining the need
79 14 for service enhancements through revisions to the Medicaid
79 15 state plan and the federal state children's health insurance
79 16 program and the healthy and well kids in Iowa program.
79 17 3. Initial block grants shall support a wide range of
79 18 children, youth, and family services and initiatives including
79 19 but not limited to school-based mental health projects, system
79 20 reviews providing service gap analysis, status studies of the
79 21 mental health needs of children and youth in representative
79 22 areas of the state, and mental health assessment capacity
79 23 development based in public and nonpublic schools and clinical
79 24 settings using standard functional assessment tools. The
79 25 purpose of developing the assessment capacity is to determine
79 26 childrens' and youths' degree of impairment in daily
79 27 functioning due to emotional, behavioral, psychological,
79 28 psychiatric, or substance use problems.
79 29 4. The initial block grants may also support an array of
79 30 programs and services including but not limited to mobile
79 31 crisis intervention services, or other support intended to
79 32 prevent more intensive or in-patient interventions, skills
79 33 training, intensive care coordination, and
79 34 cognitive-behavioral and multisystemic family therapy. In
79 35 addition, support may be provided for prevention-oriented
80 1 services including mental health consultations regarding home

80 2 visits, child welfare, juvenile justice, and maternal and
80 3 child health services, and consultation for preschool
80 4 programs.

80 5 5. The division shall report regularly to the commission,
80 6 general assembly, and governor concerning the implementation
80 7 status of the children's system, including but not limited to
80 8 an annual report submitted each January. The report may
80 9 address funding requirements and statutory amendments
80 10 necessary to further develop the children's system.

80 11 Sec. 57. Section 331.439, subsection 1, paragraph a, Code
80 12 Supplement 2007, is amended to read as follows:

80 13 a. The county accurately reported by December 1 the
80 14 county's expenditures for mental health, mental retardation,
80 15 and developmental disabilities services and the information
80 16 required under section 225C.6A, subsection 2, paragraph "c",
80 17 for the previous fiscal year on forms prescribed by rules
80 18 adopted by the state commission. If the department determines
80 19 good cause exists, the department may extend a deadline
80 20 otherwise imposed under this chapter, chapter 225C, or chapter
80 21 426B for a county's reporting concerning mental health, mental
80 22 retardation, or developmental disabilities services or related
80 23 revenues and expenditures.

80 24 Sec. 58. 2007 Iowa Acts, chapter 215, section 1, is
80 25 amended to read as follows:

80 26 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
80 27 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH
80 28 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.

80 29 1. There is appropriated from the general fund of the
80 30 state to the department of human services for the fiscal year
80 31 beginning July 1, 2008, and ending June 30, 2009, the
80 32 following amount, or so much thereof as is necessary, to be
80 33 used for the purpose designated:

80 34 For distribution to counties of the county mental health,
80 35 mental retardation, and developmental disabilities allowed
81 1 growth factor adjustment for fiscal year 2008=2009, and for
81 2 the brain injury services program in the department of public
81 3 health:
81 4 \$ 64,600,002
81 5 54,081,310

~~81 6 2. The amount appropriated in this section shall be~~
~~81 7 allocated as provided in a later enactment of the general~~
~~81 8 assembly.~~

81 9 2. There is appropriated from the property tax relief fund
81 10 to the department of human services for the fiscal year
81 11 beginning July 1, 2008, and ending June 30, 2009, the
81 12 following amount, or so much thereof as is necessary, to be
81 13 used for the purposes designated:

81 14 For distribution to counties of the county mental health,
81 15 mental retardation, and developmental disabilities allowed
81 16 growth factor adjustment, as provided in this section in lieu
81 17 of the provisions of section 331.438, subsection 2, and
81 18 section 331.439, subsection 3, and chapter 426B:
81 19 \$ 7,592,099

81 20 Sec. 59. 2007 Iowa Acts, chapter 215, section 1, as
81 21 amended by this division of this Act, is amended by adding the
81 22 following new subsections:

81 23 NEW SUBSECTION. 3. Of the amount appropriated in
81 24 subsection 1, \$12,000,000 shall be distributed as provided in
81 25 this subsection.

81 26 a. To be eligible to receive a distribution under this
81 27 subsection, a county must meet the following requirements:
81 28 (1) The county is levying for the maximum amount allowed
81 29 for the county's mental health, mental retardation, and
81 30 developmental disabilities services fund under section
81 31 331.424A for taxes due and payable in the fiscal year
81 32 beginning July 1, 2008, or the county is levying for at least
81 33 90 percent of the maximum amount allowed for the county's
81 34 services fund and that levy rate is more than \$2 per \$1,000 of
81 35 the assessed value of all taxable property in the county.

82 1 (2) In the fiscal year beginning July 1, 2007, the
82 2 county's mental health, mental retardation, and developmental
82 3 disabilities services fund ending balance under generally
82 4 accepted accounting principles was equal to or less than 15
82 5 percent of the county's actual gross expenditures for that
82 6 fiscal year.

82 7 b. A county's allocation of the amount appropriated in
82 8 this subsection shall be determined based upon the county's
82 9 proportion of the general population of the counties eligible
82 10 to receive an allocation under this subsection. The most
82 11 recent population estimates issued by the United States bureau
82 12 of the census shall be applied in determining population for
82 13 the purposes of this paragraph.

82 14 c. The allocations made pursuant to this subsection are
82 15 subject to the distribution provisions and withholding
82 16 requirements established in this section for the county mental
82 17 health, mental retardation, and developmental disabilities
82 18 allowed growth factor adjustment for the fiscal year beginning
82 19 July 1, 2008.

82 20 NEW SUBSECTION. 4. The funding appropriated in this
82 21 section is the allowed growth factor adjustment for fiscal
82 22 year 2008=2009, and shall be credited to the allowed growth
82 23 funding pool created in the property tax relief fund and for
82 24 distribution in accordance with section 426B.5, subsection 1:
82 25 \$ 49,673,409

82 26 NEW SUBSECTION. 5. The following formula amounts shall be
82 27 utilized only to calculate preliminary distribution amounts
82 28 for fiscal year 2008=2009 under this section by applying the
82 29 indicated formula provisions to the formula amounts and
82 30 producing a preliminary distribution total for each county:
82 31 a. For calculation of a distribution amount for eligible
82 32 counties from the allowed growth funding pool created in the
82 33 property tax relief fund in accordance with the requirements
82 34 in section 426B.5, subsection 1:
82 35 \$ 57,337,985

83 1 b. For calculation of a distribution amount for counties
83 2 from the mental health and developmental disabilities (MH/DD)
83 3 community services fund in accordance with the formula
83 4 provided in the appropriation made for the MH/DD community
83 5 services fund for the fiscal year beginning July 1, 2008:
83 6 \$ 17,727,890

83 7 NEW SUBSECTION. 6. After applying the applicable
83 8 statutory distribution formulas to the amounts indicated in
83 9 subsection 5 for purposes of producing preliminary
83 10 distribution totals, the department of human services shall
83 11 apply a withholding factor to adjust an eligible individual
83 12 county's preliminary distribution total. In order to be
83 13 eligible for a distribution under this section, a county must
83 14 be levying seventy percent or more of the maximum amount

83 15 allowed for the county's mental health, mental retardation,
83 16 and developmental disabilities services fund under section
83 17 331.424A for taxes due and payable in the fiscal year for
83 18 which the distribution is payable. An ending balance
83 19 percentage for each county shall be determined by expressing
83 20 the county's ending balance on a modified accrual basis under
83 21 generally accepted accounting principles for the fiscal year
83 22 beginning July 1, 2007, in the county's mental health, mental
83 23 retardation, and developmental disabilities services fund
83 24 created under section 331.424A, as a percentage of the
83 25 county's gross expenditures from that fund for that fiscal
83 26 year. If a county borrowed moneys for purposes of providing
83 27 services from the county's services fund on or before July 1,
83 28 2007, and the county's services fund ending balance for that
83 29 fiscal year includes the loan proceeds or an amount designated
83 30 in the county budget to service the loan for the borrowed
83 31 moneys, those amounts shall not be considered to be part of
83 32 the county's ending balance for purposes of calculating an
83 33 ending balance percentage under this subsection. The
83 34 withholding factor for a county shall be the following
83 35 applicable percent:

84 1 a. For an ending balance percentage of less than 5
84 2 percent, a withholding factor of 0 percent. In addition, a
84 3 county that is subject to this lettered paragraph shall
84 4 receive an inflation adjustment equal to 3 percent of the
84 5 gross expenditures reported for the county's services fund for
84 6 the fiscal year.

84 7 b. For an ending balance percentage of 5 percent or more
84 8 but less than 10 percent, a withholding factor of 0 percent.
84 9 In addition, a county that is subject to this lettered
84 10 paragraph shall receive an inflation adjustment equal to 2
84 11 percent of the gross expenditures reported for the county's
84 12 services fund for the fiscal year.

84 13 c. For an ending balance percentage of 10 percent or more
84 14 but less than 25 percent, a withholding factor of 25 percent.
84 15 However, for counties with an ending balance percentage of 10
84 16 percent or more but less than 15 percent, the amount withheld
84 17 shall be limited to the amount by which the county's ending
84 18 balance was in excess of the ending balance percentage of 10
84 19 percent.

84 20 d. For an ending balance percentage of 25 percent or more,
84 21 a withholding percentage of 100 percent.

84 22 NEW SUBSECTION. 7. The total withholding amounts applied
84 23 pursuant to subsection 6 shall be equal to a withholding
84 24 target amount of \$7,664,576. If the department of human
84 25 services determines that the amount to be withheld in
84 26 accordance with subsection 6 is not equal to the target
84 27 withholding amount, the department shall adjust the
84 28 withholding factors listed in subsection 6 as necessary to
84 29 achieve the target withholding amount. However, in making
84 30 such adjustments to the withholding factors, the department
84 31 shall strive to minimize changes to the withholding factors
84 32 for those ending balance percentage ranges that are lower than
84 33 others and shall not adjust the zero withholding factor or the
84 34 inflation adjustment percentage specified in subsection 6,
84 35 paragraph "a".

85 1 NEW SUBSECTION. 8. It is the intent of the general
85 2 assembly that for distribution of the moneys addressed in this
85 3 section to counties for the fiscal year beginning July 1,

85 4 2009, any factor utilizing services fund ending balances will
85 5 be based upon the fiscal year beginning July 1, 2007, and a
85 6 levy rate will be required for the fiscal year beginning July
85 7 1, 2009, that is at least 90 percent of the maximum allowed
85 8 for the county's mental health, mental retardation, and
85 9 developmental disabilities services fund under section
85 10 331.424A.

85 11 NEW SUBSECTION. 9. a. The department of human services
85 12 may implement a pilot project for a regional service network
85 13 established for mental health, mental retardation, and
85 14 developmental disabilities services paid from the services
85 15 funds under section 331.424A. The initial term of the pilot
85 16 project is limited to the two-year period beginning July 1,
85 17 2008, and ending June 30, 2010.

85 18 b. Under the pilot project, the department may enter into
85 19 an agreement with the counties participating in the pilot
85 20 project to administer a risk-based contract for the mental
85 21 health, mental retardation, and developmental disabilities
85 22 services provided by the participating counties. The pilot
85 23 project provisions may include but are not limited to all of
85 24 the following:

85 25 (1) Pooling of the participating counties services fund
85 26 moneys.

85 27 (2) Pooling of waiver slots for the participating
85 28 counties.

85 29 (3) To the extent allowed under federal requirements,
85 30 decategorizing the funding streams for mental health, mental
85 31 retardation, and developmental disabilities available to the
85 32 counties participating in the pilot project.

85 33 (4) If the department implements a new program,
85 34 initiative, or service addressing the needs of the populations
85 35 receiving services paid for by a county services fund,
86 1 adapting any associated requirements to optimize
86 2 implementation within the pilot project counties.

86 3 c. For purposes of qualifying for the allowed growth and
86 4 MH/DD community services fund moneys distributed under this
86 5 section, the minimum levy and services fund ending balances of
86 6 the counties participating in the pilot project may be
86 7 combined and an average utilized to qualify for the moneys.

86 8 d. For the allowed growth and MH/DD community services
86 9 fund moneys distributed for the fiscal year beginning July 1,
86 10 2009, provided the counties participating in the pilot project
86 11 do not reduce levies below the required percentages, the
86 12 combined percentage of those moneys of such counties shall not
86 13 be less than the combined percentage of such moneys in the
86 14 preceding fiscal year.

86 15 e. A county's participation in the pilot project and the
86 16 provisions of the pilot project must be agreed upon by the
86 17 department and the board of supervisors of each of the
86 18 counties participating in the pilot project.

86 19 f. The department may specify a minimum population level
86 20 and other prerequisites for the consortium of counties
86 21 participating in the pilot project.

86 22 g. The pilot project counties shall provide periodic
86 23 performance and evaluation information to the department,
86 24 governor, and general assembly.

86 25 Sec. 60. COUNTY=STATE SHARED FUNDING FOR MENTAL HEALTH AND
86 26 DISABILITY SERVICES COVERED BY THE MEDICAID PROGRAM.

86 27 1. The legislative council is requested to authorize for

86 28 the 2008 legislative interim a task force to consider
86 29 county=state shared funding for mental health and disability
86 30 services covered by the Medicaid program. The membership of
86 31 the task force should include five legislators from each
86 32 chamber, one member of the mental health, mental retardation,
86 33 developmental disabilities, and brain injury (MH/MR/DD/BI)
86 34 commission; three members of county boards of supervisors,
86 35 with one each from a large, medium, and small population
87 1 county; three staff members from the county central point of
87 2 coordination (CPC) office, with one each from a large, medium,
87 3 and small population county; two individuals representing
87 4 advocacy organizations, one of which shall be the governor's
87 5 developmental disabilities council; one current consumer of
87 6 county MH/MR/DD services; and one MH/MR/DD/BI service provider
87 7 representative from each of the state's five congressional
87 8 districts. The task force shall utilize a facilitator to
87 9 assist the process.

87 10 2. The task force should be charged to review and estimate
87 11 the shared impact for the state and for Iowa counties if
87 12 financial responsibility for the nonfederal share of the costs
87 13 of mental health and disability services covered under the
87 14 Medicaid program is shifted from counties to the state. The
87 15 task force should be charged to develop an eight=year
87 16 transition plan that reflects the shared responsibility of
87 17 costs and service delivery resulting from the shift in
87 18 responsibilities. It is the intent of the general assembly
87 19 that the task force will be formed by June 15, 2008, and meet
87 20 a minimum of four times in 2008.

87 21 3. In addition to legislative staff, representatives of
87 22 the department of management, the Iowa state association of
87 23 counties, the department of human services, association of
87 24 community providers, and Iowa substance abuse program
87 25 directors association shall comprise a team of resource
87 26 experts to the task force.

87 27 4. The task force's final report for consideration by the
87 28 2009 regular session of the general assembly and governor
87 29 shall include findings and recommendations and a service
87 30 delivery and funding transition plan.

87 31 Sec. 61. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

87 32 1. The division of mental health and disability services
87 33 of the department of human services and the mental health,
87 34 mental retardation, developmental disabilities, and brain
87 35 injury commission, shall develop a proposal for updating and
88 1 revising Code chapter 230A, relating to community mental
88 2 health centers, and for revising the accreditation standards
88 3 in rule that would result from the statutory revisions. An
88 4 advisory committee shall be utilized in developing the
88 5 proposal. In addition to interests represented on the
88 6 commission, the advisory committee membership shall include
88 7 but is not limited to representatives of the following: the
88 8 child welfare advisory committee established pursuant to
88 9 section 234.3, the coalition for family and children's
88 10 services in Iowa, the Iowa chapter of the national association
88 11 of social workers, the Iowa psychological society, and the
88 12 Iowa psychiatric society.

88 13 2. The proposal content shall include but is not limited
88 14 to addressing Code chapter 230A requirements in the following
88 15 areas: establishment and support of community mental health
88 16 centers, services offered, consumer and family involvement,

88 17 capability to address co-occurring disorders, forms of
88 18 organization, board of directors, organization meetings,
88 19 duties and powers of directors, center organization as a
88 20 nonprofit entity, annual budget, financial support of centers
88 21 through federal and state block grants, comprehensive
88 22 community mental health programs, target populations to be
88 23 served, emergency mental health crisis services, quality
88 24 improvement programs, use of evidence-based practices, use of
88 25 functional assessments and outcomes measures, establishment of
88 26 standards, and review and evaluation processes.

88 27 3. The proposal, accompanied by findings and
88 28 recommendations, shall be submitted to the governor and
88 29 general assembly on or before December 1, 2008. Until that
88 30 report has been considered and acted upon by the general
88 31 assembly, the division administrator may defer consideration
88 32 of requests for accreditation of a new community mental health
88 33 center or for approval of a provider to fill the role of a
88 34 community mental health center.

88 35 DIVISION IV

89 1 HEALTH CARE TRUST FUND APPROPRIATIONS ==

89 2 HEALTH CARE ACTIVITIES

89 3 Sec. 62. DEPARTMENT OF PUBLIC HEALTH. The allocations
89 4 made in this section may include amounts carried forward from
89 5 appropriations and allocations made for the same purposes in
89 6 the previous fiscal year. In addition to any other
89 7 appropriation made in this Act for the purposes designated,
89 8 there is appropriated from the health care trust fund created
89 9 in section 453A.35A to the department of public health for the
89 10 fiscal year beginning July 1, 2008, and ending June 30, 2009,
89 11 the following amounts, or so much thereof as is necessary, for
89 12 the purposes designated, and for not more than the following
89 13 full-time equivalent positions:

89 14 1. ADDICTIVE DISORDERS

89 15 \$ 3,195,164

89 16 FTEs 5.00

89 17 a. Of the funds appropriated in this subsection, \$450,000
89 18 shall be used for culturally competent substance abuse
89 19 treatment pilot projects.

89 20 (1) The department shall utilize the amount allocated in
89 21 this lettered paragraph for at least three pilot projects to
89 22 provide culturally competent substance abuse treatment in
89 23 various areas of the state. Each pilot project shall target a
89 24 particular ethnic minority population. The populations
89 25 targeted shall include but are not limited to
89 26 African-American, Asian, and Latino.

89 27 (2) The pilot project requirements shall provide for
89 28 documentation or other means to ensure access to the cultural
89 29 competence approach used by a pilot project so that such
89 30 approach can be replicated and improved upon in successor
89 31 programs.

89 32 b. Of the funds appropriated in this subsection,
89 33 \$2,747,754 shall be used for tobacco use prevention,
89 34 cessation, and treatment. The department shall utilize the
89 35 funds to provide for a variety of activities related to
90 1 tobacco use prevention, cessation, and treatment including to
90 2 support Quitline Iowa, QuitNet cessation counseling and
90 3 education, grants to school districts and community
90 4 organizations to support Just Eliminate Lies youth chapters
90 5 and youth tobacco prevention activities, the Just Eliminate

90 6 Lies tobacco prevention media campaign, nicotine replacement
 90 7 therapy, and other prevention and cessation materials and
 90 8 media promotion. Of the funds allocated in this lettered
 90 9 paragraph, \$255,000 may be utilized by the department for
 90 10 administrative purposes.
 90 11 c. Of the funds appropriated in this subsection, \$922,000
 90 12 shall be used for substance abuse treatment activities.
 90 13 2. HEALTHY CHILDREN AND FAMILIES
 90 14 \$ 667,700
 90 15 FTEs 1.00
 90 16 a. Of the funds appropriated in this subsection, \$200,000
 90 17 shall be used to address the healthy mental development of
 90 18 children from birth through five years of age through local
 90 19 evidence-based strategies that engage both the public and
 90 20 private sectors in promoting healthy development, prevention,
 90 21 and treatment for children.
 90 22 b. Of the funds appropriated in this subsection, \$180,000
 90 23 shall be used for childhood obesity prevention.
 90 24 c. Of the funds appropriated in this subsection, \$39,000
 90 25 shall be used for the dental screening of children program
 90 26 pursuant to 2007 Iowa Acts, chapter 146, section 1.
 90 27 d. Of the funds appropriated in this subsection, \$10,000
 90 28 shall be used for public health education and awareness of the
 90 29 children's vision initiatives, including the InfantSee program
 90 30 and the student vision program, administered through a
 90 31 statewide association of optometric professionals for infants
 90 32 and preschool children.
 90 33 e. Of the funds appropriated in this subsection, \$238,500
 90 34 shall be used to provide audiological services and hearing
 90 35 aids for children. The department may enter into a contract
 91 1 to administer this paragraph.
 91 2 f. It is the intent of the general assembly that the
 91 3 department of public health shall implement the
 91 4 recommendations of the postnatal tissue and fluid bank task
 91 5 force created in 2007 Iowa Acts, chapter 147, based upon the
 91 6 report submitted to the general assembly in November 2007, as
 91 7 funding becomes available. The department shall notify the
 91 8 Iowa Code editor and the persons specified in this Act to
 91 9 receive reports when such funding becomes available.
 91 10 3. CHRONIC CONDITIONS
 91 11 \$ 1,164,181
 91 12 FTEs 1.00
 91 13 a. Of the funds appropriated in this subsection, \$473,981
 91 14 shall be used for child health specialty clinics.
 91 15 b. Of the funds appropriated in this subsection, \$500,000
 91 16 shall be used for the comprehensive cancer control program to
 91 17 reduce the burden of cancer in Iowa through prevention, early
 91 18 detection, effective treatment, and ensuring quality of life.
 91 19 The department shall utilize one of the full-time equivalent
 91 20 positions authorized in this subsection for administration of
 91 21 the activities related to the comprehensive cancer control
 91 22 program.
 91 23 c. Of the funds appropriated in this subsection, \$5,000
 91 24 shall be used for the hemophilia advisory council pursuant to
 91 25 chapter 135N.
 91 26 d. Of the funds appropriated in this subsection, \$200,000
 91 27 shall be used for cervical and colon cancer screening.
 91 28 4. COMMUNITY CAPACITY
 91 29 \$ 2,790,000

91 30 FTEs 6.00
91 31 a. Of the funds appropriated in this subsection, \$75,000
91 32 shall be used to further develop and implement at the state
91 33 level, and pilot at the local level, the Iowa public health
91 34 standards approved by the department.
91 35 b. Of the funds appropriated in this subsection, \$200,000
92 1 shall be used for the mental health professional shortage area
92 2 program implemented pursuant to section 135.80.
92 3 c. Of the funds appropriated in this subsection, \$50,000
92 4 shall be used for a grant to a statewide association of
92 5 psychologists that is affiliated with the American
92 6 psychological association to be used for continuation of a
92 7 program to rotate intern psychologists in placements in urban
92 8 and rural mental health professional shortage areas, as
92 9 defined in section 135.80.
92 10 d. Of the funds appropriated in this subsection, the
92 11 following amounts shall be allocated to the Iowa collaborative
92 12 safety net provider network established pursuant to section
92 13 135.153 to be used for the purposes designated:
92 14 (1) For distribution to the Iowa=Nebraska primary care
92 15 association for statewide coordination of the Iowa
92 16 collaborative safety net provider network:
92 17 \$ 100,000
92 18 (2) For distribution to the Iowa family planning network
92 19 agencies for necessary infrastructure, statewide coordination,
92 20 provider recruitment, service delivery, and provision of
92 21 assistance to patients in determining an appropriate medical
92 22 home:
92 23 \$ 100,000
92 24 (3) For distribution to the local boards of health that
92 25 provide direct services for pilot programs in three counties
92 26 to assist patients in determining an appropriate medical home:
92 27 \$ 100,000
92 28 (4) For distribution to maternal and child health centers
92 29 for pilot programs in three counties to assist patients in
92 30 determining an appropriate medical home:
92 31 \$ 100,000
92 32 (5) For distribution to free clinics for necessary
92 33 infrastructure, statewide coordination, provider recruitment,
92 34 service delivery, and provision of assistance to patients in
92 35 determining an appropriate medical home:
93 1 \$ 250,000
93 2 (6) For distribution to rural health clinics for necessary
93 3 infrastructure, statewide coordination, provider recruitment,
93 4 service delivery, and provision of assistance to patients in
93 5 determining an appropriate medical home:
93 6 \$ 150,000
93 7 (7) For continuation of the safety net provider patient
93 8 access to specialty health care initiative as described in
93 9 2007 Iowa Acts, ch. 218, section 109:
93 10 \$ 400,000
93 11 (8) For continuation of the pharmaceutical infrastructure
93 12 for safety net providers as described in 2007 Iowa Acts, ch.
93 13 218, section 108:
93 14 \$ 400,000
93 15 The Iowa collaborative safety net provider network may
93 16 continue to distribute funds allocated pursuant to this
93 17 paragraph "d" through existing contracts or renewal of
93 18 existing contracts.

93 19 e. Of the funds appropriated in this subsection, \$650,000
93 20 shall be used for the incubation grant program to community
93 21 health centers that receive a total score of 85 based on the
93 22 evaluation criteria of the health resources and services
93 23 administration of the United States department of health and
93 24 human services.

93 25 f. Of the funds appropriated in this subsection, \$75,000
93 26 shall be used for implementation of the recommendations of the
93 27 direct care worker task force established pursuant to 2005
93 28 Iowa Acts, chapter 88, based upon the report submitted to the
93 29 governor and the general assembly in December 2006.

93 30 g. Of the funds appropriated in this subsection, \$140,000
93 31 shall be used for allocation to an independent statewide
93 32 direct care worker association for education, outreach,
93 33 leadership development, mentoring, and other initiatives
93 34 intended to enhance the recruitment and retention of direct
93 35 care workers in health and long-term care.

94 1 h. The department shall utilize one of the full-time
94 2 equivalent positions authorized in this subsection for
94 3 administration of the activities related to the Iowa
94 4 collaborative safety net provider network.

94 5 i. The department shall utilize one of the full-time
94 6 equivalent positions authorized in this subsection for
94 7 administration of the voluntary health care provider program
94 8 pursuant to section 135.24.

94 9 Sec. 63. DEPARTMENT OF HUMAN SERVICES. In addition to any
94 10 other appropriation made in this Act for the purposes
94 11 designated, there is appropriated from the health care trust
94 12 fund created in section 453A.35A to the department of human
94 13 services for the fiscal year beginning July 1, 2008, and
94 14 ending June 30, 2009, the following amounts, or so much
94 15 thereof as is necessary, for the purposes designated:

94 16 1. MEDICAL ASSISTANCE

94 17 \$114,943,296

94 18 Of the funds appropriated in this subsection, \$250,000
94 19 shall be used for the grant to the Iowa healthcare
94 20 collaborative as described in section 135.40.

94 21 2. MH/MR/DD ALLOWED GROWTH FACTOR

94 22 \$ 7,592,099

94 23 The funds appropriated in this subsection shall be credited
94 24 to the property tax relief fund created in section 426B.1.

94 25 Sec. 64. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE
94 26 COMPETENCIES.

94 27 1. The department of public health shall continue during
94 28 the fiscal year beginning July 1, 2008, the collaborative work
94 29 with the departments of corrections, education, elder affairs,
94 30 and human services, and other state agencies, commenced
94 31 pursuant to 2007 Iowa Acts, ch. 218, section 111, to enhance
94 32 the workforce competencies of professional and direct care
94 33 staff who provide behavioral health services, including but
94 34 not limited to all of the following:

94 35 a. Treatment of persons with co-occurring mental health
95 1 and substance use disorders.

95 2 b. Treatment of children with mental health or substance
95 3 use disorders.

95 4 c. Treatment of persons with serious mental illness.

95 5 d. Treatment of veterans of United States or Iowa military
95 6 service with mental health or substance use disorders.

95 7 e. Treatment of older adults with mental health or

95 8 substance use disorders.
95 9 2. The department's collaborative effort shall utilize the
95 10 findings of the substance abuse and mental health services
95 11 administration of the United States department of health and
95 12 human services and materials developed by the Annapolis
95 13 coalition on the behavioral health workforce in planning and
95 14 implementing efforts to enhance the competency-based training
95 15 of the state's behavioral health workforce.

95 16 DIVISION V

95 17 APPROPRIATION=RELATED CHANGES == EFFECTIVE DATE

95 18 Sec. 65. Section 35D.18, subsection 5, Code 2007, is
95 19 amended to read as follows:

95 20 5. Notwithstanding section 8.33, ~~up to five hundred~~
~~95 21 thousand dollars of any balance in the Iowa veterans home~~
95 22 ~~revenue annual appropriation or revenues that remain remains~~
95 23 unencumbered or unobligated at the close of the fiscal year
95 24 shall not revert but shall remain available for expenditure
95 25 for specified purposes of the Iowa veterans home until the
95 26 close of the succeeding fiscal year.

95 27 JUVENILE DETENTION HOME FUND

95 28 Sec. 66. HEALTHY IOWANS TOBACCO TRUST. There is
95 29 appropriated from the healthy Iowans tobacco trust created in
95 30 section 12.65, to the department of human services for the
95 31 fiscal year beginning July 1, 2007, and ending June 30, 2008,
95 32 for deposit in the juvenile detention home fund created in
95 33 section 232.142:

95 34 \$ 1,000,000

95 35 CHILD WELFARE DECATEGORYIZATION

96 1 FY 2006=2007 NONREVERSION

96 2 Sec. 67. 2006 Iowa Acts, chapter 1184, section 17,
96 3 subsection 4, is amended by adding the following new
96 4 unnumbered paragraph:

96 5 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188,
96 6 subsection 5, moneys from the allocations made in this
96 7 subsection or made from any other source for the
96 8 decategorization of child welfare and juvenile justice funding
96 9 initiative under section 232.188, that are designated as
96 10 carryover funding and that remain unencumbered or unobligated
96 11 at the close of the fiscal year beginning July 1, 2007, shall
96 12 not revert but shall remain available for expenditure until
96 13 the close of the succeeding fiscal year to be used for the
96 14 purposes of continuing the initiative in the succeeding fiscal
96 15 year.

96 16 VIETNAM CONFLICT VETERANS BONUS FUND

96 17 Sec. 68. 2007 Iowa Acts, chapter 176, section 3, is
96 18 amended by adding the following new unnumbered paragraph:

96 19 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
96 20 moneys appropriated in this section that remain unencumbered
96 21 or unobligated at the close of the fiscal year shall not
96 22 revert but shall remain available for expenditure for the
96 23 purposes designated until the close of the succeeding fiscal
96 24 year.

96 25 INJURED VETERANS GRANT PROGRAM

96 26 Sec. 69. 2006 Iowa Acts, chapter 1184, section 5, as
96 27 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection
96 28 4, unnumbered paragraph 2, is amended to read as follows:

96 29 Notwithstanding section 8.33, moneys appropriated in this
96 30 subsection that remain unencumbered or unobligated at the
96 31 close of the fiscal year shall not revert but shall remain

96 32 available for expenditure for the purposes designated until
96 33 the close of the ~~succeeding~~ fiscal year beginning July 1,
96 34 2008.

96 35 DEPARTMENT OF ELDER AFFAIRS == LIVABLE
97 1 COMMUNITY INITIATIVE

97 2 Sec. 70. 2007 Iowa Acts, chapter 215, section 32, is
97 3 amended by adding the following new subsection:
97 4 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
97 5 appropriated in this section that remain unencumbered or
97 6 unobligated at the close of the fiscal year shall not revert
97 7 but shall remain available for expenditure for the purposes
97 8 designated until the close of the succeeding fiscal year.

97 9 CHRONIC CONDITIONS == PKU

97 10 Sec. 71. 2007 Iowa Acts, chapter 218, section 2,
97 11 subsection 3, unnumbered paragraph 2, is amended to read as
97 12 follows:

97 13 Of the funds appropriated in this subsection, \$100,000
97 14 shall be used as additional funding to provide grants to
97 15 individual patients who have phenylketonuria (PKU) to assist
97 16 with the costs of necessary special foods. Notwithstanding
97 17 section 8.33, moneys appropriated in this subsection and
97 18 allocated in this paragraph that remain unencumbered or
97 19 unobligated at the close of the fiscal year shall not revert
97 20 but shall remain available for expenditure for the purposes
97 21 designated until the close of the succeeding fiscal year.

97 22 PUBLIC PROTECTION == ANTIVIRAL STOCKPILE

97 23 Sec. 72. 2007 Iowa Acts, chapter 218, section 2,
97 24 subsection 8, paragraph d, is amended to read as follows:
97 25 d. Of the funds appropriated in this subsection, \$150,000
97 26 shall be used for management of the antiviral stockpile.
97 27 Notwithstanding section 8.33, moneys appropriated in this
97 28 subsection and allocated in this paragraph that remain
97 29 unencumbered or unobligated at the close of the fiscal year
97 30 shall not revert but shall remain available for expenditure
97 31 for the purposes designated until the close of the succeeding
97 32 fiscal year.

97 33 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

97 34 Sec. 73. 2007 Iowa Acts, chapter 218, section 4,
97 35 subsection 1, is amended by adding the following new
98 1 unnumbered paragraph:

98 2 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up
98 3 to \$100,000 of the moneys appropriated in this subsection that
98 4 remain unencumbered or unobligated at the close of the fiscal
98 5 year shall not revert but shall remain available for
98 6 expenditure for the purposes designated in this paragraph
98 7 until the close of the succeeding fiscal year. The purposes
98 8 shall include the sign for the veterans cemetery and other
98 9 necessary expenses.

98 10 COUNTY GRANT PROGRAM

98 11 Sec. 74. 2007 Iowa Acts, chapter 218, section 4,
98 12 subsection 4, unnumbered paragraph 3, is amended to read as
98 13 follows:

98 14 Notwithstanding section 8.33, moneys appropriated in this
98 15 subsection that remain unencumbered or unobligated at the
98 16 close of the fiscal year shall not revert ~~to the fund from~~
~~98 17 which appropriated but shall be credited to the veterans trust~~
~~98 18 fund but shall remain available for expenditure for the~~
98 19 purposes designated until the close of the succeeding fiscal
98 20 year.

98 21 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
98 22 BLOCK GRANT == CHILD CARE
98 23 Sec. 75. 2007 Iowa Acts, chapter 218, section 7,
98 24 subsections 1 and 7, are amended to read as follows:
98 25 1. To be credited to the family investment program account
98 26 and used for assistance under the family investment program
98 27 under chapter 239B:
98 28 \$ ~~36,890,944~~
98 29 28,390,944
98 30 7. For state child care assistance:
98 31 \$ ~~18,986,177~~
98 32 27,486,177
98 33 a. Of the funds appropriated in this subsection, up to
98 34 \$18,986,177 shall be transferred to the child care and
98 35 development block grant appropriation made for the federal
99 1 fiscal year beginning October 1, 2007, and ending September
99 2 30, 2008, in 2007 Iowa Acts, ch. 204, section 14. Of this
99 3 amount, \$200,000 shall be used for provision of educational
99 4 opportunities to registered child care home providers in order
99 5 to improve services and programs offered by this category of
99 6 providers and to increase the number of providers. The
99 7 department may contract with institutions of higher education
99 8 or child care resource and referral centers to provide the
99 9 educational opportunities. Allowable administrative costs
99 10 under the contracts shall not exceed 5 percent. The
99 11 application for a grant shall not exceed two pages in length.
99 12 b. ~~The~~ Any funds appropriated in this subsection ~~shall be~~
99 13 ~~transferred to the child care and development block grant~~
99 14 ~~appropriation that remain unallocated shall be used for state~~
99 15 ~~child care assistance payments for individuals enrolled in the~~
99 16 ~~family investment program who are employed.~~
99 17 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
99 18 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
99 19 Sec. 76. 2007 Iowa Acts, chapter 218, section 7,
99 20 subsection 3, is amended by adding the following new
99 21 unnumbered paragraph:
99 22 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
99 23 moneys appropriated in this subsection that remain
99 24 unencumbered or unobligated at the close of the fiscal year
99 25 shall not revert but shall remain available for expenditure
99 26 for the purposes designated until the close of the succeeding
99 27 fiscal year. However, unless such moneys are encumbered or
99 28 obligated on or before September 30, 2008, the moneys shall
99 29 revert.
99 30 FAMILY INVESTMENT PROGRAM == TRANSITIONAL BENEFITS
99 31 Sec. 77. 2007 Iowa Acts, chapter 218, section 8,
99 32 subsection 4, paragraph d, is amended to read as follows:
99 33 ~~d. For developing and implementing a new program to~~
99 34 ~~provide transitional benefits to families with members who are~~
99 35 ~~employed at the time the family leaves the family investment~~
100 1 ~~program in accordance with section 239B.11A, as enacted by~~
100 2 ~~this Act:~~
100 3 \$ ~~2,000,000~~
100 4 ~~The department may adopt emergency rules to implement the~~
100 5 ~~new program.~~
100 6 CHILDREN'S HEALTH INSURANCE PROGRAM
100 7 Sec. 78. 2007 Iowa Acts, chapter 218, section 15, is
100 8 amended by adding the following new subsection:
100 9 NEW SUBSECTION. 4. Notwithstanding sections 8.33 and

100 10 514I.11, up to \$441,000 of the moneys appropriated in this
100 11 section that remain unencumbered or unobligated at the close
100 12 of the fiscal year shall not revert to any other fund but
100 13 shall instead be transferred to the appropriation made in
100 14 section 16 of this Act for child care assistance to be used
100 15 for the state child care assistance program until the close of
100 16 the succeeding fiscal year.

100 17 CHILD AND FAMILY SERVICES

100 18 TRANSFER FOR CHILD CARE

100 19 Sec. 79. 2007 Iowa Acts, chapter 218, section 18,
100 20 subsection 3, is amended to read as follows:

100 21 3. The department may transfer funds appropriated in this
100 22 section as necessary to pay the nonfederal costs of services
100 23 reimbursed under the medical assistance program, the state
100 24 child care assistance program, or the family investment
100 25 program which are provided to children who would otherwise
100 26 receive services paid under the appropriation in this section.
100 27 The department may transfer funds appropriated in this section
100 28 to the appropriations in this division of this Act for general
100 29 administration and for field operations for resources
100 30 necessary to implement and operate the services funded in this
100 31 section.

100 32 CHILD AND FAMILY SERVICES FY 2007=2008

100 33 Sec. 80. 2007 Iowa Acts, chapter 218, section 18, is
100 34 amended by adding the following new subsection:

100 35 NEW SUBSECTION. 5A. Notwithstanding sections 8.33 and
101 1 232.188, up to \$6,600,000 of the funds appropriated in this
101 2 section that could otherwise be designated as carryover
101 3 funding under section 232.188 and that would remain
101 4 unencumbered or unobligated at the close of the fiscal year
101 5 shall instead be transferred to the appropriation made in
101 6 section 16 of this Act for child care assistance to be used
101 7 for the state child care assistance program until the close of
101 8 the succeeding fiscal year.

101 9 CHILD AND FAMILY SERVICES

101 10 PROTECTIVE CHILD CARE

101 11 Sec. 81. 2007 Iowa Acts, chapter 218, section 18,
101 12 subsection 9, is amended to read as follows:

101 13 9. Of the funds appropriated in this section, at least
101 14 \$3,696,285 shall be used for protective child care assistance.

101 15 JUVENILE DETENTION FUNDING

101 16 Sec. 82. 2007 Iowa Acts, chapter 218, section 20, is
101 17 amended to read as follows:

101 18 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys deposited
101 19 in the juvenile detention home fund created in section 232.142
101 20 during the fiscal year beginning July 1, 2007, and ending June
101 21 30, 2008, are appropriated to the department of human services
101 22 for the fiscal year beginning July 1, 2007, and ending June
101 23 30, 2008, for distribution as follows:

101 24 1. ~~An~~ The following amount which is equal to more than 10
101 25 percent of the costs of the establishment, improvement,
101 26 operation, and maintenance of county or multicounty juvenile
101 27 detention homes in the fiscal year beginning July 1, 2006.
101 28 Moneys appropriated for distribution in accordance with this
101 29 subsection shall be allocated among eligible detention homes,
101 30 prorated on the basis of an eligible detention home's
101 31 proportion of the costs of all eligible detention homes in the
101 32 fiscal year beginning July 1, 2006. ~~Notwithstanding section~~
101 33 ~~232.142, subsection 3, the financial aid payable by the state~~

101 34 under that provision for the fiscal year beginning July 1,
101 35 2007, shall be limited to the amount appropriated for the
102 1 purposes of this subsection.:

102 2 \$ 3,764,041

102 3 2. For renewal of a grant to a county with a population
102 4 between 189,000 and 196,000 in the latest preceding certified
102 5 federal census for implementation of the county's runaway
102 6 treatment plan under section 232.195:

102 7 \$ 80,000

102 8 3. For continuation and expansion of the community
102 9 partnership for child protection sites:
102 10 \$ 418,000

102 11 4. For continuation of the department's minority youth and
102 12 family projects under the redesign of the child welfare
102 13 system:

102 14 \$ 375,000

102 15 5. For funding of the state match for the federal
102 16 substance abuse and mental health services administration
102 17 (SAMHSA) system of care grant:

102 18 \$ 400,000

102 19 300,000

102 20 ~~6. For transfer to the appropriation made in this Act for~~
102 21 ~~child and family services to supplement the statewide~~
102 22 ~~expenditure target amount under section 232.143 designated in~~
102 23 ~~the appropriation made in this Act for child and family~~
102 24 ~~services:~~

102 25 ~~\$ 1,324,000~~

102 26 ~~7. For training of nonlicensed relatives caring for~~
102 27 ~~children in the child welfare system:~~

102 28 ~~\$ 276,000~~

102 29 ~~8. 6. The remainder for additional allocations to county~~
102 30 ~~or multicounty juvenile detention homes, in accordance with~~
102 31 ~~the distribution requirements of subsection 1 shall be~~
102 32 ~~credited to the appropriation made in section 18 of this Act~~
102 33 ~~for child and family services to supplement the statewide~~
102 34 ~~expenditure target amount under section 232.143 designated in~~
102 35 ~~that appropriation. Notwithstanding section 8.33, moneys~~
103 1 ~~credited pursuant to this subsection that remain unencumbered~~
103 2 ~~or unobligated at the close of the fiscal year shall not~~
103 3 ~~revert but shall remain available for expenditure for caseload~~
103 4 ~~growth in the preparation for adult living program pursuant to~~
103 5 ~~section 234.46 until the close of the succeeding fiscal year.~~

103 6 MI/MR/DD STATE CASES

103 7 ADDICTIVE DISORDERS

103 8 Sec. 83. 2007 Iowa Acts, chapter 218, section 25,
103 9 subsection 3, is amended to read as follows:

103 10 3. Notwithstanding section 8.33, moneys appropriated in
103 11 this section that remain unencumbered or unobligated at the
103 12 close of the fiscal year shall not revert but shall remain
103 13 available for expenditure for the purposes designated until
103 14 the close of the succeeding fiscal year. The first \$300,000
103 15 of such moneys shall be transferred to the appropriation made
103 16 from the general fund of the state to the department of public
103 17 health for addictive disorders for the fiscal year beginning
103 18 July 1, 2008, to be used for substance abuse treatment
103 19 activities.

103 20 MH/DD COMMUNITY SERVICES FUND

103 21 TRANSFER FOR ADDICTIVE DISORDERS

103 22 Sec. 84. 2007 Iowa Acts, chapter 218, section 26,

103 23 subsection 6, is amended to read as follows:

103 24 6. Of the funds appropriated in this section, \$260,000 is
103 25 allocated to the department for continuing the development of
103 26 an assessment process for use beginning in a subsequent fiscal
103 27 year as authorized specifically by a statute to be enacted in
103 28 a subsequent fiscal year, determining on a consistent basis
103 29 the needs and capacities of persons seeking or receiving
103 30 mental health, mental retardation, developmental disabilities,
103 31 or brain injury services that are paid for in whole or in part
103 32 by the state or a county. The assessment process shall be
103 33 developed with the involvement of counties and the mental
103 34 health, mental retardation, developmental disabilities, and
103 35 brain injury commission. Notwithstanding section 8.33, moneys
104 1 allocated in this subsection that remain unencumbered or
104 2 unobligated at the close of the fiscal year shall not revert
104 3 but shall be transferred to the appropriation made from the
104 4 general fund of the state to the department of public health
104 5 for addictive disorders for the fiscal year beginning July 1,
104 6 2008, to be used for substance abuse treatment activities.

104 7 SEXUALLY VIOLENT PREDATORS

104 8 Sec. 85. 2007 Iowa Acts, chapter 218, section 27, is
104 9 amended by adding the following new subsection:

104 10 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
104 11 appropriated in this section that remain unencumbered or
104 12 unobligated at the close of the fiscal year shall not revert
104 13 but shall remain available for expenditure for the purposes
104 14 designated until the close of the succeeding fiscal year.

104 15 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

104 16 Sec. 86. 2007 Iowa Acts, chapter 218, section 28, is
104 17 amended by adding the following new subsection:

104 18 NEW SUBSECTION. 4. Notwithstanding section 8.33, up to
104 19 \$1,500,000 of the moneys appropriated in this section that
104 20 remain unencumbered or unobligated at the close of the fiscal
104 21 year shall not revert but shall remain available for
104 22 expenditure for the purposes designated until the close of the
104 23 succeeding fiscal year.

104 24 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION

104 25 Sec. 87. 2007 Iowa Acts, chapter 218, section 29, is
104 26 amended by adding the following new subsections:

104 27 NEW SUBSECTION. 4. Of the funds appropriated in this
104 28 section, \$1,000,000 is transferred to the juvenile detention
104 29 home fund created in section 232.142.

104 30 NEW SUBSECTION. 5. Notwithstanding section 8.33, up to
104 31 \$110,000 of the moneys appropriated in this section that
104 32 remain unencumbered or unobligated at the close of the fiscal
104 33 year shall not revert but shall remain available for
104 34 expenditure for the purposes designated until the close of the
104 35 succeeding fiscal year.

105 1 ADJUSTMENT OF PHARMACY DISPENSING FEE

105 2 Sec. 88. 2007 Iowa Acts, chapter 218, section 31,
105 3 subsection 1, paragraph b, is amended to read as follows:

105 4 b. ~~(1)~~ For the fiscal year beginning July 1, 2007, the
105 5 department shall reimburse pharmacy dispensing fees using a
105 6 single rate of \$4.52 per prescription, or the pharmacy's usual
105 7 and customary fee, whichever is lower.

105 8 ~~(2) Beginning July 1, 2007, the department of human~~
105 9 ~~services shall adopt rules, pursuant to chapter 17A, to~~
105 10 ~~provide for the adjustment of the pharmacy dispensing fee to~~
105 11 ~~compensate for any reduction in the drug product cost~~

105 12 reimbursement resulting from implementation of the average
105 13 manufacturer price reimbursement standards for multisource
105 14 generic drug products imposed pursuant to the federal Deficit
105 15 Reduction Act of 2005, Pub. L. No. 109-171. In implementing
105 16 the reimbursement, the department may adjust the reimbursement
105 17 amount as necessary to provide reimbursement within the state
105 18 funding appropriated for the fiscal year beginning July 1,
105 19 2007, and ending June 30, 2008, for this purpose. The
105 20 department shall submit a medical assistance state plan
105 21 amendment to the centers for Medicare and Medicaid services of
105 22 the United States department of health and human services as
105 23 necessary to implement this subparagraph (2).

105 24 PHARMACEUTICAL SETTLEMENT ACCOUNT

105 25 Sec. 89. 2007 Iowa Acts, chapter 218, section 72, is
105 26 amended to read as follows:

105 27 SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
105 28 appropriated from the pharmaceutical settlement account
105 29 created in section 249A.33 to the department of human services
105 30 for the fiscal year beginning July 1, 2007, and ending June
105 31 30, 2008, the following amount, or so much thereof as is
105 32 necessary, to be used for the purpose designated:

105 33 To supplement the appropriations made for medical contracts
105 34 under the medical assistance program:

105 35 \$ 1,323,833
106 1 1,349,833

106 2 Of the funds appropriated in this section, notwithstanding
106 3 section 249A.33, \$26,000 is transferred to the appropriation
106 4 made in this Act from the general fund of the state to the
106 5 department of public health for chronic conditions to be used
106 6 for the center for congenital and inherited disorders
106 7 established pursuant to section 136A.3.

106 8 IOWACARE COSTS

106 9 Sec. 90. 2007 Iowa Acts, chapter 218, section 74, is
106 10 amended by adding the following new subsections:

106 11 NEW SUBSECTION. 8. For payment to the publicly owned
106 12 acute care teaching hospital located in a county with a
106 13 population of over 350,000 included in the expansion
106 14 population provider network pursuant to chapter 249J:

106 15 \$ 230,000

106 16 Disbursements under this subsection shall be made monthly.
106 17 The hospital shall submit a report following the close of the
106 18 fiscal year regarding use of the funds appropriated in this
106 19 subsection to the persons specified in this Act to receive
106 20 reports.

106 21 NEW SUBSECTION. 9. For the medical assistance program
106 22 only to the extent all other appropriations made for the
106 23 program are insufficient:

106 24 \$ 2,500,000

106 25 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

106 26 Sec. 91. 2006 Iowa Acts, chapter 1185, section 1,
106 27 subsection 2, as amended by 2007 Iowa Acts, chapter 218,
106 28 section 83, subsection 2, paragraph c, is amended by adding
106 29 the following new unnumbered paragraph:

106 30 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
106 31 law to the contrary, moneys that were transferred to the
106 32 department of public health pursuant to this paragraph "c"
106 33 that remain unencumbered or unobligated at the close of the
106 34 fiscal year shall not revert but shall instead be transferred
106 35 to the department of human services to the appropriation made

107 1 for the medical assistance program in 2007 Iowa Acts, chapter
107 2 218, section 11. Notwithstanding section 8.33, the
107 3 transferred moneys shall not revert at the close of the fiscal
107 4 year but shall instead remain available to be used for the
107 5 medical assistance program in the succeeding fiscal year.

107 6 HEALTH CARE TRUST FUND

107 7 DEPARTMENT OF PUBLIC HEALTH == ADDICTIVE DISORDERS

107 8 Sec. 92. 2007 Iowa Acts, chapter 218, section 97,
107 9 subsection 1, is amended by adding the following new
107 10 paragraph:

107 11 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
107 12 appropriated and allocated in this subsection that remain
107 13 unencumbered or unobligated at the close of the fiscal year
107 14 shall not revert but shall remain available for expenditure
107 15 for the purposes designated until the close of the succeeding
107 16 fiscal year.

107 17 HEALTH CARE TRUST FUND == DEPARTMENT OF

107 18 PUBLIC HEALTH == HEALTHY CHILDREN AND FAMILIES

107 19 Sec. 93. 2007 Iowa Acts, chapter 218, section 97,
107 20 subsection 2, is amended by adding the following new
107 21 paragraph:

107 22 NEW PARAGRAPH. g. Notwithstanding section 8.33, moneys
107 23 appropriated and allocated in this subsection that remain
107 24 unencumbered or unobligated at the close of the fiscal year
107 25 shall not revert but shall remain available for expenditure
107 26 for the purposes designated until the close of the succeeding
107 27 fiscal year.

107 28 HEALTH CARE TRUST FUND == DEPARTMENT OF

107 29 PUBLIC HEALTH == CHRONIC CONDITIONS

107 30 Sec. 94. 2007 Iowa Acts, chapter 218, section 97,
107 31 subsection 3, is amended by adding the following new
107 32 paragraph:

107 33 NEW PARAGRAPH. dd. Notwithstanding section 8.33, moneys
107 34 appropriated and allocated in this subsection that remain
107 35 unencumbered or unobligated at the close of the fiscal year
108 1 shall not revert but shall remain available for expenditure
108 2 for the purposes designated until the close of the succeeding
108 3 fiscal year.

108 4 HEALTH CARE TRUST FUND == DEPARTMENT OF

108 5 HUMAN SERVICES == STATE CHILDREN'S

108 6 HEALTH INSURANCE PROGRAM

108 7 Sec. 95. 2007 Iowa Acts, chapter 218, section 98,
108 8 subsection 2, is amended by adding the following new
108 9 paragraph:

108 10 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
108 11 appropriated in this subsection that are allocated for
108 12 outreach and remain unencumbered or unobligated at the close
108 13 of the fiscal year, shall not revert but shall remain
108 14 available for expenditure for the purposes designated until
108 15 the close of the succeeding fiscal year.

108 16 Sec. 96. Section 239B.11A, Code Supplement 2007, is
108 17 repealed.

108 18 Sec. 97. EFFECTIVE DATE. This division of this Act, being
108 19 deemed of immediate importance, takes effect upon enactment.

108 20 DIVISION VI

108 21 PRIOR YEAR APPROPRIATION CHANGES

108 22 Sec. 98. 2007 Iowa Acts, chapter 214, section 9,
108 23 subsection 2, paragraph b, is amended to read as follows:

108 24 b. Psychiatric hospital

108 25 For salaries, support, maintenance, equipment,
108 26 miscellaneous purposes, for the care, treatment, and
108 27 maintenance of committed and voluntary public patients, and
108 28 for not more than the following full-time equivalent
108 29 positions:

108 30	\$	7,043,056
108 31		0
108 32	FTEs	269.65

108 33 Sec. 99. 2007 Iowa Acts, chapter 215, section 15,
108 34 unnumbered paragraph 1, is amended to read as follows:

108 35 There is appropriated from the general fund of the state to
109 1 the salary adjustment fund for distribution by the department
109 2 of management to the various state departments, boards,
109 3 commissions, councils, and agencies, including the state board
109 4 of regents except as otherwise provided, and the judicial
109 5 branch, for the fiscal year beginning July 1, 2007, and ending
109 6 June 30, 2008, the amount of ~~\$106,848,094~~ \$106,569,196, or so
109 7 much thereof as may be necessary, to fully fund annual pay
109 8 adjustments, expense reimbursements, and related benefits
109 9 implemented pursuant to the following:

109 10 Sec. 100. 2007 Iowa Acts, chapter 215, section 15, is
109 11 amended by adding the following new subsection:

109 12 NEW SUBSECTION. 16. The amount distributed to the state
109 13 psychiatric hospital administered by the state board of
109 14 regents from the appropriation in this section shall be
109 15 reduced to zero.

109 16 Sec. 101. 2007 Iowa Acts, chapter 218, section 11,
109 17 unnumbered paragraph 2, is amended to read as follows:

109 18 For medical assistance reimbursement and associated costs
109 19 as specifically provided in the reimbursement methodologies in
109 20 effect on June 30, 2007, except as otherwise expressly
109 21 authorized by law, including reimbursement for abortion
109 22 services, which shall be available under the medical
109 23 assistance program only for those abortions which are
109 24 medically necessary:

109 25	\$	616,771,820
109 26		<u>631,593,774</u>

109 27 Sec. 102. 2007 Iowa Acts, chapter 218, section 11, is
109 28 amended by adding the following new subsections:

109 29 NEW SUBSECTION. 17. a. Of the funds appropriated in this
109 30 section, \$2,797,719 is allocated for state match for
109 31 disproportionate share hospital payment of \$7,321,954 to
109 32 hospitals that meet both of the following conditions:

109 33 (1) The hospital qualifies for disproportionate share and
109 34 graduate medical education payments.

109 35 (2) The hospital is an Iowa state-owned hospital with more
110 1 than 500 beds and eight or more distinct residency specialty
110 2 or subspecialty programs recognized by the American college of
110 3 graduate medical education.

110 4 b. Distribution of the disproportionate share payment
110 5 shall be made on a monthly basis. The total amount of
110 6 disproportionate share payments including graduate medical
110 7 education, enhanced disproportionate share, and Iowa
110 8 state-owned teaching hospital payments shall not exceed the
110 9 amount of the state's allotment under Pub. L. No. 102=234. In
110 10 addition, the total amount of all disproportionate share
110 11 payments shall not exceed the hospital-specific
110 12 disproportionate share limits under Pub. L. No. 103=66.

110 13 NEW SUBSECTION. 18. Of the funds appropriated in this

110 14 section, \$4,524,235 is transferred to the IowaCare account
110 15 created in section 249J.24 for the fiscal year beginning July
110 16 1, 2007, and ending June 30, 2008.

110 17 NEW SUBSECTION. 19. The department shall immediately
110 18 notify the governor and the general assembly of any changes in
110 19 federal policies or application of policies that impact the
110 20 distribution of hospital disproportionate share payments.

110 21 Sec. 103. 2007 Iowa Acts, chapter 218, section 73,
110 22 subsection 2, is amended to read as follows:

110 23 2. There is appropriated from the IowaCare account created
110 24 in section 249J.24 to the state board of regents for
110 25 distribution to the university of Iowa hospitals and clinics
110 26 for the fiscal year beginning July 1, 2007, and ending June
110 27 30, 2008, the following amount, or so much thereof as is
110 28 necessary, to be used for the purposes designated:

110 29 For salaries, support, maintenance, equipment, and
110 30 miscellaneous purposes, for the provision of medical and
110 31 surgical treatment of indigent patients, for provision of
110 32 services to members of the expansion population pursuant to
110 33 chapter 249J, and for medical education:

110 34 \$ ~~10,000,000~~
110 35 25,684,211

111 1 The amount appropriated in this subsection shall be
111 2 distributed only if expansion population claims adjudicated
111 3 and paid by the Iowa Medicaid enterprise exceed the
111 4 appropriation to the state board of regents for distribution
111 5 to the university of Iowa hospitals and clinics provided in
111 6 subsection 1. The amount appropriated in this subsection
111 7 shall be distributed monthly for expansion population claims
111 8 adjudicated and approved for payment by the Iowa Medicaid
111 9 enterprise using medical assistance program reimbursement
111 10 rates.

111 11 Notwithstanding section 8.33, moneys appropriated in this
111 12 subsection that remain unencumbered or unobligated at the
111 13 close of the fiscal year shall not revert but shall remain
111 14 available for expenditure for the purposes designated until
111 15 the close of the succeeding fiscal year.

111 16 Sec. 104. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
111 17 This division of this Act, being deemed of immediate
111 18 importance, takes effect upon enactment and is retroactively
111 19 applicable to December 21, 2007.

111 20 DIVISION VII
111 21 CODE CHANGES

111 22 Sec. 105. Section 28.9, subsection 5, Code 2007, is
111 23 amended to read as follows:

111 24 5. A ~~community empowerment gifts and grants~~ first years
111 25 first account is created in the Iowa empowerment fund under
111 26 the authority of the department of management. The account
111 27 shall consist of gift or grant moneys obtained from any
111 28 source, including but not limited to the federal government.
111 29 Moneys credited to the account are appropriated to the
111 30 department of management to be used for the community
111 31 empowerment-related purposes for which the moneys were
111 32 received.

111 33 Sec. 106. Section 135.22B, subsections 3 and 4, Code
111 34 Supplement 2007, are amended to read as follows:

111 35 3. PURPOSE. The purpose of the brain injury services
112 1 program is to provide services, service funding, or other
112 2 support for persons with a brain injury under ~~one of the~~

112 3 cost=share program component or other components established
112 4 pursuant to this section. Implementation of the cost=share
112 5 component or any other component of the program is subject to
112 6 the funding made available for the program.

112 7 ~~4. GENERAL REQUIREMENTS -- WAIVER-ELIGIBLE COMPONENT.~~

112 8 a. ~~The component of the brain injury services program for~~
112 9 ~~persons eligible for the brain injury services waiver is~~
112 10 ~~subject to the requirements provided in this subsection.~~

112 11 b. ~~If a person is eligible for the brain injury services~~
112 12 ~~waiver and is on the waiting list for the waiver but the~~
112 13 ~~appropriation for the medical assistance program does not have~~
112 14 ~~sufficient funding designated to pay the nonfederal share of~~
112 15 ~~the costs to remove the person from the waiting list, the~~
112 16 ~~brain injury services program may provide the funding for the~~
112 17 ~~nonfederal share of the costs in order for the person to be~~
112 18 ~~removed from the waiting list and receive services under the~~
112 19 ~~waiver.~~

112 20 c. ~~A person who receives support under the waiver-eligible~~
112 21 ~~component is not eligible to receive support under the~~
112 22 ~~cost=share component of the program.~~

112 23 d. ~~Provision of funding under the waiver-eligible~~
112 24 ~~component is not an entitlement. Subject to the department of~~
112 25 ~~human services requirements for the brain injury services~~
112 26 ~~waiver waiting list, the program administrator shall make the~~
112 27 ~~final determination whether funding will be authorized under~~
112 28 ~~this component.~~

112 29 Sec. 107. Section 135.22B, subsection 5, unnumbered
112 30 paragraph 1, Code Supplement 2007, is amended to read as
112 31 follows:

112 32 The cost=share component of the brain injury services
112 33 program shall be directed to persons who have been determined
112 34 to be ineligible for the brain injury services waiver or
112 35 persons who are eligible for the waiver but funding was not
113 1 authorized or available to provide waiver eligibility for the
113 2 persons ~~under the waiver-eligible component~~. The cost=share
113 3 component is subject to general requirements which shall
113 4 include but are not limited to all of the following:

113 5 Sec. 108. Section 135.22B, subsection 8, paragraph a, Code
113 6 Supplement 2007, is amended to read as follows:

113 7 a. The application materials for services under ~~both the~~
113 8 ~~waiver-eligible and cost=share components~~ component of the
113 9 brain injury services program shall use the application form
113 10 and other materials of the brain injury services waiver. In
113 11 order to apply for the brain injury services program, the
113 12 applicant must authorize the department of human services to
113 13 provide the applicant's waiver application materials to the
113 14 brain injury services program. The application materials
113 15 provided shall include but are not limited to the waiver
113 16 application and any denial letter, financial assessment, and
113 17 functional assessment regarding the person.

113 18 Sec. 109. NEW SECTION. 135.155 EARLY CHILDHOOD IOWA
113 19 COUNCIL.

113 20 1. COUNCIL CREATED. An early childhood Iowa council is
113 21 created as an alliance of stakeholders in early care, health,
113 22 and education systems that affect children ages zero through
113 23 five in Iowa.

113 24 2. PURPOSE. The purpose of the early childhood Iowa
113 25 council is to oversee the development of an Iowa early
113 26 childhood system by integrating the early care, health, and

113 27 education systems addressing the needs of children ages zero
113 28 through five and their families. The council shall advise the
113 29 governor, general assembly, and public and private policy
113 30 bodies and service providers in coordinating activities
113 31 throughout the state to fulfill its purpose.

113 32 3. VISION STATEMENT. All system development activities
113 33 addressed by the early childhood Iowa council shall be aligned
113 34 around the following vision statement for the children of
113 35 Iowa: "Every child, beginning at birth, will be healthy and
114 1 successful."

114 2 4. MEMBERSHIP. The early childhood Iowa council
114 3 membership shall include a representative of any organization
114 4 that touches the lives of young children in the state ages
114 5 zero through five, has endorsed the purpose and vision
114 6 statement for the council, has endorsed the guiding principles
114 7 adopted by the council for the early childhood system, and has
114 8 formally asked to be a member and remains actively engaged in
114 9 council activities. The council shall work to ensure there is
114 10 geographic, cultural, and ethnic diversity among the
114 11 membership.

114 12 5. PROCEDURE. Except as otherwise provided by law, the
114 13 early childhood Iowa council shall determine its own rules of
114 14 procedure and operating provisions.

114 15 6. STEERING COMMITTEE. The early childhood Iowa council
114 16 shall operate with a steering committee to organize, manage,
114 17 and coordinate the activities of the council and its component
114 18 groups. The steering committee may act on behalf of the
114 19 council as necessary. The steering committee membership shall
114 20 consist of the co=chairpersons of the council's component
114 21 groups, the chairperson of the state agency liaison team, the
114 22 community empowerment facilitator or the facilitator's
114 23 designee, and other leaders designated by the council.

114 24 7. COMPONENT GROUPS. The early childhood Iowa council
114 25 shall maintain component groups to address the key components
114 26 of the Iowa early childhood system. Each component group
114 27 shall have one private and one public agency co=chairperson.
114 28 The council may change the component groups as deemed
114 29 necessary by the advisory council. Initially, there shall be
114 30 a component group for each of the following:

- 114 31 a. Governance planning and administration.
- 114 32 b. Professional development.
- 114 33 c. Public engagement.
- 114 34 d. Quality services and programs.
- 114 35 e. Resources and funding.
- 115 1 f. Results accountability.

115 2 8. STATE AGENCY LIAISON TEAM. A state agency liaison team
115 3 shall provide input into the efforts of the early childhood
115 4 Iowa council. In addition to designees of the governor, the
115 5 team shall consist of the directors or chief administrators,
115 6 or their designees, from the following state agencies and
115 7 programs:

- 115 8 a. Child health specialty clinics.
- 115 9 b. Office of community empowerment in the department of
115 10 management.
- 115 11 c. Department of education.
- 115 12 d. Division of libraries and information services of the
115 13 department of education.
- 115 14 e. Office of the governor.
- 115 15 f. Department of human rights.

115 16 g. Department of human services.
115 17 h. Postsecondary education institutions, including but not
115 18 limited to institutions of higher learning under the control
115 19 of the state board of regents and Iowa community colleges.
115 20 i. Department of public health.
115 21 9. DUTIES. In addition to the advisory function specified
115 22 in subsection 2, the early childhood Iowa council's duties
115 23 shall include but are not limited to all of the following
115 24 regarding the Iowa early childhood system:
115 25 a. Coordinate the development and implementation of a
115 26 strategic plan.
115 27 b. Assist in the development of responsibilities across
115 28 agencies and other entities to achieve strategic goals.
115 29 c. Work with the Iowa empowerment board in developing
115 30 public=private partnerships to support the early childhood
115 31 system through the first years first account in the Iowa
115 32 empowerment fund and other efforts for expanding investment of
115 33 private funding in the early childhood system. As this and
115 34 similar efforts to expand and coordinate investments from all
115 35 public and private sources evolve and mature, make
116 1 recommendations for designation of or contracting with a
116 2 private nonprofit organization to serve as a fiscal agent for
116 3 the early childhood system or another approach for increasing
116 4 public and private investment in the system.
116 5 d. Report annually by December 31 to the governor and
116 6 general assembly. The report content shall include but is not
116 7 limited to all of the following:
116 8 (1) The status and results of the council's efforts to
116 9 engage the public regarding the early care, health, and
116 10 education needs of children ages zero through five and the
116 11 efforts to develop and promote private sector involvement with
116 12 the early childhood system.
116 13 (2) The status of the community empowerment initiative and
116 14 the overall early childhood system in achieving the following
116 15 initial set of desired results identified in section 28.2:
116 16 (a) Healthy children.
116 17 (b) Children ready to succeed in school.
116 18 (c) Safe and supportive communities.
116 19 (d) Secure and nurturing families.
116 20 (e) Secure and nurturing early care and education
116 21 environments.
116 22 Sec. 110. NEW SECTION. 135.156 LEAD AGENCY AND OTHER
116 23 STATE AGENCIES.
116 24 1. The lead agency for support of the early childhood Iowa
116 25 council for state agency efforts to develop an early childhood
116 26 system for Iowa shall be the department of public health.
116 27 2. The department shall work with the early childhood Iowa
116 28 council in integrating early care, health, and education
116 29 systems to develop an early childhood system for Iowa. The
116 30 department shall do all of the following in developing the
116 31 system:
116 32 a. Work with state agencies to enter into memorandums of
116 33 understanding outlining the agencies' responsibilities in the
116 34 system.
116 35 b. Work with private businesses, foundations, and
117 1 nonprofit organizations in implementing a public=private
117 2 partnership to develop and provide funding for the system.
117 3 c. Maintain an internet site for distributing the
117 4 information provided through the council and its component

117 5 groups.

117 6 Sec. 111. Section 135B.34, Code 2007, is amended by
117 7 striking the section and inserting in lieu thereof the
117 8 following:

117 9 135B.34 HOSPITAL EMPLOYEES == CRIMINAL HISTORY AND ABUSE
117 10 RECORD CHECKS == PENALTY.

117 11 1. Prior to employment of a person in a hospital, the
117 12 hospital shall request that the department of public safety
117 13 perform a criminal history check and the department of human
117 14 services perform child and dependent adult abuse record checks
117 15 of the person in this state. A hospital shall inform all
117 16 persons prior to employment regarding the performance of the
117 17 records checks and shall obtain, from the persons, a signed
117 18 acknowledgment of the receipt of the information. A hospital
117 19 shall include the following inquiry in an application for
117 20 employment: "Do you have a record of founded child or
117 21 dependent adult abuse or have you ever been convicted of a
117 22 crime, in this state or any other state?"

117 23 2. a. If it is determined that a person being considered
117 24 for employment in a hospital has committed a crime, the
117 25 department of public safety shall notify the hospital that
117 26 upon the request of the hospital the department of human
117 27 services will perform an evaluation to determine whether the
117 28 crime warrants prohibition of the person's employment in the
117 29 hospital.

117 30 b. If a department of human services child or dependent
117 31 adult abuse record check shows that the person has a record of
117 32 founded child or dependent adult abuse, the department of
117 33 human services shall notify the hospital that upon the request
117 34 of the hospital the department of human services will perform
117 35 an evaluation to determine whether the founded child or
118 1 dependent adult abuse warrants prohibition of the person's
118 2 employment in the hospital.

118 3 c. An evaluation performed under this subsection shall be
118 4 performed in accordance with procedures adopted for this
118 5 purpose by the department of human services.

118 6 d. (1) If a person owns or operates more than one
118 7 hospital, and an employee of one of such hospitals is
118 8 transferred to another such hospital without a lapse in
118 9 employment, the hospital is not required to request additional
118 10 criminal and child and dependent adult abuse records checks of
118 11 that employee.

118 12 (2) If the ownership of a hospital is transferred, at the
118 13 time of transfer the records checks required by this section
118 14 shall be performed for each employee for whom there is no
118 15 documentation that such records checks have been performed.
118 16 The hospital may continue to employ such employee pending the
118 17 performance of the records checks and any related evaluation.

118 18 3. In an evaluation, the department of human services
118 19 shall consider the nature and seriousness of the crime or
118 20 founded child or dependent adult abuse in relation to the
118 21 position sought or held, the time elapsed since the commission
118 22 of the crime or founded child or dependent adult abuse, the
118 23 circumstances under which the crime or founded child or
118 24 dependent adult abuse was committed, the degree of
118 25 rehabilitation, the likelihood that the person will commit the
118 26 crime or founded child or dependent adult abuse again, and the
118 27 number of crimes or founded child or dependent adult abuses
118 28 committed by the person involved. If the department of human

118 29 services performs an evaluation for the purposes of this
118 30 section, the department of human services has final authority
118 31 in determining whether prohibition of the person's employment
118 32 is warranted.

118 33 4. a. Except as provided in paragraph "b" and subsection
118 34 2, a person who has committed a crime or has a record of
118 35 founded child or dependent adult abuse shall not be employed
119 1 in a hospital licensed under this chapter unless an evaluation
119 2 has been performed by the department of human services.

119 3 b. A person with a criminal or abuse record who is
119 4 employed by a hospital licensed under this chapter and is
119 5 hired by another licensee without a lapse in employment shall
119 6 be subject to the criminal history and abuse record checks
119 7 required pursuant to subsection 1. If an evaluation was
119 8 previously performed by the department of human services
119 9 concerning the person's criminal or abuse record and it was
119 10 determined that the record did not warrant prohibition of the
119 11 person's employment and the latest record checks do not
119 12 indicate a crime was committed or founded abuse record was
119 13 entered subsequent to that evaluation, the person may commence
119 14 employment with the other licensee while the department of
119 15 human services' evaluation of the latest record checks is
119 16 pending. Otherwise, the requirements of paragraph "a" remain
119 17 applicable to the person's employment.

119 18 5. a. If a person employed by a hospital that is subject
119 19 to this section is convicted of a crime or has a record of
119 20 founded child or dependent adult abuse entered in the abuse
119 21 registry after the person's employment application date, the
119 22 person shall inform the hospital of such information within
119 23 forty=eight hours of the criminal conviction or entry of the
119 24 record of founded child or dependent adult abuse. The
119 25 hospital shall act to verify the information within
119 26 forty=eight hours of notification. If the information is
119 27 verified, the requirements of subsections 2, 3, and 4
119 28 regarding employability and evaluations shall be applied by
119 29 the hospital to determine whether or not the person's
119 30 employment is continued. The hospital may continue to employ
119 31 the person pending the performance of an evaluation by the
119 32 department of human services to determine whether prohibition
119 33 of the person's employment is warranted. A person who is
119 34 required by this subsection to inform the person's employer of
119 35 a conviction or entry of an abuse record and fails to do so
120 1 within the required period commits a serious misdemeanor.

120 2 b. If a hospital receives credible information, as
120 3 determined by the hospital, that a person employed by the
120 4 hospital has been convicted of a crime or a record of founded
120 5 child or dependent adult abuse has been entered in the abuse
120 6 registry after employment from a person other than the
120 7 employee and the employee has not informed the hospital of
120 8 such information within the period required under paragraph
120 9 "a", the hospital shall act to verify the credible information
120 10 within forty=eight hours of receipt of the credible
120 11 information. If the information is verified, the requirements
120 12 of subsections 2, 3, and 4 regarding employability and
120 13 evaluations shall be applied by the hospital to determine
120 14 whether or not the person's employment is continued.

120 15 c. The hospital may notify the county attorney for the
120 16 county where the hospital is located of any violation or
120 17 failure by an employee to notify the hospital of a criminal

120 18 conviction or entry of an abuse record within the period
120 19 required under paragraph "a".

120 20 6. A hospital licensed in this state may access the single
120 21 contact repository established by the department pursuant to
120 22 section 135C.33 as necessary for the hospital to perform
120 23 record checks of persons employed or being considered for
120 24 employment by the hospital.

120 25 Sec. 112. Section 135C.33, Code 2007, is amended to read
120 26 as follows:

120 27 135C.33 EMPLOYEES == CHILD OR DEPENDENT ADULT ABUSE
120 28 INFORMATION AND CRIMINAL RECORDS RECORD CHECKS == EVALUATIONS
120 29 == APPLICATION TO OTHER PROVIDERS == PENALTY.

120 30 1. ~~Beginning July 1, 1997, prior~~ Prior to employment of a
120 31 person in a facility, the facility shall request that the
120 32 department of public safety perform a criminal history check
120 33 and the department of human services perform ~~a child and~~
120 34 dependent adult abuse record ~~check checks~~ of the person in
120 35 this state. ~~In addition, the facility may request that the~~
~~121 1 department of human services perform a child abuse record~~
~~121 2 check in this state. Beginning July 1, 1997, a~~ A facility
121 3 shall inform all persons prior to employment regarding the
121 4 performance of the records checks and shall obtain, from the
121 5 persons, a signed acknowledgment of the receipt of the
121 6 information. ~~Additionally, a~~ A facility shall include the
121 7 following inquiry in an application for employment: "Do you
121 8 have a record of founded child or dependent adult abuse or
121 9 have you ever been convicted of a crime, in this state or any
121 10 other state?"

121 11 2. a. ~~If the it is determined that a person being~~
121 12 considered for employment in a facility has been convicted of
121 13 a crime under a law of any state or has a record of founded
121 14 child or dependent adult abuse, the department of public
121 15 safety shall notify the licensee that upon the request of the
121 16 licensee the department of human services shall, upon the
121 17 facility's request, perform an evaluation will perform an
121 18 evaluation to determine whether the crime or founded child or
121 19 dependent adult abuse warrants prohibition of the person's
121 20 employment in the facility.

121 21 b. If a department of human services child or dependent
121 22 adult abuse record check shows that such person has a record
121 23 of founded child or dependent adult abuse, the department of
121 24 human services shall notify the licensee that upon the request
121 25 of the licensee the department of human services will perform
121 26 an evaluation to determine whether the founded child or
121 27 dependent adult abuse warrants prohibition of employment in
121 28 the facility.

121 29 c. ~~The An~~ An evaluation performed under this subsection shall
121 30 be performed in accordance with procedures adopted for this
121 31 purpose by the department of human services.

121 32 d. (1) If a person owns or operates more than one
121 33 facility, and an employee of one of such facilities is
121 34 transferred to another such facility without a lapse in
121 35 employment, the facility is not required to request additional
122 1 criminal and child and dependent adult abuse record checks of
122 2 that employee.

122 3 (2) If the ownership of a facility is transferred, at the
122 4 time of transfer the records checks required by this section
122 5 shall be performed for each employee for whom there is no
122 6 documentation that such records checks have been performed.

122 7 The facility may continue to employ such employee pending the
122 8 performance of the records checks and any related evaluation.

122 9 ~~2. If the department of public safety determines that a~~
122 10 ~~person has committed a crime and is to be employed in a~~
122 11 ~~facility licensed under this chapter, the department of public~~
122 12 ~~safety shall notify the licensee that an evaluation, if~~
122 13 ~~requested by the facility, will be conducted by the department~~
122 14 ~~of human services to determine whether prohibition of the~~
122 15 ~~person's employment is warranted. If a department of human~~
122 16 ~~services child or dependent adult abuse record check shows~~
122 17 ~~that the person has a record of founded child or dependent~~
122 18 ~~adult abuse, the department of human services shall inform the~~
122 19 ~~licensee that an evaluation, if requested by the facility,~~
122 20 ~~will be conducted to determine whether prohibition of the~~
122 21 ~~person's employment is warranted.~~

122 22 3. In an evaluation, the department of human services
122 23 shall consider the nature and seriousness of the crime or
122 24 founded child or dependent adult abuse in relation to the
122 25 position sought or held, the time elapsed since the commission
122 26 of the crime or founded child or dependent adult abuse, the
122 27 circumstances under which the crime or founded child or
122 28 dependent adult abuse was committed, the degree of
122 29 rehabilitation, the likelihood that the person will commit the
122 30 crime or founded child or dependent adult abuse again, and the
122 31 number of crimes or founded child or dependent adult abuses
122 32 committed by the person involved. ~~The~~ If the department of
122 33 human services performs an evaluation for the purposes of this
122 34 section, the department of human services has final authority
122 35 in determining whether prohibition of the person's employment
123 1 is warranted.

123 2 4. a. Except as provided in paragraph "b" and subsection
123 3 2, a person who has committed a crime or has a record of
123 4 founded child or dependent adult abuse shall not be employed
123 5 in a facility licensed under this chapter unless an evaluation
123 6 has been performed by the department of human services. ~~If~~
123 7 ~~the department of human services determines from the~~
123 8 ~~evaluation that the person has committed a crime or has a~~
123 9 ~~record of founded child or dependent adult abuse which~~
123 10 ~~warrants prohibition of employment, the person shall not be~~
123 11 ~~employed in a facility licensed under this chapter.~~

123 12 b. A person with a criminal or abuse record who is
123 13 employed by a facility licensed under this chapter and is
123 14 hired by another licensee without a lapse in employment shall
123 15 be subject to the criminal history and abuse record checks
123 16 required pursuant to subsection 1. If an evaluation was
123 17 previously performed by the department of human services
123 18 concerning the person's criminal or abuse record and it was
123 19 determined that the record did not warrant prohibition of the
123 20 person's employment and the latest record checks do not
123 21 indicate a crime was committed or founded abuse record was
123 22 entered subsequent to that evaluation, the person may commence
123 23 employment with the other licensee while the department of
123 24 human services' evaluation of the latest record checks is
123 25 pending. Otherwise, the requirements of paragraph "a" remain
123 26 applicable to the person's employment.

123 27 5. a. Beginning July 1, 1998, this This section shall
123 28 also apply to prospective employees of all of the following,
123 29 if the provider is regulated by the state or receives any
123 30 state or federal funding:

123 31 ~~a.~~ (1) An employee of a homemaker, home=health aide,
123 32 home=care aide, adult day services, or other provider of
123 33 in=home services if the employee provides direct services to
123 34 consumers.

123 35 ~~b.~~ (2) An employee of a hospice, if the employee provides
124 1 direct services to consumers.

124 2 ~~c.~~ (3) An employee who provides direct services to
124 3 consumers under a federal home and community=based services
124 4 waiver.

124 5 ~~d.~~ (4) An employee of an elder group home certified under
124 6 chapter 231B, if the employee provides direct services to
124 7 consumers.

124 8 ~~e.~~ (5) An employee of an assisted living program
124 9 certified under chapter 231C, if the employee provides direct
124 10 services to consumers.

124 11 b. In substantial conformance with the provisions of this
124 12 section, prior to the employment of such an employee, the
124 13 provider shall request the performance of the criminal and
124 14 child and dependent adult abuse record checks and may request
~~124 15 the performance of the child abuse record checks.~~ The
124 16 provider shall inform the prospective employee and obtain the
124 17 prospective employee's signed acknowledgment. The department
124 18 of human services shall perform the evaluation of any criminal
124 19 record or founded child or dependent adult abuse record and
124 20 shall make the determination of whether a prospective employee
124 21 of a provider shall not be employed by the provider.

124 22 6. a. The department of inspections and appeals, in
124 23 conjunction with other departments and agencies of state
124 24 government involved with criminal history and abuse registry
124 25 information, shall establish a single contact repository for
124 26 facilities and other providers to have electronic access to
124 27 data to perform background checks for purposes of employment,
124 28 as required of the facilities and other providers under this
124 29 section.

124 30 b. The department may access the single contact repository
124 31 for any of the following purposes:

124 32 (1) To verify data transferred from the department's nurse
124 33 aide registry to the repository.

124 34 (2) To conduct record checks of applicants for employment
124 35 with the department.

125 1 7. a. If a person employed by a facility, service, or
125 2 program employer that is subject to this section is convicted
125 3 of a crime or has a record of founded child or dependent adult
125 4 abuse entered in the abuse registry after the person's
125 5 employment application date, the person shall inform the
125 6 employer of such information within forty=eight hours of the
125 7 criminal conviction or entry of the record of founded child or
125 8 dependent adult abuse. The employer shall act to verify the
125 9 information within forty=eight hours of notification. If the
125 10 information is verified, the requirements of subsections 2, 3,
125 11 and 4 regarding employability and evaluations shall be applied
125 12 by the employer to determine whether or not the person's
125 13 employment is continued. The employer may continue to employ
125 14 the person pending the performance of an evaluation by the
125 15 department of human services to determine whether prohibition
125 16 of the person's employment is warranted. A person who is
125 17 required by this subsection to inform the person's employer of
125 18 a conviction or entry of an abuse record and fails to do so
125 19 within the required period commits a serious misdemeanor.

125 20 b. If a facility, service, or program employer receives
125 21 credible information, as determined by the employer, that a
125 22 person employed by the employer has been convicted of a crime
125 23 or a record of founded child or dependent adult abuse has been
125 24 entered in the abuse registry after employment from a person
125 25 other than the employee and the employee has not informed the
125 26 employer of such information within the period required under
125 27 paragraph "a", the employer shall act to verify the credible
125 28 information within forty-eight hours of receipt of the
125 29 credible information. If the information is verified, the
125 30 requirements of subsections 2, 3, and 4 regarding
125 31 employability and evaluations shall be applied to determine
125 32 whether or not the person's employment is continued.

125 33 c. The employer may notify the county attorney for the
125 34 county where the employer is located of any violation or
125 35 failure by an employee to notify the employer of a criminal
126 1 conviction or entry of an abuse record within the period
126 2 required under paragraph "a".

126 3 Sec. 113. Section 217.19, Code 2007, is amended by adding
126 4 the following new unnumbered paragraph:

126 5 NEW UNNUMBERED PARAGRAPH. The department of administrative
126 6 services shall work with the department of human services to
126 7 develop and implement an expense policy applicable to the
126 8 members of a board, commission, committee, or other body under
126 9 the auspices of the department of human services who meet the
126 10 income requirements for payment of per diem in accordance with
126 11 section 7E.6, subsection 2. The policy shall allow for the
126 12 payment of the member's expenses to be addressed through use
126 13 of direct billings, travel purchase card, prepaid expenses, or
126 14 other alternative means of addressing the expenses in lieu of
126 15 reimbursement of the member.

126 16 Sec. 114. Section 225C.40, Code 2007, is amended by adding
126 17 the following new subsection:

126 18 NEW SUBSECTION. 4. If a family appeals the termination of
126 19 a family member who has attained the age of eighteen years,
126 20 family support subsidy payments for that family member shall
126 21 be withheld pending resolution of the appeal.

126 22 Sec. 115. NEW SECTION. 234.47 STATE CHILD CARE
126 23 ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS == EXPENDITURE
126 24 PROJECTIONS.

126 25 The department of human services, the department of
126 26 management, and the legislative services agency shall utilize
126 27 a joint process to arrive at consensus projections for
126 28 expenditures for the state child care assistance program under
126 29 section 237A.13 and adoption subsidy and other assistance
126 30 provided under section 600.17.

126 31 Sec. 116. Section 235B.6, subsection 2, Code Supplement
126 32 2007, is amended by adding the following new paragraph:

126 33 NEW PARAGRAPH. f. To a person who submits written
126 34 authorization from an individual allowing the person access to
126 35 information on the determination only on whether or not the
127 1 individual who authorized the access is named in a founded
127 2 dependent adult abuse report as having abused a dependent
127 3 adult.

127 4 Sec. 117. Section 235B.19, subsection 3, paragraph c, Code
127 5 2007, is amended to read as follows:

127 6 c. Order the provision of other available services
127 7 necessary to remove conditions creating the danger to health
127 8 or safety, including the services of peace officers or

127 9 emergency services personnel and the suspension of the powers
127 10 granted to a guardian or conservator and the subsequent
127 11 appointment of a new temporary guardian or new temporary
127 12 conservator pursuant to subsection 4 pending a decision by the
127 13 court on whether the powers of the initial guardian or
127 14 conservator should be reinstated or whether the initial
127 15 guardian or conservator should be removed.

127 16 Sec. 118. Section 235B.19, subsection 4, Code 2007, is
127 17 amended to read as follows:

127 18 4. a. Notwithstanding ~~section~~ sections 633.552 and
127 19 633.573, upon a finding that there is probable cause to
127 20 believe that the dependent adult abuse presents an immediate
127 21 danger to the health or safety of the dependent adult or is
127 22 producing irreparable harm to the physical or financial
127 23 resources or property of the dependent adult, and that the
127 24 dependent adult lacks capacity to consent to the receipt of
127 25 services, the court may order the appointment of a temporary
127 26 guardian or temporary conservator without notice to the
127 27 dependent adult or the dependent adult's attorney if all of
127 28 the following conditions are met:

127 29 (1) It clearly appears from specific facts shown by
127 30 affidavit or by the verified petition that a dependent adult's
127 31 decision-making capacity is so impaired that the dependent
127 32 adult is unable to care for the dependent adult's personal
127 33 safety or to attend to or provide for the dependent adult's
127 34 basic necessities or that immediate and irreparable injury,
127 35 loss, or damage will result to the physical or financial
128 1 resources or property of the dependent adult before the
128 2 dependent adult or the dependent adult's attorney can be heard
128 3 in opposition.

128 4 (2) The department certifies to the court in writing any
128 5 efforts the department has made to give the notice or the
128 6 reasons supporting the claim that notice should not be
128 7 required.

128 8 (3) The department files with the court a request for a
128 9 hearing on the petition for the appointment of a temporary
128 10 guardian or temporary conservator.

128 11 (4) The department certifies that the notice of the
128 12 petition, order, and all filed reports and affidavits will be
128 13 sent to the dependent adult by personal service within the
128 14 time period the court directs but not more than seventy-two
128 15 hours after entry of the order of appointment.

128 16 b. An order of appointment of a temporary guardian or
128 17 temporary conservator entered by the court under paragraph "a"
128 18 shall expire as prescribed by the court but within a period of
128 19 not more than thirty days unless extended by the court for
128 20 good cause.

128 21 c. A hearing on the petition for the appointment of a
128 22 temporary guardian or temporary conservator shall be held
128 23 within the time specified in paragraph "b". If the department
128 24 does not proceed with a hearing on the petition, the court, on
128 25 the motion of any party or on its own motion, may dismiss the
128 26 petition.

128 27 Sec. 119. Section 237A.3, Code 2007, is amended by adding
128 28 the following new subsection:

128 29 NEW SUBSECTION. 3. The location at which the child care
128 30 is provided shall be a single-family residence that is owned,
128 31 rented, or leased by the person or program providing the child
128 32 care. For purposes of this subsection, a "single-family

128 33 residence" includes an apartment, condominium, townhouse, or
128 34 other individual unit within a multiple unit residential
128 35 dwelling, but does not include a commercial or industrial
129 1 building that is primarily used for purposes other than a
129 2 residence.

129 3 Sec. 120. Section 237A.3A, subsection 3, Code 2007, is
129 4 amended by adding the following new paragraph:

129 5 NEW PARAGRAPH. d. The rules shall require a child
129 6 development home to be located in a single-family residence
129 7 that is owned, rented, or leased by the person or, for dual
129 8 registrations, at least one of the persons who is named on the
129 9 child development home's certificate of registration. For
129 10 purposes of this paragraph, a "single-family residence"
129 11 includes an apartment, condominium, townhouse, or other
129 12 individual unit within a multiple unit residential dwelling,
129 13 but does not include a commercial or industrial building that
129 14 is primarily used for purposes other than a residence.

129 15 Sec. 121. Section 237A.5, subsection 2, Code 2007, is
129 16 amended by adding the following new paragraph:

129 17 NEW PARAGRAPH. cc. If a record check performed in
129 18 accordance with paragraph "b" or "c" identifies that an
129 19 individual is a person subject to an evaluation, the
129 20 department shall perform the evaluation in accordance with
129 21 this subsection, even if the application which made the person
129 22 subject to the record check is withdrawn or the circumstances
129 23 which made the person subject to the record check are no
129 24 longer applicable. If the department's evaluation determines
129 25 that prohibition of the person's involvement with child care
129 26 is warranted, the provisions of this subsection regarding such
129 27 a prohibition shall apply.

129 28 Sec. 122. Section 237A.13, subsection 8, Code Supplement
129 29 2007, is amended by striking the subsection.

129 30 Sec. 123. NEW SECTION. 249A.15A LICENSED MARITAL AND
129 31 FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

129 32 1. The department shall adopt rules pursuant to chapter
129 33 17A entitling marital and family therapists who are licensed
129 34 pursuant to chapter 154D to payment for behavioral health
129 35 services provided to recipients of medical assistance, subject
130 1 to limitations and exclusions the department finds necessary
130 2 on the basis of federal laws and regulations.

130 3 2. The department shall adopt rules pursuant to chapter
130 4 17A entitling master social workers who hold a master's degree
130 5 approved by the board of social work, are licensed as a master
130 6 social worker pursuant to section 154C.3, subsection 1,
130 7 paragraph "b", and provide treatment services under the
130 8 supervision of an independent social worker licensed pursuant
130 9 to section 154C.3, subsection 1, paragraph "c", to payment for
130 10 behavioral health services provided to recipients of medial
130 11 assistance, subject to limitations and exclusions the
130 12 department finds necessary on the basis of federal laws and
130 13 regulations.

130 14 Sec. 124. NEW SECTION. 249A.36 HEALTH CARE INFORMATION
130 15 SHARING.

130 16 1. As a condition of doing business in the state, health
130 17 insurers including self-insured plans, group health plans as
130 18 defined in the federal Employee Retirement Income Security Act
130 19 of 1974, Pub. L. No. 93-406, service benefit plans, managed
130 20 care organizations, pharmacy benefits managers, and other
130 21 parties that are, by statute, contract, or agreement, legally

130 22 responsible for payment of a claim for a health care item or
130 23 service, shall do all of the following:

130 24 a. Provide, with respect to individuals who are eligible
130 25 for or are provided medical assistance under the state's
130 26 medical assistance state plan, upon the request of the state,
130 27 information to determine during what period the individual or
130 28 the individual's spouse or dependents may be or may have been
130 29 covered by a health insurer and the nature of the coverage
130 30 that is or was provided by the health insurer, including the
130 31 name, address, and identifying number of the plan, in
130 32 accordance with section 505.25, in a manner prescribed by the
130 33 department of human services or as agreed upon by the
130 34 department and the entity specified in this section.

130 35 b. Accept the state's right of recovery and the assignment
131 1 to the state of any right of an individual or other entity to
131 2 payment from the party for an item or service for which
131 3 payment has been made under the medical assistance state plan.

131 4 c. Respond to any inquiry by the state regarding a claim
131 5 for payment for any health care item or service that is
131 6 submitted no later than three years after the date of the
131 7 provision of such health care item or service.

131 8 d. Agree not to deny any claim submitted by the state
131 9 solely on the basis of the date of submission of the claim,
131 10 the type or format of the claim form, or a failure to present
131 11 proper documentation at the point-of-sale that is the basis of
131 12 the claim, if all of the following conditions are met:

131 13 (1) The claim is submitted to the entity by the state
131 14 within the three-year period beginning on the date on which
131 15 the item or service was furnished.

131 16 (2) Any action by the state to enforce its rights with
131 17 respect to such claim is commenced within six years of the
131 18 date that the claim was submitted by the state.

131 19 2. The department of human services may adopt rules
131 20 pursuant to chapter 17A as necessary to implement this
131 21 section. Rules governing the exchange of information under
131 22 this section shall be consistent with all laws, regulations,
131 23 and rules relating to the confidentiality or privacy of
131 24 personal information or medical records, including but not
131 25 limited to the federal Health Insurance Portability and
131 26 Accountability Act of 1996, Pub. L. No. 104-191, and
131 27 regulations promulgated in accordance with that Act and
131 28 published in 45 C.F.R. pts. 160 through 164.

131 29 Sec. 125. Section 249J.20, subsections 2 and 4, Code 2007,
131 30 are amended to read as follows:

131 31 2. The council shall meet as often as deemed necessary,
131 32 but shall meet at least ~~quarterly~~ annually. The council may
131 33 use sources of information deemed appropriate, and the
131 34 department and other agencies of state government shall
131 35 provide information to the council as requested. The
132 1 legislative services agency shall provide staff support to the
132 2 council.

132 3 4. The council shall do all of the following:

132 4 a. Make ~~quarterly~~ cost projections for the medical
132 5 assistance program and the expansion population.

132 6 b. Review ~~quarterly~~ reports on all initiatives under this
132 7 chapter, including those provisions in the design,
132 8 development, and implementation phases, and make additional
132 9 recommendations for medical assistance program and expansion
132 10 population reform on an annual basis.

132 11 c. Review annual audited financial statements relating to
132 12 the expansion population submitted by the providers included
132 13 in the expansion population provider network.

132 14 d. Review ~~quarterly~~ reports on the success of the Iowa
132 15 Medicaid enterprise based upon the contractual performance
132 16 measures for each Iowa Medicaid enterprise partner.

132 17 e. Assure that the expansion population is managed at all
132 18 times within funding limitations. In assuring such
132 19 compliance, the council shall assume that supplemental funding
132 20 will not be available for coverage of services provided to the
132 21 expansion population.

132 22 Sec. 126. NEW SECTION. 256.35A IOWA AUTISM COUNCIL.

132 23 1. An Iowa autism council is created to act in an advisory
132 24 capacity to the state in developing and implementing a
132 25 comprehensive, coordinated system to provide appropriate
132 26 diagnostic, intervention, and support services for children
132 27 with autism and to meet the unique needs of adults with
132 28 autism.

132 29 2. a. The council shall consist of thirteen voting
132 30 members appointed by the governor and confirmed by the senate.
132 31 The majority of the voting members shall be individuals with
132 32 autism or members of their families. Additionally, each of
132 33 the following shall be represented among the voting members:

132 34 (1) Autism diagnostic and research specialists.
132 35 (2) Individuals with recognized expertise in utilizing
133 1 best practices for diagnosis, intervention, education, and
133 2 support services for individuals with autism.

133 3 (3) Individuals providing residential services for
133 4 individuals with autism.

133 5 (4) Mental health professionals with background or
133 6 expertise in a pertinent mental health field such as
133 7 psychiatry, psychology, or behavioral health.

133 8 (5) Private insurers.

133 9 (6) Teachers and representatives of area education
133 10 agencies.

133 11 b. In addition, representatives of the department of
133 12 education, the division of vocational rehabilitation of the
133 13 department of education, the department of public health, the
133 14 department of human services, the governor's developmental
133 15 disabilities council, the division of insurance of the
133 16 department of commerce, and the state board of regents shall
133 17 serve as ex officio members of the advisory council. Ex
133 18 officio members shall work together in a collaborative manner
133 19 to serve as a resource to the advisory council. The council
133 20 may also form workgroups as necessary to address specific
133 21 issues within the technical purview of individual members.

133 22 c. Voting members shall serve three=year terms beginning
133 23 and ending as provided in section 69.19, and appointments
133 24 shall comply with sections 69.16 and 69.16A. Vacancies on the
133 25 council shall be filled in the same manner as the original
133 26 appointment. A person appointed to fill a vacancy shall serve
133 27 only for the unexpired portion of the term. Public members
133 28 shall receive reimbursement for actual expenses incurred while
133 29 serving in their official capacity and may also be eligible to
133 30 receive compensation as provided in section 7E.6.

133 31 d. The council shall elect a chairperson from its voting
133 32 members annually. A majority of the voting members of the
133 33 council shall constitute a quorum.

133 34 e. The department shall convene and provide administrative

133 35 support to the council.

134 1 3. The council shall focus its efforts on addressing the
134 2 unmet needs of individuals with autism at various levels of
134 3 severity and their families. The council shall address all of
134 4 the following:

134 5 a. Early identification by medical professionals of
134 6 autism, including education and training of health care and
134 7 mental health care professionals and the use of best practice
134 8 guidelines.

134 9 b. Appropriate early and intensive early intervention
134 10 services with access to models of training.

134 11 c. Integration and coordination of the medical community,
134 12 community educators, childhood educators, health care
134 13 providers, and community-based services into a seamless
134 14 support system for individuals and their families.

134 15 d. General and special education support services.

134 16 e. In-home support services for families requiring
134 17 behavioral and other supports.

134 18 f. Training for educators, parents, siblings, and other
134 19 family members.

134 20 g. Enhancing of community agency responsiveness to the
134 21 living, learning, and employment needs of adults with autism
134 22 and provision of services including but not limited to respite
134 23 services, crisis intervention, employment assistance, case
134 24 management, and long-term care options.

134 25 h. Financing options including but not limited to medical
134 26 assistance waivers and private health insurance coverage.

134 27 i. Data collection.

134 28 4. The council shall meet quarterly. The council shall
134 29 submit a report to the governor and the general assembly,
134 30 annually by December 15, identifying the needs and making
134 31 recommendations for improving and enhancing the lives of
134 32 individuals with autism and their families.

134 33 5. For the purposes of this section, "autism" means a
134 34 spectrum disorder that includes at various levels of severity,
134 35 autism, Asperger's disorder, pervasive developmental disorder
135 1 not otherwise specified, Rett's syndrome, and childhood
135 2 disintegrative disorder.

135 3 Sec. 127. Section 642.2, subsection 4, Code 2007, is
135 4 amended to read as follows:

135 5 4. Notwithstanding subsections 2, 3, and 6, and 7, any
135 6 moneys owed to the child support obligor by the state, with
135 7 the exception of unclaimed property held by the treasurer of
135 8 state pursuant to chapter 556, and payments owed to the child
135 9 support obligor through the Iowa public employees' retirement
135 10 system are subject to garnishment, attachment, execution, or
135 11 assignment by the child support recovery unit if the child
135 12 support recovery unit is providing enforcement services
135 13 pursuant to chapter 252B. Any moneys that are determined
135 14 payable by the treasurer pursuant to section 556.20,
135 15 subsection 2, to the child support obligor shall be subject to
135 16 setoff pursuant to section 8A.504, notwithstanding any
135 17 administrative rule pertaining to the child support recovery
135 18 unit limiting the amount of the offset.

135 19 Sec. 128. 2005 Iowa Acts, chapter 167, section 61, is
135 20 amended by striking the section and inserting in lieu thereof
135 21 the following:

135 22 SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER INMATES
135 23 OF STATE INSTITUTIONS == REVIEW.

135 24 1. The president of the state board of regents shall
135 25 convene a workgroup comprised of the president or the
135 26 president's designee, the director of the department of
135 27 corrections or the director's designee, the director of the
135 28 department of human services or the director's designee, and a
135 29 representative of the university of Iowa hospitals and clinics
135 30 to review the provision of treatment and care to the inmates,
135 31 students, patients, and former inmates specified in sections
135 32 263.21 and 263.22. The review shall determine all of the
135 33 following:

135 34 a. The actual cost to the university of Iowa hospitals and
135 35 clinics to provide care and treatment to the inmates,
136 1 students, patients, and former inmates on an annual basis.
136 2 The actual cost shall be determined utilizing Medicare cost
136 3 accounting principles.

136 4 b. The number of inmates, students, patients, and former
136 5 inmates provided treatment at the university of Iowa hospitals
136 6 and clinics, annually.

136 7 c. The specific types of treatment and care provided to
136 8 the inmates, students, patients, and former inmates.

136 9 d. The existing sources of revenue that may be available
136 10 to pay for the costs of providing care and treatment to the
136 11 inmates, students, patients, and former inmates.

136 12 e. The cost to the department of human services, the Iowa
136 13 department of corrections, and the state board of regents to
136 14 provide transportation and staffing relative to provision of
136 15 care and treatment to the inmates, students, patients, and
136 16 former inmates at the university of Iowa hospitals and
136 17 clinics.

136 18 f. The effect of any proposed alternatives for provision
136 19 of care and treatment for inmates, students, patients, or
136 20 former inmates, including the proposed completion of the
136 21 hospital unit at the Iowa state penitentiary at Fort Madison.

136 22 2. The workgroup shall submit a report of its findings to
136 23 the governor and the general assembly no later than December
136 24 31, 2008. The report shall also include any recommendations
136 25 for improvement in the provision of care and treatment to
136 26 inmates, students, patients, and former inmates, under the
136 27 control of the department of human services, the Iowa
136 28 department of corrections, and the state board of regents.

136 29 Sec. 129. MEDICAID STATE PLAN == MARITAL AND FAMILY
136 30 THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

136 31 1. The department of human services shall amend the
136 32 medical assistance state plan to allow marital and family
136 33 therapists licensed in the state to be participating
136 34 behavioral health providers under the medical assistance
136 35 program.

137 1 2. The department of human services shall amend the
137 2 medical assistance state plan to allow master social workers
137 3 who hold a master's degree approved by the board of social
137 4 work, are licensed as a master social worker pursuant to
137 5 section 154C.3, subsection 1, paragraph "b", and provide
137 6 treatment services under the supervision of an independent
137 7 social worker licensed pursuant to section 154C.3, subsection
137 8 1, paragraph "c", to be participating behavioral health
137 9 services providers under the medical assistance program.

137 10 DIVISION VIII
137 11 TUITION ASSISTANCE == HEALTH CARE
137 12 FACILITY EMPLOYEES

139 2 child's health and education records, including the date the
139 3 records were supplied to the agency or individual who is the
139 4 child's foster care provider. If the child remains in foster
139 5 care until the age of majority, the child is entitled to
139 6 receive prior to discharge the most recent information
139 7 available regarding the child's health and educational
139 8 records.

139 9 Sec. 132. Section 232.46, subsection 4, Code 2007, is
139 10 amended to read as follows:

139 11 4. A consent decree shall remain in force for ~~six months~~
139 12 up to one year unless the child is sooner discharged by the
139 13 court or by the juvenile court officer or other agency or
139 14 person supervising the child. Upon application of a juvenile
139 15 court officer or other agency or person supervising the child
139 16 made prior to the expiration of the decree and after notice
139 17 and hearing, or upon agreement by the parties, a consent
139 18 decree may be extended for up to an additional ~~six months~~ year
139 19 by order of the court.

139 20 Sec. 133. Section 232.91, subsection 3, Code Supplement
139 21 2007, is amended to read as follows:

139 22 3. Any person who is entitled under section 232.88 to
139 23 receive notice of a hearing concerning a child shall be given
139 24 the opportunity to be heard in any other review or hearing
139 25 involving the child. A foster parent, relative, or other
139 26 individual with whom a child has been placed for preadoptive
139 27 care shall have the right to be heard in any proceeding
139 28 involving the child. If a child is of an age appropriate to
139 29 attend the hearing but the child does not attend, the court
139 30 shall determine if the child was informed of the child's right
139 31 to attend the hearing.

139 32 DIVISION X

139 33 INVESTIGATION OF DEATHS AT INSTITUTIONS

139 34 Sec. 134. NEW SECTION. 218.64 INVESTIGATION OF DEATH.

139 35 1. For the purposes of this section, unless the context
140 1 otherwise requires, "institution" and "resident" mean the same
140 2 as defined in section 218.13.

140 3 2. Upon the death of a resident of an institution, the
140 4 county medical examiner shall conduct a preliminary
140 5 investigation of the death as provided in section 331.802.
140 6 The cost of the preliminary investigation shall be paid by the
140 7 department of human services.

140 8 Sec. 135. Section 222.12, Code 2007, is amended to read as
140 9 follows:

140 10 222.12 DEATHS INVESTIGATED.

140 11 1. In the event of a sudden or mysterious Upon the death
140 12 of a patient of a resource center or ~~the special unit or any~~
140 13 ~~private institution for persons with mental retardation, an, a~~
140 14 preliminary investigation of the death shall be held conducted
140 15 as required by section 218.64 by the county medical examiner
140 16 as provided in section 331.802. Such a preliminary
140 17 investigation shall also be conducted in the event of a sudden
140 18 or mysterious death of a patient in a private institution for
140 19 persons with mental retardation. The superintendent of a
140 20 ~~resource center or a special unit or~~ chief administrative
140 21 officer of any private institution may request an
140 22 investigation of the death of any patient by the county
140 23 medical examiner.

140 24 2. Notice of the death of the patient, and the cause
140 25 thereof of death, shall be sent to the county board of

140 26 supervisors and to the judge of the court ~~having that~~ had
140 27 jurisdiction over a committed patient. The fact of death with
140 28 the time, place, and alleged cause shall be entered upon the
140 29 docket of the court.

140 30 3. The parent, guardian, or other person responsible for
140 31 the admission of a patient to ~~such institutions~~ a private
140 32 institution for persons with mental retardation may also
140 33 request ~~an~~ such a preliminary investigation by the county
140 34 medical examiner in the event of the death of the patient that
140 35 is not sudden or mysterious. The person or persons making the
141 1 request ~~shall be~~ are liable for the expense of such
141 2 preliminary investigation and payment ~~therefor~~ for the expense
141 3 may be required in advance. ~~The expense of a county medical~~
141 4 ~~examiner's investigation when requested by the superintendent~~
141 5 ~~of a state resource center or a special unit shall be paid~~
141 6 ~~from support funds of that institution.~~

141 7 Sec. 136. Section 226.34, Code 2007, is amended to read as
141 8 follows:

141 9 226.34 INVESTIGATION OF DEATH == NOTICE.

141 10 1. ~~An~~ Upon the death of a patient, the county medical
141 11 examiner shall conduct a preliminary investigation ~~by the~~
141 12 ~~county medical examiner shall be held in those cases where a~~
141 13 ~~death shall occur suddenly and without apparent cause, or a~~
141 14 ~~patient die and the patient's relatives so request, but in the~~
141 15 ~~latter case the relatives making the request shall be liable~~
141 16 ~~for the expense of the same, and payment therefor may be~~
141 17 ~~required in advance~~ as required by section 218.64, in
141 18 accordance with section 331.802.

141 19 2. ~~When~~ If a patient in ~~any~~ a mental health institute
141 20 ~~shall die~~ dies from any cause, the superintendent of ~~said the~~
141 21 institute shall within three days of the date of death, send
141 22 by certified mail a written notice of death to all of the
141 23 following:

141 24 ~~1-~~ a. The decedent's nearest relative.
141 25 ~~2-~~ b. The clerk of the district court of the county from
141 26 which the patient was committed, ~~and,~~
141 27 ~~3-~~ c. The sheriff of the county from which the patient
141 28 was committed.

141 29 Sec. 137. Section 331.802, subsection 2, Code 2007, is
141 30 amended to read as follows:

141 31 2. a. If a person's death affects the public interest,
141 32 the county medical examiner shall conduct a preliminary
141 33 investigation of the cause and manner of death, prepare a
141 34 written report of the findings, promptly submit the full
141 35 report to the state medical examiner on forms prescribed for
142 1 that purpose, and submit a copy of the report to the county
142 2 attorney.

142 3 b. ~~For~~ Except as provided in section 218.64 or as
142 4 otherwise provided by law, for each preliminary investigation
142 5 and the preparation and submission of the required reports,
142 6 the county medical examiner shall receive from the county of
142 7 appointment a fee determined by the board plus the examiner's
142 8 actual expenses. The fee and expenses paid by the county of
142 9 appointment shall be reimbursed to the county of appointment
142 10 by the county of the person's residence. However, if the
142 11 person's death is caused by a defendant for whom a judgment of
142 12 conviction and sentence is rendered under section 707.2,
142 13 707.3, 707.4, 707.5, or 707.6A, the county of the person's
142 14 residence may recover from the defendant the fee and expenses.

142 15 c. The fee and expenses of the county medical examiner who
142 16 performs an autopsy or conducts an investigation of a person
142 17 who dies after being brought into this state for emergency
142 18 medical treatment by or at the direction of an out-of-state
142 19 law enforcement officer or public authority shall be paid by
142 20 the state. A claim for payment shall be filed with the Iowa
142 21 department of public health. If moneys are not appropriated
142 22 to the Iowa department of public health for the payment of
142 23 autopsies under this ~~subsection~~ paragraph, claims for payment
142 24 shall be forwarded to the state appeal board and, if
142 25 authorized by the board, shall be paid out of moneys in the
142 26 general fund of the state not otherwise appropriated.

142 27 Sec. 138. Section 331.802, subsection 3, Code 2007, is
142 28 amended by adding the following new paragraph:

142 29 NEW PARAGRAPH. k. Death of a person committed or admitted
142 30 to a state mental health institute, a state resource center,
142 31 the state training school, or the Iowa juvenile home.

142 32 DIVISION XI

142 33 HEALTHY KIDS ACT

142 34 Sec. 139. SHORT TITLE. This Act shall be known and may be
142 35 cited as the "Healthy Kids Act".

143 1 Sec. 140. Section 256.7, Code Supplement 2007, is amended
143 2 by adding the following new subsection:

143 3 NEW SUBSECTION. 29. Adopt rules establishing nutritional
143 4 content standards for foods and beverages sold or provided on
143 5 the school grounds of any school district or accredited
143 6 nonpublic school during the school day exclusive of the food
143 7 provided by any federal school food program or pursuant to an
143 8 agreement with any agency of the federal government in
143 9 accordance with the provisions of chapter 283A, and exclusive
143 10 of foods sold for fundraising purposes and foods and beverages
143 11 sold at concession stands. The standards shall be consistent
143 12 with the dietary guidelines for Americans issued by the United
143 13 States department of agriculture food and nutrition service.

143 14 Sec. 141. Section 256.9, Code Supplement 2007, is amended
143 15 by adding the following new subsections:

143 16 NEW SUBSECTION. 57. Convene, in collaboration with the
143 17 department of public health, a nutrition advisory panel to
143 18 review research in pediatric nutrition conducted in compliance
143 19 with accepted scientific methods by recognized professional
143 20 organizations and agencies including but not limited to the
143 21 institute of medicine. The advisory panel shall submit its
143 22 findings and recommendations, which shall be consistent with
143 23 the dietary guidelines for Americans published jointly by the
143 24 United States department of health and human services and
143 25 department of agriculture if in the judgment of the advisory
143 26 panel the guidelines are supported by the research findings,
143 27 in a report to the state board. The advisory panel may submit
143 28 to the state board recommendations on standards related to
143 29 federal school food programs if the recommendations are
143 30 intended to exceed the existing federal guidelines. The state
143 31 board shall consider the advisory panel report when
143 32 establishing or amending the nutritional content standards
143 33 required pursuant to section 256.7, subsection 29. The
143 34 director shall convene the advisory panel by July 1, 2008, and
143 35 every five years thereafter to review the report and make
144 1 recommendations for changes as appropriate. The advisory
144 2 panel shall include but is not limited to at least one Iowa
144 3 state university extension nutrition and health field

144 4 specialist and at least one representative from each of the
144 5 following:
144 6 a. The Iowa dietetic association.
144 7 b. The school nutrition association of Iowa.
144 8 c. The Iowa association of school boards.
144 9 d. The school administrators of Iowa.
144 10 e. The Iowa chapter of the American academy of pediatrics.
144 11 f. A school association representing parents.
144 12 g. The Iowa grocery industry association.
144 13 h. An accredited nonpublic school.
144 14 i. The Iowa state education association.
144 15 j. The farm-to-school council established pursuant to
144 16 section 190A.2.

144 17 NEW SUBSECTION. 58. Monitor school districts and
144 18 accredited nonpublic schools for compliance with the
144 19 nutritional content standards for foods and beverages adopted
144 20 by the state board in accordance with section 256.7,
144 21 subsection 29. School districts and accredited nonpublic
144 22 schools shall annually make the standards available to
144 23 students, parents, and the local community. A school district
144 24 or accredited nonpublic school found to be in noncompliance
144 25 with the nutritional content standards by the director shall
144 26 submit a corrective action plan to the director for approval
144 27 which sets forth the steps to be taken to ensure full
144 28 compliance.

144 29 Sec. 142. Section 256.11, subsection 6, Code Supplement
144 30 2007, is amended to read as follows:

144 31 6. a. A pupil is not required to enroll in either
144 32 physical education or health courses, or meet the requirements
144 33 of paragraph "b" or "c", if the pupil's parent or guardian
144 34 files a written statement with the school principal that the
144 35 course or activity conflicts with the pupil's religious
145 1 belief.

145 2 b. (1) All physically able students in kindergarten
145 3 through grade five shall be required to engage in a physical
145 4 activity for a minimum of thirty minutes per school day.

145 5 (2) All physically able students in grades six through
145 6 twelve shall be required to engage in a physical activity for
145 7 a minimum of one hundred twenty minutes per week. A student
145 8 participating in an organized and supervised athletic program
145 9 or non-school-sponsored extracurricular activity which
145 10 requires the student to participate in physical activity for a
145 11 minimum of one hundred twenty minutes per week is exempt from
145 12 the requirements of this subparagraph.

145 13 (3) The department shall collaborate with stakeholders on
145 14 the development of daily physical activity requirements and
145 15 the development of models that describe ways in which school
145 16 districts and schools may incorporate the physical activity
145 17 requirement of this paragraph into the educational program. A
145 18 school district or accredited nonpublic school shall not
145 19 reduce instructional time for academic courses in order to
145 20 meet the requirements of this paragraph.

145 21 c. Every student by the end of grade twelve shall complete
145 22 a certification course for cardiopulmonary resuscitation. The
145 23 administrator of a school may waive this requirement if the
145 24 student is not physically able to successfully complete the
145 25 training. A student is exempt from the requirement of this
145 26 paragraph if the student presents satisfactory evidence to the
145 27 school district or accredited nonpublic school that the

145 28 student possesses cardiopulmonary resuscitation certification.

145 29 Sec. 143. Section 273.2, Code 2007, is amended by adding
145 30 the following new subsection:

145 31 NEW SUBSECTION. 7. The board of an area education agency
145 32 or a consortium of two or more area education agencies shall
145 33 contract with one or more licensed dietitians for the support
145 34 of nutritional provisions in individual education plans
145 35 developed in accordance with chapter 256B and to provide
146 1 information to support school nutrition coordinators.

146 2 Sec. 144. DEPARTMENT OF EDUCATION == FITNESS WORKING
146 3 GROUP. The department of education shall convene a working
146 4 group comprised of elementary and secondary education and
146 5 fitness professionals and stakeholders to assist the
146 6 department in developing daily physical activity opportunities
146 7 and requirements and developing models that describe ways in
146 8 which school districts and schools may incorporate physical
146 9 activities for students into the educational program as
146 10 provided in section 256.11, subsection 6, paragraph "b", as
146 11 enacted by this Act. The working group shall also develop
146 12 recommendations for a system of implementation that offers
146 13 every student the opportunity to become physically active.
146 14 The department of education shall submit its findings and
146 15 recommendations, including any recommendations for changes in
146 16 policy or statute, in a report to the general assembly by
146 17 January 15, 2009.

146 18 Sec. 145. EFFECTIVE DATE. The section of this division of
146 19 this Act that amends section 256.11, subsection 6, takes
146 20 effect July 1, 2009.

146 21 DIVISION XII

146 22 MASS TRANSIT

146 23 Sec. 146. MASS TRANSIT INTERIM COMMITTEE. The legislative
146 24 council is requested to establish a legislative interim study
146 25 committee to conduct a comprehensive study of the ways in
146 26 which mass transit might be employed to provide public
146 27 transportation services among Iowa communities. The study
146 28 should include but not be limited to an examination of the
146 29 following:

146 30 1. The ways in which the availability of mass transit
146 31 affects various populations within rural and urban
146 32 communities. In particular, the study should examine the
146 33 benefits of mass transit for poor, elderly, and disabled
146 34 individuals who are unable to drive or cannot afford to own a
146 35 motor vehicle.

147 1 2. Any impact that mass transit services among Iowa
147 2 communities might have on population levels, quality of life,
147 3 and economic development in urban job centers, smaller
147 4 satellite communities, and rural towns.

147 5 3. The effect of mass transit on statewide greenhouse gas
147 6 emissions and overall air quality, including the role that
147 7 mass transit can play in meeting the goals of the Iowa energy
147 8 independence plan.

147 9 4. The level of public need for mass transit among Iowa
147 10 communities, including any specific areas of the state where
147 11 the need is most immediate.

147 12 5. The feasibility of expanding mass transit services and
147 13 the types and combinations of services that might comprise a
147 14 mass transit system for Iowa.

147 15 6. The potential costs and possible funding mechanisms for
147 16 developing and maintaining specific mass transit services.

147 17 7. The attitudes and habits of Iowans concerning personal
147 18 transportation. The study should include a component for
147 19 educating the public about the economic, social, and
147 20 environmental advantages of mass transit.

147 21 The committee membership should include ten members
147 22 representing both political parties and both houses of the
147 23 general assembly. The committee should consult with the
147 24 department of transportation, the office of energy
147 25 independence, the department of human services, local
147 26 officials, members of the general public who are knowledgeable
147 27 concerning intercity public transit and passenger rail
147 28 service, and other interested parties as necessary to
147 29 accomplish the work of the committee. The committee, if
147 30 authorized, shall submit a written report of its findings and
147 31 recommendations to the governor and the general assembly by
147 32 December 31, 2008.

147 33

147 34

147 35

148 1

JOHN P. KIBBIE

148 2

President of the Senate

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148 4

148 5

148 6

PATRICK J. MURPHY

148 7

Speaker of the House

148 8

148 9 I hereby certify that this bill originated in the Senate and
148 10 is known as Senate File 2425, Eighty-second General Assembly.

148 11

148 12

148 13

148 14

MICHAEL E. MARSHALL

148 15

Secretary of the Senate

148 16 Approved _____, 2008

148 17

148 18

148 19

148 20 CHESTER J. CULVER

148 21 Governor