

*Reprinted*

SENATE FILE 2355

BY COMMITTEE ON APPROPRIATIONS

*Approved*

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Vote: Ayes 40 Nays 7

Vote: Ayes 70 Nays 26

Approved June 3, 1992

**A BILL FOR**

1 An Act relating to appropriations for the department of human  
2 services and the prevention of disabilities policy council and  
3 providing for effective and applicability dates.

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

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1 Section 1. AID TO FAMILIES WITH DEPENDENT CHILDREN. There  
2 is appropriated from the general fund of the state to the  
3 department of human services for the fiscal year beginning  
4 July 1, 1992, and ending June 30, 1993, the following amount,  
5 or so much thereof as is necessary, to be used for the purpose  
6 designated:

7 For aid to families with dependent children:  
8 ..... \$ 46,780,246

9 1. The department may fund the employee portion of the  
10 cash bonus program from unspent funds under the appropriation  
11 made in this section.

12 2. The department shall continue to contract for services  
13 in developing and monitoring a demonstration waiver program to  
14 facilitate providing assistance in self-employment investment  
15 to aid to dependent children families. The demonstration  
16 waiver program shall be provided for the fiscal period  
17 beginning July 1, 1992, and ending June 30, 1993, or for as  
18 long as federal approval of the program continues. Of the  
19 funds appropriated in this section, up to \$99,400 shall be  
20 used to provide technical assistance for aid to dependent  
21 children families seeking self-employment. The technical  
22 assistance may be provided through the department or through a  
23 contract with the division of job training of the Iowa  
24 department of economic development.

25 3. The department shall apply the self-employment  
26 investment demonstration waiver project statewide during the  
27 fiscal period delineated in the federal waiver submitted to  
28 operate the waiver project statewide, provided training is  
29 available to a recipient through a recognized self-employment  
30 training program.

31 4. The department shall continue the special needs program  
32 under the aid to families with dependent children program.

33 5. The department shall contract with the corporation for  
34 enterprise development for Iowa's second year of participation  
35 in the two-year study phase of a "state human investment

1 policy" demonstration project. Of the funds appropriated in  
2 this section, up to \$75,000 shall be used for costs associated  
3 with Iowa's participation in the project. The department  
4 shall make efforts to obtain additional private and federal  
5 funding for the project, and shall submit reports on the  
6 status of the project to the legislative fiscal bureau.

7 Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from  
8 the general fund of the state to the department of human  
9 services for the fiscal year beginning July 1, 1992, and  
10 ending June 30, 1993, the following amount, or so much thereof  
11 as is necessary, to be used for the purpose designated:

12 For emergency assistance to families with dependent  
13 children under Title IV-A of the federal Social Security Act  
14 to match federal funding for homeless prevention programs:  
15 ..... \$ 883,750

16 1. The emergency assistance provided for in this section  
17 shall be available beginning October 1, 1992, and shall be  
18 provided only if all other publicly funded resources have been  
19 exhausted. The emergency assistance includes, but is not  
20 limited to, assisting people who face eviction, potential  
21 eviction, or foreclosure, utility shutoff or fuel shortage,  
22 loss of heating energy supply or equipment, homelessness,  
23 utility or rental deposits, or other specified crisis which  
24 threatens family or living arrangements. The emergency  
25 assistance shall be available to migrant families who would  
26 otherwise meet eligibility criteria. The department shall  
27 report quarterly, beginning October 1, 1992, and continuing  
28 through the period that emergency assistance funding is  
29 provided, to the legislative fiscal committee concerning the  
30 emergency assistance.

31 2. The department shall seek a federal waiver to allow  
32 county general relief funding to be matched with emergency  
33 assistance funding under Title IV-A of the federal Social  
34 Security Act. The department may adopt emergency rules to  
35 implement the provisions of this subsection.

1     Sec. 3. MEDICAL ASSISTANCE. There is appropriated from  
2 the general fund of the state to the department of human  
3 services for the fiscal year beginning July 1, 1992, and  
4 ending June 30, 1993, the following amount, or so much thereof  
5 as is necessary, to be used for the purpose designated:

6     For medical assistance, including reimbursement for  
7 abortion services, which shall be available under the medical  
8 assistance program only for those abortions which are  
9 medically necessary:

10 ..... \$276,575,011

11     1. Medically necessary abortions are those performed under  
12 any of the following conditions:

13     a. The attending physician certifies that continuing the  
14 pregnancy would endanger the life of the pregnant woman.

15     b. The attending physician certifies that the fetus is  
16 physically deformed, mentally deficient, or afflicted with a  
17 congenital illness.

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

22     d. The pregnancy is the result of incest which is reported  
23 within 150 days of the incident to a law enforcement agency or  
24 public or private health agency which may include a family  
25 physician.

26     e. Any spontaneous abortion, commonly known as a  
27 miscarriage, if not all of the products of conception are  
28 expelled.

29     2. Of the funds appropriated in this section, \$100,000 is  
30 allocated until January 31, 1993, for contingency assistance  
31 for the federal nutrition program for women, infants, and  
32 children and shall be transferred to the Iowa department of  
33 public health as necessary in order to fully utilize funding  
34 available for the program. Any moneys allocated in this  
35 subsection which are unexpended or unobligated on January 31,

1 1993, shall be available during the remainder of the fiscal  
2 year to the department of human services for the purposes of  
3 this section.

4 3. Notwithstanding section 8.39, the department may  
5 transfer funds appropriated in this section to a separate  
6 account established in the department's case management unit  
7 for expenditures required to provide case management services  
8 pursuant to the appropriation made in this Act for mental  
9 health, mental retardation, and developmental disabilities  
10 services under medical assistance which are jointly funded by  
11 the state and county, pending final settlement of the  
12 expenditures. Funds received by the case management unit in  
13 settlement of the expenditures shall be used to replace the  
14 transferred funds and are available for the purposes for which  
15 the funds were appropriated in this section.

16 4. If implementing a procedure of purchase and  
17 distribution of vaccines to physicians participating in the  
18 medical assistance program is determined by the department of  
19 human services to be cost-effective for the department, the  
20 department of human services may use moneys appropriated in  
21 this section to contract with the Iowa department of public  
22 health for this purpose. In implementing the procedure, the  
23 department shall adopt rules requiring physicians to obtain  
24 vaccines from the Iowa department of public health for  
25 immunization of medical assistance recipients. The department  
26 may adopt emergency rules to implement the provisions of this  
27 subsection.

28 5. The department shall seek federal approval of a medical  
29 assistance waiver in order to expand the availability of the  
30 MediPASS program to an additional 27,000 enrollees. If  
31 federal approval is granted, the department may adopt  
32 emergency rules to implement the provisions of this  
33 subsection.

34 6. Of the funds appropriated in this section, \$60,000  
35 shall be used by the department for the fiscal year 1992-1993

1 costs to establish and operate an HIV and AIDS insurance  
2 continuation assistance pilot program. The pilot program  
3 shall be administered by the medical services division to  
4 provide insurance continuation assistance to persons with AIDS  
5 or HIV-related illnesses who are unable to maintain health  
6 insurance premium payments due to illness. The pilot program  
7 shall operate for a two-year period beginning October 1, 1992.  
8 The funds shall be made available in a manner that provides  
9 the assistance, as needed, to recipients at any time until the  
10 end of the pilot program or until the appropriated funding is  
11 exhausted.

12 a. The department shall publicize the program for  
13 enrollment of potential participants through provision of  
14 information through the Iowa department of public health, the  
15 regional AIDS coalitions funded by the Iowa department of  
16 public health, physicians, hospitals, social workers, and  
17 social service providers, and other groups identified by the  
18 coalitions.

19 b. The program shall provide all of the following:

20 (1) That an applicant is eligible for participation in the  
21 program if all of the following conditions are met:

22 (a) The applicant is a resident of the state.

23 (b) The applicant suffers from AIDS or an HIV-related  
24 illness.

25 (c) The applicant has an income of not more than 300  
26 percent of the federal poverty level as defined by the most  
27 recently revised poverty income guidelines published by the  
28 United States department of health and human services and cash  
29 assets of not more than \$10,000.

30 (d) The applicant is enrolled in an individual or group  
31 private health insurance plan.

32 (e) The applicant is or will be unable, due to AIDS or the  
33 HIV-related illness, to continue employment in the applicant's  
34 current position or the applicant must significantly reduce  
35 hours of employment.

1 (f) Enrollment in the program is the most cost-effective,  
2 available means of providing the applicant with health  
3 insurance coverage.

4 (2) That an applicant is required to provide the following  
5 to verify eligibility for participation in the program:

6 (a) Documentation of income and assets, as required by  
7 rule of the department.

8 (b) Documentation through submission of a statement by the  
9 applicant's physician that the applicant suffers from AIDS or  
10 an HIV-related illness and that the applicant is, or will  
11 within a period of six months be, unable to continue  
12 employment.

13 (3) An expedited eligibility determination process to  
14 ensure that an eligible applicant is not denied coverage under  
15 the applicant's existing policy due to nonpayment of premiums  
16 during the determination process period. This may include but  
17 is not limited to accepting preapplications from any HIV-  
18 infected person or the making of payments based on preliminary  
19 determinations.

20 (4) A requirement that following enrollment in the  
21 program, a person must apply for medical assistance, if the  
22 department determines that the person is likely to be eligible  
23 for payment of premiums under the medical assistance program.

24 (5) That all information relating to an applicant is  
25 confidential information and the provisions of chapter 141 are  
26 applicable to the information.

27 (6) Insurance premiums and medical expenses for which the  
28 applicant has no coverage, which are incurred in the month of  
29 application, shall be deducted from the applicant's gross  
30 income for the purpose of determining eligibility for the  
31 program.

32 c. The department shall provide a preliminary report to  
33 the general assembly by January 1, 1993, and a final report to  
34 the general assembly by January 1, 1994, regarding the cost-  
35 effectiveness of the pilot program, the impact of the

1 requirements of federal law on the pilot program, and the  
2 current and projected costs to the state for payment of  
3 medical assistance for the health care costs of persons with  
4 AIDS or HIV-related illnesses.

5 d. For the purposes of this subsection, "AIDS" and "HIV"  
6 mean "AIDS" and "HIV" as defined in section 141.21.

7 e. For the purposes of this subsection, "health insurance  
8 plan" includes nonprofit health service corporation contracts  
9 regulated under chapter 514 and health maintenance  
10 organization evidences of coverage regulated under chapter  
11 514B.

12 f. Of the funds allocated in this subsection, the  
13 department may transfer not more than \$10,000 to the  
14 appropriation made in this Act for general administration to  
15 be used for administrative costs associated with this program.  
16 The department is authorized a 0.5 FTE position in addition to  
17 the positions authorized in the appropriation made in this Act  
18 for general administration in order to administer the program.

19 g. The program shall start by October 1, 1992, and the  
20 department is authorized to adopt emergency rules to implement  
21 the provisions of this section by that date.

22 The department shall take action to provide for the  
23 continuing medical assistance eligibility without a spend down  
24 requirement for those persons whose eligibility is related to  
25 federal supplemental security income eligibility and the  
26 medically needy program. If providing for the continuing  
27 eligibility is permitted under federal requirements, the  
28 department may adopt emergency rules to implement the  
29 eligibility.

30 Sec. 4. MEDICAL CONTRACTS. There is appropriated from the  
31 general fund of the state to the department of human services  
32 for the fiscal year beginning July 1, 1992, and ending June  
33 30, 1993, the following amount, or so much thereof as is  
34 necessary, to be used for the purpose designated:

35 For medical contracts:



1 ..... \$ 4,839,000

2 The department shall continue to contract for drug  
3 utilization review under the medical assistance program.

4 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is  
5 appropriated from the general fund of the state to the  
6 department of human services for the fiscal year beginning  
7 July 1, 1992, and ending June 30, 1993, the following amount,  
8 or so much thereof as is necessary, to be used for the purpose  
9 designated:

10 For state supplementary assistance:

11 ..... \$ 19,047,933

12 1. The department shall increase the personal needs  
13 allowance for residents of residential care facilities by the  
14 same percentage and at the same time as federal supplemental  
15 security income and federal social security benefits are  
16 increased due to a recognized increase in the cost of living.  
17 The department may adopt emergency rules to implement the  
18 provisions of this subsection.

19 2. The department shall report to the members of the joint  
20 human services appropriations subcommittee concerning the  
21 actions taken by the department to implement uniform reporting  
22 of maintenance and service costs for the financial reports  
23 used by service providers for reimbursement under the state  
24 supplementary assistance program and for reimbursement of  
25 purchase of service contracts under the social services block  
26 grant. The actions may include but are not limited to the  
27 development of uniform rules and consolidated cost reports.  
28 This report shall be submitted on or before October 1, 1992.

29 3. In determining an individual's eligibility or the  
30 amount of assistance provided under the state supplementary  
31 assistance program or the federal social services block grant,  
32 the department shall not consider moneys received by that  
33 individual under the federal Social Security Persons Achieving  
34 Self-Sufficiency (PASS) program or the Income-Related Work  
35 Expense (IRWE) program to be income.

1     Sec. 6. AID TO INDIANS. There is appropriated from the  
2 general fund of the state to the department of human services  
3 for the fiscal year beginning July 1, 1992, and ending June  
4 30, 1993, the following amount, or so much thereof as is  
5 necessary, to be used for the purpose designated:

6     For aid to Indians under section 252.43:  
7 ..... \$           36,765

8     The tribal council shall not use more than 5 percent of the  
9 funds for administration purposes. The department shall  
10 report quarterly to the chairpersons and ranking members of  
11 the joint human services appropriations subcommittee and the  
12 legislative fiscal bureau concerning aid to Indians and in  
13 addition shall submit an annual report.

14    Sec. 7. CHILD DAY CARE ASSISTANCE. There is appropriated  
15 from the general fund of the state to the department of human  
16 services for the fiscal year beginning July 1, 1992, and  
17 ending June 30, 1993, the following amount, or so much thereof  
18 as is necessary, to be used for the purposes designated:

19    For protective child day care assistance and state child  
20 care assistance:  
21 ..... \$   7,460,648

22    1. It is the intent of the general assembly that  
23 \$3,107,695 of the funds appropriated in this section be used  
24 for protective child day care assistance.

25    2. It is the intent of the general assembly that  
26 \$2,294,060 of the funds appropriated in this section be used  
27 for state child care assistance.

28    3. a. The funds allocated in this section for protective  
29 and state child care assistance shall be allocated to the  
30 department of human services regions and each region shall  
31 distribute the allocation to the counties within the region.  
32 If a region determines that a specified portion of the funds  
33 provided to a county in that region is sufficient to meet the  
34 county's current demand and projected growth, the region may  
35 transfer the excess amount of funds to another county in that

1 region. If the region determines that a specified portion of  
2 the funds provided to the region is sufficient to meet the  
3 region's current demand and projected growth for the remainder  
4 of the fiscal year, the excess amount may be transferred for  
5 use in another region.

6 b. For state child care assistance, eligibility shall be  
7 limited to children whose family income is equal to or less  
8 than 155 percent of the federal office of management and  
9 budget poverty guidelines. However, on or after October 1,  
10 1992, the department may increase the income eligibility limit  
11 to be equal to or less than 75 percent of the Iowa median  
12 family income. Every effort shall be made to provide  
13 assistance for the entire fiscal year to families remaining  
14 eligible before providing assistance to eligible families who  
15 have not received assistance previously. For the entire  
16 fiscal year, the department shall utilize the priority ranking  
17 of requirements for families who receive assistance developed  
18 pursuant to 1991 Iowa Acts, chapter 267, section 109,  
19 subsection 3, paragraph "b", with special priority given to  
20 foster care families within the income guidelines.

21 c. The department may adopt emergency rules necessary to  
22 qualify to receive funding from the federal child care  
23 development block grant and the federal at-risk child care  
24 program. If required as a condition of receiving these funds,  
25 the rules may provide for eligibility, health and safety  
26 requirements, parental access to children, reimbursement  
27 rates, types of service provided, licensing standards,  
28 complaint registration procedures, or other rules necessary to  
29 establish a simplified or consolidated child day care policy.

30 d. Nothing in this section shall be construed or is  
31 intended as, or shall imply, a grant of entitlement for  
32 services to persons who are eligible for assistance due to an  
33 income level consistent with the requirements of this section.  
34 Any state obligation to provide services pursuant to this  
35 section is limited to the extent of the funds appropriated in

1 this section.

2 4. Of the funds appropriated in this section, \$633,931 is  
3 allocated for the fiscal year beginning July 1, 1992, for the  
4 statewide program for child day care resource and referral  
5 services under section 237A.26.

6 5. The department may use any of the funds appropriated in  
7 this section as a match to obtain federal grants for use in  
8 expanding child day care assistance and related programs.

9 6. Of the funds appropriated in this section, \$866,265  
10 shall be used to increase the reimbursement rate paid for  
11 child day care provided by child care centers in order to  
12 enhance the quality of child care centers.

13 7. Of the funds appropriated in this section, the  
14 department shall use \$233,735, or so much thereof as is  
15 necessary, to increase the department's staff in order to meet  
16 federal requirements.

17 8. a. It is the intent of the general assembly that  
18 \$324,962 of the funds appropriated in this section shall be  
19 used for transitional child care assistance.

20 b. Notwithstanding section 239.21, the department of human  
21 services shall provide the transitional child care assistance  
22 in accordance with the federal Family Support Act of 1988,  
23 Pub. L. No. 100-485, § 302, and applicable federal  
24 regulations. Reimbursement for services shall be limited to  
25 registered or licensed child day care providers and programs  
26 providing care, supervision, or guidance of a child which is  
27 not included under the definition of "child day care" pursuant  
28 to section 237A.1, subsection 4.

29 Sec. 8. JOBS PROGRAM. There is appropriated from the  
30 general fund of the state to the department of human services  
31 for the fiscal year beginning July 1, 1992, and ending June  
32 30, 1992, the following amount, or so much thereof as is  
33 necessary, to be used for the purposes designated:

34 For the federal-state job opportunities and basic skills  
35 (JOBS) program, food stamp employment and training program,

1 and family development and self-sufficiency grants, in  
2 accordance with this section:

3 ..... \$ 4,968,195

4 1. Of the funds appropriated in this section, \$4,076,896  
5 is allocated for the JOBS program.

6 2. Of the funds appropriated in this section, \$129,985 is  
7 allocated for the food stamp employment and training program.

8 3. The department shall work with family development and  
9 self-sufficiency grantees and the state's community action  
10 agencies to develop an administrative process for initiatives  
11 which raise local funds to match federal funds under the JOBS  
12 program in order to expand or to develop additional family  
13 development program initiatives.

14 4. Of the funds appropriated in this section, \$779,314 is  
15 allocated to the family development and self-sufficiency grant  
16 program as provided under section 217.12.

17 a. Not more than 5 percent of the funds allocated in this  
18 subsection shall be used for the administration of the grant  
19 program.

20 b. Federal funding matched by state, county, or other  
21 funding which is not appropriated in this section shall be  
22 deposited in the department's JOBS account. If the match  
23 funding is generated by a family development and self-  
24 sufficiency grantee, the federal funding received shall be  
25 used to expand the family development and self-sufficiency  
26 grant program. If the match funding is generated by another  
27 source, the federal funding received may be used either to  
28 expand the grant program or the JOBS program. The department  
29 may adopt emergency rules to implement the provisions of this  
30 paragraph.

31 c. Of the funding allocated in this subsection, the family  
32 development and self-sufficiency council may use up to  
33 \$200,000 to renew existing grants in an amount which does not  
34 exceed 110 percent of an annual grant amount and to award not  
35 more than two new grants. The council shall award new grants

1 in a manner to expand the program into areas which document a  
2 strong commitment to family development and self-sufficiency  
3 and are not currently receiving a grant. The expansion grants  
4 shall be awarded on or before January 1, 1993, for a period  
5 ending June 30, 1993.

6 d. Based upon the annual evaluation report concerning each  
7 grantee funded by this allocation, the family development and  
8 self-sufficiency council may use funds allocated to renew  
9 grants.

10 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated  
11 from the general fund of the state to the department of human  
12 services for the fiscal year beginning July 1, 1992, and  
13 ending June 30, 1993, the following amount, or so much thereof  
14 as is necessary, to be used for the purposes designated:

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

18 .....	\$	3,212,454
19 .....	FTEs	247.19

20 1. The director of human services, within the limitations  
21 of the funds appropriated in this section, or funds  
22 transferred from the aid to families with dependent children  
23 program for this purpose, shall establish new positions and  
24 add additional employees to the child support recovery unit if  
25 the director determines that both the current and additional  
26 employees together can reasonably be expected to recover for  
27 the aid to families with dependent children program and the  
28 nonpublic assistance support recovery program more than twice  
29 the amount of money required to pay the salaries and support  
30 for both the current and additional employees or the new  
31 positions are necessary for compliance with federal  
32 requirements and the anticipated increased recovery amount  
33 exceeds the cost of salaries and support for the new  
34 positions. If the director adds additional employees, the  
35 department shall demonstrate the cost-effectiveness of the

1 current and additional employees by reporting to the joint  
2 human services appropriations subcommittee the ratio of the  
3 total amount of administrative costs for child support  
4 recoveries to the total amount of the child support recovered.

5 2. Notwithstanding section 252B.4, nonpublic assistance  
6 application and user fees received by the child support  
7 recovery program are appropriated and shall be used for the  
8 purposes of the child support recovery program. The director  
9 of human services may exceed the full-time equivalent position  
10 limit authorized in this section if fees collected relating to  
11 the new positions are sufficient to pay the salaries and  
12 support for the positions. The director shall report any new  
13 positions added pursuant to this subsection to the  
14 chairpersons and ranking members of the joint human services  
15 appropriations subcommittee and the legislative fiscal bureau.  
16 The department may adopt emergency rules as necessary to  
17 implement the provisions of this subsection.

18 3. The director of human services, in consultation with  
19 the department of management and the legislative fiscal  
20 committee, is authorized to receive and deposit state child  
21 support incentive earnings in the manner specified under  
22 applicable federal requirements.

23 4. The director of human services may establish new  
24 positions and add additional state employees to the child  
25 support recovery unit if the director determines the employees  
26 are necessary to replace county-funded positions eliminated  
27 due to termination, reduction, or nonrenewal of a chapter 28E  
28 contract. However, the director must also determine that the  
29 resulting increase in the state share of child support  
30 recovery incentives exceeds the cost of the positions, the  
31 positions are necessary to ensure continued federal funding of  
32 the program, or the new positions can reasonably be expected  
33 to recover more than twice the amount of money to pay the  
34 salaries and support for the new positions.

35 5. Funding is provided within the appropriation made in

1 this section for the department's expenses relating to a child  
2 support public awareness campaign. The department shall  
3 cooperate with the attorney general as necessary for  
4 implementation of the campaign.

5 Sec. 10. JUVENILE INSTITUTIONS. There is appropriated  
6 from the general fund of the state to the department of human  
7 services for the fiscal year beginning July 1, 1992, and  
8 ending June 30, 1993, the following amounts, or so much  
9 thereof as is necessary, to be used for the purposes  
10 designated:

11 For the operation of the state training school and the Iowa  
12 juvenile home, including salaries, support, maintenance,  
13 miscellaneous purposes, and for not more than the following  
14 full-time equivalent positions:

15 For the state juvenile institutions:

16 ..... \$ 11,811,820  
17 ..... FTEs 327.69

18 1. The following amount of the funds appropriated and FTEs  
19 authorized in this section are allocated for the Iowa juvenile  
20 home at Toledo:

21 ..... \$ 4,341,157  
22 ..... FTEs 119.47

23 2. The following amount of the funds appropriated and  
24 full-time equivalent positions authorized in this section are  
25 allocated for the state training school at Eldora:

26 ..... \$ 7,470,663  
27 ..... FTEs 208.22

28 3. It is the intent of the general assembly that during  
29 the fiscal year beginning July 1, 1992, the population levels  
30 at the state juvenile institutions shall not exceed the  
31 population guidelines established under 1990 Iowa Acts,  
32 chapter 1239, section 21. It is also the intent of the  
33 general assembly that each state juvenile institution shall  
34 apply for an adolescent pregnancy prevention grant for the  
35 fiscal year beginning July 1, 1992.



1 4. Within the funds appropriated in this section, the  
2 department may reallocate funds as necessary to best fulfill  
3 the needs of the institutions provided for in this  
4 appropriation.

5 5. The department shall report to the legislative fiscal  
6 bureau, on or before the twentieth day of each month, the  
7 department's current expenditures for the institutions  
8 receiving allocations under this appropriation. The report  
9 shall include a comparison of actual to budgeted expenditures  
10 for each institution.

11 Sec. 11. CHILD WELFARE TASK FORCE.

12 1. DUTIES. An interdisciplinary child welfare task force  
13 is established to present recommendations to the governor and  
14 the general assembly relating to the design of a financing  
15 system for child welfare, juvenile justice, and mental health  
16 services for children which provides a family-centered,  
17 community-based, and prevention-oriented response to families  
18 with children currently served in out-of-home placements. The  
19 task force shall complete its duties on or before June 30,  
20 1994. The task force shall do all of the following:

21 a. Develop a more flexible state financing system for  
22 child welfare that allows funding which is currently available  
23 only for out-of-home placements to be used for alternative  
24 services that can prevent the need for out-of-home placements.

25 b. Develop a flexible financing system within the range of  
26 options available for out-of-home placements which provide  
27 sufficient support to maintain children, who currently are  
28 generally placed in remote and institutional settings, in more  
29 community-based and family-like settings.

30 c. Recommend ways to redirect existing expenditures in  
31 order to meet the best interests of children, preserve  
32 families, and employ the least restrictive placements.

33 d. Outline the long-term needs of Iowa for the following  
34 services: family-centered; family preservation; day  
35 treatment; protective day care and crisis nursery; family

1 foster care emphasizing reunification; family foster care  
2 supporting children with special health care needs; family  
3 foster care providing therapeutic support to troubled and  
4 troubling children; adoption; subsidized adoption; independent  
5 living; residential treatment; enhanced residential treatment;  
6 psychiatric medical institution for children; state  
7 psychiatric hospitalization; state training school; Iowa  
8 juvenile home; private psychiatric hospitalization; shelter  
9 care; detention; residential juvenile substance abuse  
10 treatment; and nonresidential juvenile substance abuse  
11 treatment. In developing this outline, attention should be  
12 given to reducing the overall needs for institutional care  
13 through greater development of alternatives to that care.

14 e. Identify financing options that can make use of greater  
15 federal financial participation in the development of  
16 alternatives to institutional placement.

17 f. Develop a financial process to reward counties involved  
18 in the demonstration program to decategorize child welfare  
19 funding for their efforts to reduce the number of children  
20 placed in state institutions.

21 g. Monitor the efforts of the out-of-state placement  
22 committee, if established in law by the Seventy-fourth General  
23 Assembly, 1992 Session, to reduce out-of-state placements by  
24 25 percent by June 30, 1994.

25 2. MEMBERSHIP. The interdisciplinary task force  
26 membership shall include the following persons:

27 a. The administrator of the division of children, youth,  
28 and families of the department of human services.

29 b. The administrator of the division of mental health,  
30 mental retardation, and developmental disabilities of the  
31 department of human services.

32 c. A supreme court justice appointed by the chief justice.

33 d. A court of appeals judge appointed by the chief  
34 justice.

35 e. Two juvenile court officers appointed by the chief

1 justice.

2 f. Two members of county boards of supervisors appointed  
3 by the Iowa state association of counties.

4 g. A county attorney appointed by the Iowa county  
5 attorney's association.

6 h. A protective service investigator, a protective service  
7 treatment worker, a family preservation worker, and a foster  
8 care worker, appointed by the director of human services.

9 i. A director of a community mental health center  
10 appointed by the community mental health centers association  
11 of Iowa.

12 j. Two providers offering both residential and  
13 nonresidential services to families appointed by the coalition  
14 for children and family services.

15 k. A director of a residential rehabilitation facility  
16 appointed by the Iowa association of residential and  
17 rehabilitation facilities.

18 l. Representatives from other state agencies, and from  
19 business, legal services, and child advocacy interests  
20 approved by the task force.

21 The appointing organizations shall be responsible for  
22 providing any per diem and travel and meal expenses for the  
23 members of the task force.

24 3. ORGANIZATION. The task force may establish  
25 subcommittees and work groups as deemed necessary to perform  
26 its duties. The task force may expand its membership or  
27 utilize other interested persons on its subcommittees and work  
28 groups, as deemed appropriate. The department of human  
29 services shall seek outside support from foundations and other  
30 organizations to provide technical assistance and to carry out  
31 the management of the task force. The task force shall hold  
32 an initial meeting no later than July 30, 1992.

33 4. REPORTS. The task force shall issue an initial report  
34 by December 15, 1992, which shall include preliminary  
35 recommendations regarding the establishment of a more flexible

1 financing system for child welfare services in the state and  
2 the identification of the types of services to serve children  
3 and families that will be needed in the long-term. The report  
4 shall include additional recommendations and a work plan. The  
5 task force shall complete an additional report by September  
6 15, 1993.

7 Sec. 12. FOSTER CARE. There is appropriated from the  
8 general fund of the state to the department of human services  
9 for the fiscal year beginning July 1, 1992, and ending June  
10 30, 1993, the following amount, or so much thereof as is  
11 necessary, to be used for the purpose designated:

12 For foster care:

13 ..... \$ 57,089,726

14 1. The department may transfer a portion of the funds  
15 appropriated in this section to provide subsidized adoption  
16 services, purchase adoption services, or to provide less  
17 restrictive treatment programs than foster care, if funds  
18 allocated under the appropriation in this Act for home-based  
19 services are insufficient.

20 2. On or before October 1, 1992, the department and state  
21 court administrator shall enter into a chapter 28E agreement  
22 which enables the state to receive funding for eligible cases  
23 under the federal Social Security Act, Title IV-E. The  
24 agreement shall provide for adequate compensation to the court  
25 for any additional administrative costs necessary to secure  
26 the funding and shall not limit the discretion of the court in  
27 making determinations in the best interests of a child.

28 3. Not more than 25 percent of the children placed in  
29 foster care funded under the federal Social Security Act,  
30 Title IV-E, shall be placed in foster care for a period of  
31 more than 24 months.

32 4. The department shall provide day treatment alternatives  
33 within the child welfare system and additional services by  
34 including day treatment provided by psychiatric medical  
35 institutions for children as a service reimbursed under

1 medical assistance. The services shall be directed to serving  
2 children who would otherwise be placed in group foster care or  
3 a psychiatric medical institution for children. The  
4 department may use funds appropriated in this Act for medical  
5 assistance to pay the nonfederal share of costs for services  
6 reimbursed under the medical assistance program which are  
7 provided in a psychiatric medical institution for children.

8 5. The department may use up to \$828,000 of the funds  
9 appropriated in this section to develop additional therapeutic  
10 foster care programs in the state. The programs shall provide  
11 respite and special support services to foster parents to  
12 enable them to serve in an active treatment capacity with the  
13 children under their care. Funding allocated in this  
14 subsection shall also be used to reimburse foster parents for  
15 their services. The funding is intended to serve at least 60  
16 more children than were served in therapeutic foster care in  
17 fiscal year 1991-1992.

18 6. Of the funds appropriated in this section, up to  
19 \$987,393 may be used to develop and maintain the state's  
20 implementation of the national adoption and foster care  
21 information system pursuant to the requirements of Pub. L. No.  
22 99-509. In developing the system the department shall involve  
23 representatives of the court, service providers, advocates,  
24 and other persons interested in the adoption process.

25 7. Of the funds appropriated in this section, \$150,000 may  
26 be used to contract to develop a statewide system for  
27 recruiting, retaining, and supporting foster care families  
28 consistent with the recommendation of the department's family  
29 foster care advisory committee. The department shall involve  
30 the family foster care advisory committee in developing a  
31 request for proposals for the contract. The committee shall  
32 also be involved in reviewing proposals, overseeing the work  
33 of the contractor, and further defining needs in the system.  
34 The department shall also involve the committee in seeking new  
35 financial support for enhancing the family foster care system,

1 including government and foundation grants.

2 8. The department shall continue the demonstration program  
3 to decategorize child welfare services in the five counties in  
4 which the program has commenced. The department may approve  
5 additional applications from a county or cluster of counties  
6 to initiate a demonstration program provided the department,  
7 the boards of supervisors in the counties, and the affected  
8 judicial districts agree to implement the program. The  
9 schedule for implementing the demonstration program in  
10 additional counties shall provide that the program be  
11 implemented on or after January 1, 1993. The department shall  
12 establish for the demonstration program counties a child  
13 welfare fund composed of all or part of the amount that would  
14 otherwise be expected to be used for residents of the counties  
15 for foster care, family-centered services, subsidized  
16 adoption, child day care, local purchase of services, state  
17 juvenile institution care, mental health institute care, state  
18 hospital-school care, juvenile detention, department-direct  
19 services, and court-ordered evaluation and treatment of  
20 juvenile services and notwithstanding any other provision of  
21 law, the fund shall be considered encumbered. Notwithstanding  
22 other service funding provisions in law, the department shall  
23 establish the fund by transferring funds from the budgets  
24 affected, except for the funds appropriated for the state  
25 mental health institutes, the state hospital-schools, the  
26 state training school, and the Iowa juvenile home which shall  
27 remain on account for the county at these institutions. By  
28 June 15, 1992, the department shall inform each demonstration  
29 program county of the estimated amount that will be available  
30 in the county's child welfare fund and on account at the  
31 institutions for that county during the ensuing fiscal year.  
32 The department shall confirm each county's budgeted amount by  
33 October 1, 1992. A limited amount of the fund may be used to  
34 support services and reimbursement rates not allowable within  
35 historical program or service categories and administrative

1 rules. In addition, a limited amount of the child welfare  
2 fund may be used for emergency family assistance to provide  
3 resources for a family to remain together or to be unified.  
4 It is the intent of the general assembly that the  
5 demonstration program be designed to operate in a county for a  
6 three-year period. The three-year time period for a  
7 decategorization project in Dubuque, Linn, Polk,  
8 Pottawattamie, or Scott county shall be considered to begin on  
9 January 1 in the first year following the year in which the  
10 county's decategorization project was approved by the  
11 department.

12 9. The department shall implement changes in group foster  
13 care maintenance and service definitions to be consistent with  
14 the definitions under Title IV-E of the federal Social  
15 Security Act. State funding saved due to federal financial  
16 participation provided under Title IV-E which is received as a  
17 result of the definition changes, shall be used to implement  
18 the system changes recommended by the family foster care  
19 advisory committee pursuant to subsection 7.

20 10. Of the funds appropriated in this section, up to  
21 \$80,000 may be expended in accordance with a plan developed by  
22 the department and the supreme court to implement a system for  
23 department and judicial training in order to provide statewide  
24 reasonable efforts to prevent or eliminate the need to place  
25 children outside the children's homes. In implementing the  
26 plan, the department and the court shall provide comprehensive  
27 training in jurisdictions in which there are high rates of  
28 out-of-home placements. The training shall be coordinated  
29 with the expansions of family preservation and family-centered  
30 services pursuant to the home-based services appropriation in  
31 this Act.

32 11. Of the funds appropriated in this section, not more  
33 than \$30,000 may be used to contract for the development of a  
34 computerized foster care placement information system for the  
35 state. The system shall be capable of providing an on-line

1 data base of the availability of particular foster care  
2 placements, technical support, training, and appropriate user  
3 documentation. The department shall report to the  
4 chairpersons and ranking members of the joint human services  
5 appropriations subcommittee and the legislative fiscal bureau  
6 on or before September 15, 1992, concerning the status of this  
7 contract.

8 12. The department shall contract with the developers of  
9 the reasonable efforts protocol portion of the reasonable  
10 efforts model court project. The contract shall be to  
11 continue training seminars for child welfare practitioners  
12 throughout the state on the use of reasonable efforts to  
13 prevent or eliminate the need for removal of a child from the  
14 child's home. In addition, the department shall draw upon the  
15 reasonable efforts model court project in working with the  
16 supreme court to provide ongoing instruction and technical  
17 assistance in selected counties in the state concerning  
18 application of reasonable efforts. Counties shall be selected  
19 by targeting those with a high rate of placing children  
20 outside the children's homes. The recipients of technical  
21 assistance shall include court officials, department of human  
22 services referral workers, and child welfare service  
23 providers. Trainers shall include respected peers and  
24 colleagues of the training recipients. The department shall  
25 use up to \$80,000 of the funds appropriated in this section  
26 for the contract. The department shall seek assistance from  
27 the national conference of state legislatures and private  
28 foundations in implementing the provisions of this subsection.

29 13. The department shall incorporate family-centered  
30 approaches to serving families into the department's general  
31 child welfare training for all child welfare workers. The  
32 training shall include an introduction to family preservation  
33 and family-centered services and these services' usages as  
34 alternatives to out-of-home care. In addition, the department  
35 shall develop specific training concerning these services for



1 those workers who are involved with referrals of children to  
2 foster care. The department shall work with the judicial  
3 system in order to make the training applicable and available  
4 to court officers involved with referrals of children to  
5 foster care. In developing the training, the department shall  
6 seek assistance from the child welfare league of America and  
7 the national association of family-based services and shall  
8 draw from successful initiatives used in other states. In  
9 implementing the provisions of this subsection, the department  
10 may use up to \$85,000 of the moneys appropriated in this Act  
11 for family preservation services and up to \$55,000 of the  
12 funds appropriated in this section.

13 Sec. 13. FOSTER CARE SSI DETERMINATIONS. The amount of  
14 the appropriation in this Act for foster care is based upon  
15 expansion of the number of children in foster care who are  
16 eligible for federal supplemental security income (SSI). The  
17 department may use up to \$500,000 of that appropriation to  
18 enter into a performance-based contract to secure SSI benefits  
19 for children placed in foster care. The contractor must be  
20 capable of beginning services on July 1, 1992. The contract  
21 shall include provisions for training of department of human  
22 services and juvenile court staff, completion of applications,  
23 tracking of application results, and representation during the  
24 appeals process whenever an appeal is necessary to secure SSI  
25 benefits. The provisions of this section shall take effect  
26 upon enactment.

27 Sec. 14. HOME-BASED SERVICES. There is appropriated from  
28 the general fund of the state to the department of human  
29 services for the fiscal year beginning July 1, 1992, and  
30 ending June 30, 1993, the following amount, or so much thereof  
31 as is necessary, to be used for the purpose designated:

32 For home-based services on the condition that family  
33 planning services are funded, provided that if the department  
34 changes any allocation to a program funded under this section,  
35 the department shall promptly notify the legislative fiscal

1 bureau of the change:

2 ..... \$ 22,538,118

3 1. Of the funds appropriated in this section, \$30,000  
4 shall be used by the department to contract with universities  
5 to provide ongoing research and evaluation assistance to  
6 programs and initiatives of the department involving family-  
7 centered services and foster care. The contracts shall make  
8 maximum use of any matching resources available from the  
9 universities with which the department contracts.

10 2. a. Of the funds appropriated in this section,  
11 \$5,565,972 shall be used for family preservation and  
12 reunification services and training. A limited amount of the  
13 funds may be used for emergency family assistance to provide  
14 other resources required for a family participating in a  
15 project to stay together or to be reunified. The payment  
16 system for the project shall not be based upon units of time,  
17 but may be based upon the cost to serve a family, including  
18 adjustments according to the provider's performance and the  
19 outcome of the services provided to each family. The  
20 department shall use the statewide family preservation and  
21 decategorization committee to assist in selecting additional  
22 projects. In addition, a portion of the funds appropriated in  
23 this section shall be used for the jurisdictions receiving  
24 reasonable efforts training pursuant to the requirements  
25 provided in the appropriation in this Act for foster care.

26 b. The department shall seek federal financial  
27 participation for family preservation under Title IV-A of the  
28 federal Social Security Act. The nonfederal share of the  
29 costs shall be paid from funds appropriated in this section.  
30 Any federal funds received pursuant to this paragraph are  
31 appropriated for the purposes for which the funds are  
32 appropriated in this section.

33 Sec. 15. COMMUNITY-BASED PROGRAMS. There is appropriated  
34 from the general fund of the state to the department of human  
35 services for the fiscal year beginning July 1, 1992, and

1 ending June 30, 1993, the following amount, or so much thereof  
2 as is necessary, to be used for the purpose designated:

3 For community-based programs:

4 ..... \$ 1,628,106

5 1. Of the funds appropriated in this section, \$438,713  
6 shall be used for adolescent pregnancy prevention grants. At  
7 least 75 percent of the funds shall be used for programs which  
8 incorporate family planning and pregnancy prevention services  
9 as the major component of the program. The department shall  
10 not expend more than 8 percent of the funds for administrative  
11 costs. A grant may be awarded to a public school corporation,  
12 a maternal and child health center, an adolescent services  
13 provider, a project involving the state juvenile institutions,  
14 or a nonprofit organization which is involved in adolescent  
15 issues. Grants shall be awarded for a one-year period and  
16 shall be based on the demonstrated need for adolescent  
17 pregnancy prevention and adolescent parent services.  
18 Preference in awarding grants shall be given to each of the  
19 projects for children placed at a state juvenile institution  
20 and projects which utilize a variety of community resources  
21 and agencies.

22 a. As used in this subsection, "adolescent" means a person  
23 who is less than 18 years of age or a person who is attending  
24 an accredited high school or pursuing a course of study which  
25 will lead to a high school diploma or its equivalent. The  
26 department shall establish guidelines which permit a grant  
27 recipient to continue providing services to a person who  
28 receives services under the grant as an adolescent and becomes  
29 18 years of age or older.

30 b. A grant shall only be awarded to a project which  
31 provides one or more of the following services:

32 (1) Workshops and information programs for adolescents and  
33 parents of adolescents to improve communication between  
34 children and parents regarding human sexuality issues.

35 (2) Development and distribution of informational material

1 designed to discourage adolescent sexual activity, to provide  
2 information regarding acquired immune deficiency syndrome and  
3 sexually transmitted diseases, and to encourage male and  
4 female adolescents to assume responsibility for their sexual  
5 activity and parenting.

6 (3) Early pregnancy detection, prenatal services including  
7 chlamydia testing, and counseling regarding decision-making  
8 options for pregnant adolescents.

9 (4) Case management and child care services provided to  
10 male and female adolescent parents.

11 c. Additional services may be offered by a grantee  
12 pursuant to a purchase of service contract with the department  
13 including child day care services; child development and  
14 parenting instruction; services to support high school  
15 completion, job training, and job placement; prevention of  
16 additional pregnancies during adolescence; and other personal  
17 services.

18 2. Of the funds appropriated in this section, at least  
19 \$209,512 shall be used to provide grants administered in  
20 accordance with the provisions for adolescent pregnancy  
21 prevention grants, except for requirements to target certain  
22 specific geographic areas of the state. The grants shall be  
23 awarded to fund any of the following purposes:

24 a. Programs targeted to children. A program shall include  
25 the following: components for parental involvement; parental  
26 education, including techniques for encouraging sexual  
27 abstinence; outreach services for recruiting parents and  
28 children into the program; and the provision of transportation  
29 to program staff and participants necessary for recruiting and  
30 encouraging program participation.

31 b. Programs intended to prevent an additional pregnancy by  
32 a parent who is less than 19 years of age. Preference in  
33 grant awards shall be given to programs which provide  
34 financial incentives to clients for their program  
35 participation and success in avoiding an additional pregnancy.

1 c. Providing additional pregnancy prevention grants.  
2 Preference in grant awards shall be given to programs which,  
3 in addition to other services, provide counseling to mixed  
4 gender groups of adolescents.

5 d. Programs intended to educate adolescents concerning the  
6 risks associated with alcohol and other drug use during  
7 pregnancy, including health, financial, emotional, and other  
8 potential long-term effects for mother and child.

9 3. Of the funds appropriated in this section, \$532,789  
10 shall be used by the department for child abuse prevention  
11 grants.

12 Sec. 16. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.  
13 There is appropriated from the general fund of the state to  
14 the department of human services for the fiscal year beginning  
15 July 1, 1992, and ending June 30, 1993, the following amount,  
16 or so much thereof as is necessary, to be used for the purpose  
17 designated:

18 Payment of the expenses of court-ordered services provided  
19 to juveniles which are a charge upon the state pursuant to  
20 section 232.141, subsection 4:

21 ..... \$ 4,000,000

22 1. Notwithstanding section 232.141 or any other provision  
23 of law, the funds appropriated in this section shall be  
24 allocated to the judicial districts as determined by the state  
25 court administrator. The state court administrator shall make  
26 the determination on the allocations on or before June 15,  
27 1992.

28 2. Each judicial district shall continue the planning  
29 group for the court-ordered services for juveniles provided in  
30 that district which was established pursuant to 1991 Iowa  
31 Acts, chapter 267, section 119. A planning group shall  
32 continue to perform its duties as specified in that law.

33 Each district planning group shall submit an annual report  
34 in January 1993 to the state court administrator and the  
35 department of human services. The report shall cover the

1 preceding fiscal year and shall include a preliminary report  
2 on the current fiscal year. The administrator and the  
3 department shall compile these reports and submit the reports  
4 to the chairpersons and ranking members of the joint human  
5 services appropriations subcommittee and the legislative  
6 fiscal bureau.

7 3. The department of human services shall develop policies  
8 and procedures to ensure that the funds appropriated in this  
9 section are spent only after all other reasonable actions have  
10 been taken to utilize other funding sources and community-  
11 based services. The policies and procedures shall be designed  
12 to achieve the following objectives relating to services  
13 provided under chapter 232:

14 a. Maximize the utilization of funds which may be  
15 available from the medical assistance program including usage  
16 of the early and periodic screening, diagnosis, and treatment  
17 (EPSDT) program.

18 b. Recover payments from any third-party insurance carrier  
19 which is liable for coverage of the services, including health  
20 insurance coverage.

21 c. Pursue development of agreements with regularly  
22 utilized out-of-state service providers which are intended to  
23 reduce per diem costs paid to those providers.

24 4. The department of human services, in consultation with  
25 the state court administrator and the judicial district  
26 planning groups, shall compile a monthly report describing  
27 spending in the districts for court-ordered services for  
28 juveniles, including the utilization of the medical assistance  
29 program. The reports shall be submitted on or before the  
30 twentieth day of each month to the chairpersons and ranking  
31 members of the joint human services appropriations  
32 subcommittee and the legislative fiscal bureau.

33 5. Notwithstanding chapter 232 or any other provision of  
34 law, a district or juvenile court in a department of human  
35 services district shall not order any service which is a

1 charge upon the state pursuant to section 232.141 if there are  
2 insufficient court-ordered services funds available in the  
3 district allocation to pay for the service. The chief  
4 juvenile court officer shall work with the judicial district  
5 planning group to encourage use of the funds appropriated in  
6 this section such that there are sufficient funds to pay for  
7 all court-related services during the entire year. The eight  
8 chief juvenile court officers shall attempt to anticipate  
9 potential surpluses and shortfalls in the allocations and  
10 shall cooperatively request the state court administrator to  
11 transfer funds between the districts' allocations as prudent.

12 6. Notwithstanding any provision of law to the contrary, a  
13 district or juvenile court shall not order a county to pay for  
14 any service provided to a juvenile pursuant to an order  
15 entered under chapter 232 which is a charge upon the state  
16 under section 232.141, subsection 4.

17 7. Of the funds appropriated in this section, up to  
18 \$200,000 may be used by the judicial department for  
19 administration of the requirements under this section and for  
20 travel associated with court-ordered placements which are a  
21 charge upon the state pursuant to section 232.141, subsection  
22 4.

23 Sec. 17. CHILD PROTECTIVE SYSTEM IMPROVEMENTS. There is  
24 appropriated from the general fund of the state to the  
25 department of human services for the fiscal year beginning  
26 July 1, 1992, and ending June 30, 1993, the following amount,  
27 or so much thereof as is necessary, to be used for the purpose  
28 designated:

29 For improvements in the state system for child protection:  
30 ..... \$ 543,251

31 The funding appropriated in this section shall be used as  
32 determined by the department for any of the following  
33 purposes:

34 1. For general administration of the department to improve  
35 staff training efforts.

1 2. For oversight of termination of parental rights and  
2 permanency planning efforts on a statewide basis on the  
3 condition that regular reports regarding the statewide program  
4 efforts shall be provided to the legislative fiscal bureau.

5 3. For use by the department in general administration to  
6 promote innovative treatment programs, write grants to obtain  
7 federal and private funding, and promote public and private  
8 efforts to treat and prevent child abuse.

9 4. For personnel, assigned by the attorney general, to  
10 provide additional services relating to termination of  
11 parental rights and child in need of assistance cases.

12 5. For funding of the state multidisciplinary team to  
13 assist with difficult cases within the child abuse and foster  
14 care system and with respect to child protective investigation  
15 and initial case planning and to develop and coordinate local  
16 multidisciplinary teams.

17 6. For use by the department in conducting outcome-  
18 oriented evaluations of child protection, prevention, and  
19 treatment programs.

20 7. For specialized foster care permanency planning field  
21 operations staff.

22 Sec. 18. IOWA VETERANS HOME. There is appropriated from  
23 the general fund of the state to the department of human  
24 services for the fiscal year beginning July 1, 1992, and  
25 ending June 30, 1993, the following amount, or so much thereof  
26 as is necessary, to be used for the purposes designated:

27	For operation of the Iowa veterans home, including	
28	salaries, support, maintenance, miscellaneous purposes, and	
29	for not more than the following full-time equivalent	
30	positions:	
31	.....	\$ 26,517,842
32	..... FTEs	700.61

33 1. The department may use the gifts accepted by the  
34 director of human services pursuant to section 218.96 and  
35 other resources available to the department for use at the



1 Iowa veterans home for purposes identified by the department.

2 2. The department shall consider implementing a policy  
3 limiting the amount of subsidy to a patient to the subsidy  
4 that would be provided to that patient in a comparable  
5 facility receiving medical assistance reimbursement.

6 3. a. The department may adopt emergency rules to provide  
7 for medical assistance reimbursement for the care and  
8 treatment of medical assistance-eligible individuals admitted  
9 to the Iowa veterans home. If the rules result in medical  
10 assistance reimbursement to the Iowa veterans home which  
11 exceeds the amount budgeted for that purpose in the fiscal  
12 year beginning July 1, 1992, and ending June 30, 1993, the  
13 department may exceed the number of full-time equivalent  
14 positions authorized in this section for the purpose of  
15 meeting related certification requirements or to provide  
16 additional beds.

17 b. An amount equal to the nonfederal share of the cost to  
18 determine the medical assistance eligibility for individuals  
19 pursuant to this subsection shall be transferred from moneys  
20 appropriated in this section and used in addition to moneys  
21 appropriated in this Act for field operations. The department  
22 may exceed the number of full-time equivalent positions  
23 authorized in the field operations appropriation for the  
24 purpose of providing medical assistance eligibility  
25 determinations pursuant to this subsection.

26 Sec. 19. MENTAL HEALTH INSTITUTES. There is appropriated  
27 from the general fund of the state to the department of human  
28 services for the fiscal year beginning July 1, 1992, and  
29 ending June 30, 1993, the following amounts, or so much  
30 thereof as is necessary, to be used for the purposes  
31 designated:

32 For the state mental health institutes for salaries,  
33 support, maintenance, miscellaneous purposes, and for not more  
34 than the following full-time equivalent positions:  
35 ..... \$ 41,889,419

1 .....FTEs 1,058.13

2 1. The funds appropriated and full-time equivalent

3 positions authorized in this section are allocated as follows:

4 a. State mental health institute at Cherokee:

5 ..... \$ 14,695,140

6 ..... FTEs 381.41

7 b. State mental health institute at Clarinda:

8 ..... \$ 5,667,293

9 ..... FTEs 138.11

10 c. State mental health institute at Independence:

11 ..... \$ 16,507,883

12 ..... FTEs 435.61

13 d. State mental health institute at Mount Pleasant:

14 ..... \$ 5,019,103

15 ..... FTEs 103.00

16 2. Within the funds appropriated in this section, the

17 department may reallocate funds as necessary to best fulfill

18 the needs of the institutions provided for in this

19 appropriation.

20 3. The department shall report to the legislative fiscal

21 bureau, on or before the twentieth day of each month, the

22 department's current expenditures for the institutions

23 receiving allocations under this appropriation. The report

24 shall include a comparison of actual to budgeted expenditures

25 for each institution.

26 Sec. 20. HOSPITAL-SCHOOLS. There is appropriated from the

27 general fund of the state to the department of human services

28 for the fiscal year beginning July 1, 1992, and ending June

29 30, 1993, the following amounts, or so much thereof as is

30 necessary, to be used for the purposes designated:

31 For the state hospital-schools, for salaries, support,

32 maintenance, miscellaneous purposes, and for not more than the

33 following full-time equivalent positions:

34 ..... \$ 64,271,228

35 ..... FTEs 1,831.25

1 1. The funds appropriated and full-time equivalent  
2 positions authorized in this section are allocated as follows:

- 3 a. State hospital-school at Glenwood:
- 4 ..... \$ 34,685,533
- 5 ..... FTEs 995.00
- 6 b. State hospital-school at Woodward:
- 7 ..... \$ 29,585,695
- 8 ..... FTEs 836.25

9 2. Within the funds appropriated in this section, the  
10 department may reallocate funds as necessary to best fulfill  
11 the needs of the institutions provided for in this  
12 appropriation.

13 3. The department shall report to the legislative fiscal  
14 bureau, on or before the twentieth day of each month, the  
15 department's current expenditures for the institutions  
16 receiving allocations under this appropriation. The report  
17 shall include a comparison of actual to budgeted expenditures  
18 for each institution.

19 Sec. 21. MENTAL HEALTH -- MENTAL RETARDATION --  
20 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is  
21 appropriated from the general fund of the state to the  
22 department of human services for the fiscal year beginning  
23 July 1, 1992, and ending June 30, 1993, the following amount,  
24 or so much thereof as is necessary, to be used for the purpose  
25 designated:

26 For mental health, mental retardation, and developmental  
27 disabilities special services:

28 ..... \$ 370,069

29 1. The department and the Iowa finance authority shall  
30 develop methods to implement the financing for existing  
31 community-based facilities and to implement financing for  
32 small community-based facilities, including those facilities  
33 which may be developed under a federally approved home and  
34 community-based waiver for services provided under the medical  
35 assistance program. The department shall develop criteria for

1 these facilities which may include provisions to restrict  
2 placements to current state hospital-school clients or to  
3 avert the placement of persons in a state hospital-school.  
4 The department shall assure that clients are referred to these  
5 facilities upon their development.

6 2. Of the funds appropriated in this section, \$248,862 is  
7 allocated to provide supplemental per diems to community-based  
8 residential care facilities and community living arrangements.  
9 The per diem is restricted to clients placed from the state  
10 hospital-schools and persons averted from placement in a state  
11 hospital-school who meet the appropriate level of functioning  
12 for this type of care.

13 3. Of the funds appropriated in this section, \$121,207 is  
14 allocated to provide funds for construction and start-up costs  
15 to develop community living arrangements to provide for  
16 persons who are mentally ill and homeless. These funds may be  
17 used to match federal Stewart B. McKinney Homeless Assistance  
18 Act grant funds.

19 Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM. There is  
20 appropriated from the general fund of the state to the  
21 department of human services for the fiscal year beginning  
22 July 1, 1992, and ending June 30, 1993, the following amount,  
23 or so much thereof as is necessary, to be used for the purpose  
24 designated:

25 For the family support subsidy program:  
26 ..... \$ 1,002,833

27 Sec. 23. SPECIAL NEEDS GRANTS. There is appropriated from  
28 the general fund of the state to the department of human  
29 services for the fiscal year beginning July 1, 1992, and  
30 ending June 30, 1993, the following amount, or so much thereof  
31 as is necessary, to be used for the purpose designated:

32 To provide special needs grants to families with a family  
33 member at home who has a developmental disability or to a  
34 person with a developmental disability:  
35 ..... \$ 53,212

1 Grants must be used by a family to defray special costs of  
2 caring for the family member to prevent out-of-home placement  
3 of the family member or to provide for independent living  
4 costs. A grant may provide up to \$5,000 per person for costs  
5 associated with an assistive animal. The grants may be  
6 administered by a private nonprofit agency which serves people  
7 statewide provided that no administrative costs are received  
8 by the agency. Regular reports regarding the special needs  
9 grants with the family support subsidy program and an annual  
10 report concerning the characteristics of the grantees shall be  
11 provided to the legislative fiscal bureau.

12 Sec. 24. MH/MR/DD STATE CASES. There is appropriated from  
13 the general fund of the state to the department of human  
14 services for the fiscal year beginning July 1, 1992, and  
15 ending June 30, 1993, the following amount, or so much thereof  
16 as is necessary, to be used for the purposes designated:

17 For purchase of local mental health, mental retardation,  
18 and developmental disabilities services where the client has  
19 no established county of legal settlement:  
20 ..... \$ 3,533,460

21 Sec. 25. BLOCK GRANT SUPPLEMENTATION. There is  
22 appropriated from the general fund of the state to the  
23 department of human services for the fiscal year beginning  
24 July 1, 1992, and ending June 30, 1993, the following amount,  
25 or so much thereof as is necessary, to be used for the purpose  
26 designated:

27 For supplementation of federal social services block grant  
28 funds and for allocation to counties for the purchase of local  
29 services:  
30 ..... \$ 4,482,581

31 The amount of the appropriation made in this section is  
32 based on the allocation amount under the appropriation of the  
33 federal social services block grant for the federal fiscal  
34 year beginning October 1, 1992, for local administrative costs  
35 and other local services, being the same amount and used in

1 the same manner as provided in 1991 Iowa Acts, chapter 269,  
2 section 9, subsection 3, paragraph "e". The funds  
3 appropriated in this section shall be allocated to counties  
4 pursuant to the rules of the department in effect on January  
5 1, 1985. The department shall increase the income guidelines  
6 for income eligible persons receiving services funded with  
7 federal social services block grant funds for the fiscal year  
8 beginning July 1, 1992, by the same percentage and at the same  
9 time as federal social security benefits are increased due to  
10 a recognized increase in the cost of living. The department  
11 may adopt emergency rules to implement the provisions of this  
12 section relating to an increase in the cost of living.

13 Sec. 26. MENTAL HEALTH -- MENTAL RETARDATION -- DE-  
14 VELOPMENTAL DISABILITIES COMMUNITY SERVICES. There is  
15 appropriated from the general fund of the state to the  
16 department of human services for the fiscal year beginning  
17 July 1, 1992, and ending June 30, 1993, the following amount,  
18 or so much thereof as is necessary, to be used for the purpose  
19 designated:

20 For mental health, mental retardation, and developmental  
21 disabilities community services in accordance with the  
22 provisions of this Act:

23 ..... \$ 10,366,168

24 1. Of the funds appropriated in this section, \$10,336,168  
25 shall be allocated to counties for funding of community-based  
26 mental health, mental retardation, and developmental  
27 disabilities services. The moneys shall be allocated to a  
28 county as follows:

29 a. Fifty percent based upon the county's proportion of the  
30 state's population of persons with an annual income which is  
31 equal to or less than the poverty guideline established by the  
32 federal office of management and budget.

33 b. Fifty percent based upon the county's proportion of the  
34 state's general population.

35 A county shall utilize 5 percent of the funding the county

1 receives pursuant to this subsection for services to persons  
2 with a developmental disability other than mental retardation.  
3 The remaining funding shall be used by the county for services  
4 to persons with mental retardation or mental illness.  
5 However, no more than 60 percent of the remaining funding  
6 shall be used for services to persons with either mental  
7 retardation or mental illness.

8 For the fiscal year beginning July 1, 1992, a county shall  
9 use at least 50 percent of the funding the county receives  
10 under this subsection for the following contemporary services  
11 to persons with mental illness, mental retardation, or a  
12 developmental illness:

13 (1) Case management.

14 (2) Supported employment.

15 (3) Community-based housing, including but not limited to  
16 group homes with five beds or less which promote quality  
17 support services, appropriate levels of independence, and  
18 community inclusion for residents. However, expenditures  
19 relating to a group home with more than five beds or a group  
20 home which does not comply with the location requirements of  
21 section 358A.25, subsection 3, or section 414.22, subsection  
22 3, are not eligible for reimbursement. Expenditures for  
23 housing provided in intermediate care facilities for the  
24 mentally retarded with ten beds or less which received a  
25 certificate of need under chapter 135 on or before July 1,  
26 1991, are eligible for payment under this allocation until  
27 July 1, 1997.

28 (4) Individual support services provided to residents  
29 living in community-based housing or an independent living  
30 arrangement or to residents and residents' families when a  
31 resident is living with the resident's family. The support  
32 services are any service deemed necessary by a county to  
33 support a resident in a community-based housing or other  
34 living arrangement described in this lettered paragraph, and  
35 include any employment, training, crisis intervention, or

1 educational program. The support services may also include  
2 provision of or payment for the costs of food, medical  
3 services, clothing, and counseling.

4 (5) Day programming provided to residents living in  
5 community-based housing, an independent living arrangement, or  
6 with the resident's family.

7 2. Of the funds appropriated in this section, \$30,000  
8 shall be transferred to the governor's planning council for  
9 developmental disabilities for use in contracting to continue  
10 operating a computerized information and referral project for  
11 Iowans with developmental disabilities and their families.

12 3. The department shall submit quarterly reports  
13 concerning each population served and each service funded in  
14 this section to the chairpersons and ranking members of the  
15 joint human services appropriation subcommittee and the  
16 legislative fiscal bureau.

17 Sec. 27. MH/MR/DD SERVICES UNDER MEDICAL ASSISTANCE --  
18 JOINT STATE AND COUNTY FUNDING. There is appropriated from  
19 the general fund of the state to the department of human  
20 services for the fiscal year beginning July 1, 1992, and  
21 ending June 30, 1993, the following amount, or so much thereof  
22 as is necessary, to be used for the purpose designated:

23 For mental health, mental retardation, and developmental  
24 disabilities provided under the medical assistance program and  
25 jointly funded by the state and counties, including  
26 reimbursement of counties for previous expenditures, in  
27 accordance with the provisions of this section:

28 ..... \$ 6,858,495

29 1. The enhanced mental health, mental retardation, and  
30 developmental disabilities services plan oversight committee  
31 is continued, as established under 1988 Iowa Acts, chapter  
32 1276, section 14, subsection 1, for the fiscal year which  
33 begins July 1, 1992, and ends June 30, 1993. The oversight  
34 committee shall issue a final decision regarding any issue of  
35 disagreement between a county and the department relating to



1 expenditures for candidate services or the county's  
2 maintenance of effort.

3 2. For purposes of this section, "candidate services"  
4 means day treatment, partial hospitalization, and case  
5 management.

6 3. a. The county of legal settlement shall be billed for  
7 50 percent of the nonfederal share of the cost of case  
8 management provided to adults, day treatment, and partial  
9 hospitalization, and of the cost of care which is reimbursed  
10 under a federally approved home and community-based waiver  
11 that would otherwise be approved for provision in an  
12 intermediate care facility for the mentally retarded, provided  
13 under the medical assistance program for persons with mental  
14 retardation, a developmental disability, or chronic mental  
15 illness.

16 b. If the department has contracted with a county or a  
17 consortium of counties to be the provider of case management  
18 services, the department is responsible for any costs included  
19 within the unit rate for case management services which are  
20 disallowed for reimbursement pursuant to Title XIX of the  
21 federal Social Security Act by the federal health care  
22 financing administration. The department shall use funds  
23 appropriated under this section to credit a county for the  
24 county's share of any amounts overpaid due to the disallowed  
25 costs. If certain costs are disallowed due to requirements or  
26 preferences of a particular county in the provision of case  
27 management services the county shall not receive credit for  
28 the amount of the costs.

29 c. Case management services provided to children shall  
30 only be reimbursed under the medical assistance program if the  
31 services are provided in a county approved by the department  
32 to implement the program to decategorize child welfare  
33 services. In addition, the county's decategorization plan  
34 must demonstrate that the amount necessary for payment of the  
35 nonfederal share of the cost for the services is available

1 within funds allocated for the purpose of decategorization.  
2 The department may adopt emergency rules to implement the  
3 provisions of this paragraph.

4 4. A county is responsible to continue to expend at least  
5 the agreed upon amount expended for services in the fiscal  
6 year which ended June 30, 1987, for the fiscal year beginning  
7 July 1, 1992, for services to persons with mental retardation,  
8 a developmental disability, or chronic mental illness.

9 Notwithstanding section 8.33, if a county does not expend the  
10 agreed upon amount in the fiscal year, the balance not  
11 expended shall not revert to the general fund of the county,  
12 but shall be carried over to the next fiscal year to be  
13 expended for the provision of services to persons with mental  
14 retardation, a developmental disability, or mental illness  
15 including, but not limited to, the chronically mentally ill,  
16 and shall be used as additional funds. The additional funds  
17 shall be used, to the greatest extent possible, to meet unmet  
18 needs of persons with mental retardation, a developmental  
19 disability, or mental illness. This subsection does not  
20 relieve the county from any other funding obligations required  
21 by law, including but not limited to the obligations in  
22 section 222.60.

23 5. The department, in conjunction with the oversight  
24 committee, and with the agreement of each county, shall  
25 establish the actual amount expended for each candidate  
26 service for persons with mental retardation, a developmental  
27 disability, or chronic mental illness in the fiscal year which  
28 ended June 30, 1987, and this amount shall be deemed each  
29 county's base year expenditure for the candidate service. A  
30 disagreement between the department and a county as to the  
31 actual amount expended shall be decided by the oversight  
32 committee.

33 The department, in conjunction with the oversight  
34 committee, and with the agreement of each county, shall  
35 determine the expenditures in the fiscal year beginning July

1 1, 1991, by each county for the candidate services, including  
2 the amount the county contributes under subsection 3. If the  
3 expenditures in the fiscal year beginning July 1, 1991, exceed  
4 the base year expenditures for candidate services, then the  
5 county shall receive from the funds appropriated under this  
6 section the least amount of the following:

7 a. The difference between the total expenditures for the  
8 candidate services in the fiscal year beginning July 1, 1991,  
9 and the base year expenditures.

10 b. The amount expended by the county under subsection 3  
11 for the fiscal year beginning July 1, 1991.

12 c. The amount by which total expenditures for persons with  
13 mental retardation, a developmental disability, or chronic  
14 mental illness for the fiscal year beginning July 1, 1991,  
15 less any carryover amount from the fiscal year which began  
16 July 1, 1990, exceed the maintenance of effort expenditures  
17 under subsection 4.

18 The department may utilize a debit-credit approach in order  
19 to implement the financial transactions with counties required  
20 by this subsection.

21 6. Notwithstanding section 225C.20, case management  
22 services shall be provided by the department except when a  
23 county or a consortium of counties contracts with the  
24 department to provide the services. A county or consortium of  
25 counties may contract to be the provider at any time and the  
26 department shall agree to the contract so long as the contract  
27 meets the standards for case management adopted by the  
28 department. The county or consortium of counties may  
29 subcontract for the provision of case management services if  
30 the subcontract meets the same standards. A mental health,  
31 mental retardation, and developmental disabilities  
32 coordinating board may change the provider of individual case  
33 management services at any time. If the current or proposed  
34 contract is with the department, the coordinating board shall  
35 provide written notification of a proposed change to the

1 department on or before August 15 and written notification of  
2 an approved change on or before October 15 in the fiscal year  
3 which precedes the fiscal year in which the change will take  
4 effect.

5 7. This section does not relieve the county from any other  
6 funding obligations required by law, including but not limited  
7 to the obligations in section 222.60.

8 8. Nothing in this division is intended by the general  
9 assembly to be the provision of a fair and equitable funding  
10 formula specified in 1985 Iowa Acts, chapter 249, section 9.  
11 Nothing in this division shall be construed as, is intended  
12 as, or shall imply a claim of entitlement to any programs or  
13 services specified in section 225C.28.

14 9. For the purposes of this section only, persons with  
15 mental disorders resulting from Alzheimer's disease or  
16 substance abuse shall not be considered chronically mentally  
17 ill.

18 10. Where the department contracts with a county or  
19 consortium of counties to provide case management services,  
20 the state shall appear and defend the department's employees  
21 and agents acting in an official capacity on the department's  
22 behalf and the state shall indemnify the employees and agents  
23 for acts within the scope of their employment. The state's  
24 duties to defend and indemnify shall not apply if the conduct  
25 upon which any claim is based constitutes a willful and wanton  
26 act or omission or malfeasance in office.

27 11. Medical assistance funding for case management  
28 services for eligible persons 18 years of age and under shall  
29 also be provided to persons residing in counties with  
30 decategorization projects, provided these projects have  
31 included these persons in their service plan and the  
32 decategorization project county is willing to provide the  
33 nonfederal share of costs.

34 Sec. 28. FIELD OPERATIONS. There is appropriated from the  
35 general fund of the state to the department of human services

1 for the fiscal year beginning July 1, 1992, and ending June  
2 30, 1993, the following amount, or so much thereof as is  
3 necessary, to be used for the purpose designated:

4 For field operations, including salaries, support,  
5 maintenance, miscellaneous purposes, and for not more than the  
6 following full-time equivalent positions:

7 ..... \$ 37,945,044

8 ..... FTEs 2,188.00

9 1. Staff who are designated as "Title XIX case management  
10 staff" are considered to be in addition to the limit for full-  
11 time equivalent positions and the funds appropriated for field  
12 operations. The department shall report quarterly to the  
13 chairpersons and ranking members of the legislative fiscal  
14 committee of the legislative council, the members of the joint  
15 human services appropriations subcommittee, and the  
16 legislative fiscal bureau regarding the total number of Title  
17 XIX case management staff positions filled, including the  
18 number of positions which were filled by persons who were  
19 already employed by the department in another capacity.

20 2. Upon the request of a county, the department shall work  
21 with the county to develop a funding plan for persons with  
22 mental retardation, a developmental disability, or chronic  
23 mental illness who are not eligible to receive case management  
24 provided under the medical assistance program and are  
25 receiving service management. With an agreed upon funding  
26 plan, the department is authorized to combine state funds that  
27 would otherwise be expended on service management with county  
28 funds to upgrade services provided to the persons from service  
29 management to case management. Staff required to implement  
30 this subsection are not subject to the limitations on full-  
31 time equivalent positions and funds appropriated for field  
32 operations.

33 3. If the field operations staffing level meets the funded  
34 full-time equivalent position limit authorized in this section  
35 and a region identifies a critical position vacancy or a

1 position with a caseweight factor greater than 120 percent of  
2 the budgeted caseweight factor for the position, the director  
3 of human services may exceed the full-time equivalent position  
4 limit imposed under this section in the amount necessary to  
5 fill the critical position vacancy or to reduce the caseweight  
6 factor to the budgeted level. For purposes of this  
7 subsection, "critical position vacancy" includes a clerical  
8 position in an office limited to a single clerical staff  
9 position. The maximum caseweight factor for the fiscal year  
10 beginning July 1, 1992, and ending June 30, 1993, is 213 for  
11 income maintenance workers and 208 for service workers. If  
12 the department is able to increase federal financial  
13 participation relating to field operations, the moneys shall  
14 be used to reduce the budgeted caseweight factor funded by the  
15 appropriation in this section for income maintenance and  
16 service workers. In addition, if the field operations  
17 staffing level meets the funded full-time equivalent position  
18 limit imposed in this section and there is a critical position  
19 vacancy in the state or the statewide average caseweight  
20 factor for a particular type of position exceeds 105 percent  
21 of the maximum caseweight factor for that type of position,  
22 the director of human services may exceed the full-time  
23 equivalent position limit imposed in this section in an amount  
24 necessary to fill the critical position vacancy or to reduce  
25 the caseweight factor to the maximum level. If expenditures  
26 remain within the amount appropriated in this section, the  
27 department may exceed the full-time equivalent position limit  
28 imposed in this section. The department shall report monthly  
29 to the chairpersons and ranking members of the joint human  
30 services appropriations subcommittee and to the legislative  
31 fiscal bureau regarding caseweight factor computations in each  
32 region, the statewide average caseweight factor, the existence  
33 of a critical position vacancy in any region, and action taken  
34 by the department to address any critical position vacancy  
35 problem or excess caseweight factor.

1 4. Notwithstanding the full-time equivalent position limit  
2 imposed in this section, a county implementing a  
3 decategorization project, consistent with the county's  
4 decategorization plan, may modify the staffing level in the  
5 county's human services office and the modification shall not  
6 affect other county or regional human services staffing levels  
7 and shall not be considered to be subject to the full-time  
8 equivalent position limit imposed in this section.

9 5. If the amount of the nonfederal portion of a field  
10 operations income maintenance worker's salary, benefits, and  
11 support costs are paid to the department by a hospital or  
12 health center, the costs associated with that worker and that  
13 worker shall be considered to be in addition to the amount  
14 appropriated and full-time equivalent positions authorized in  
15 this appropriation for field operations.

16 6. If a county supplements a full or partial full-time  
17 equivalent position, the supplemented position is considered  
18 to be in addition to the amount appropriated and full-time  
19 equivalent positions authorized in this appropriation for  
20 field operations.

21 Sec. 29. GENERAL ADMINISTRATION. There is appropriated  
22 from the general fund of the state to the department of human  
23 services for the fiscal year beginning July 1, 1992, and  
24 ending June 30, 1993, the following amount, or so much thereof  
25 as is necessary, to be used for the purpose designated:

26 For general administration, including salaries, support,  
27 maintenance, miscellaneous purposes, and for not more than the  
28 following full-time equivalent positions:

29 ..... \$ 9,104,882  
30 ... FTEs 357.01

31 1. Full-time equivalent positions which are funded  
32 entirely with federal, public, or private grants are exempt  
33 from the limits on the number of full-time equivalent  
34 positions provided in this section, but are approved only for  
35 the period of time for which the federal funds or grants are

1 available for the position.

2 2. The department shall continue its activities in  
3 applying to the Robert Wood Johnson foundation for a grant to  
4 investigate the feasibility of establishing a system with a  
5 single state authority and regional subauthorities for the  
6 planning, funding, and administration of services for persons  
7 with mental illness. The application process shall be  
8 coordinated with the requirements of the federal Mental Health  
9 Planning Act, Pub. L. No. 99-660, and federal mental health  
10 law amendments enacted in 1990. The department shall work  
11 with legislators, advocacy groups, county representatives, and  
12 service providers as necessary in developing the grant  
13 application. The department shall report to the joint human  
14 services appropriations subcommittee on or before January 11,  
15 1993.

16 3. The department, in consultation with the child  
17 development coordinating council and the family development  
18 and self-sufficiency council, shall consider the feasibility  
19 of developing a proposal for submission to the federal family  
20 support administration for a state family resource and support  
21 program grant under the federal Claude Pepper Young Americans  
22 Act of 1990, Pub. L. No. 101-501 § 933, as codified in 42  
23 U.S.C. § 12339. The department may also apply for a planning  
24 grant under that Act. In making application for a grant, the  
25 department shall build upon existing effective programs in  
26 Iowa provided through the child development coordinating  
27 council, the family development and self-sufficiency council,  
28 adolescent pregnancy prevention grants, and child abuse  
29 prevention grants.

30 Sec. 30. PREVENTION OF DISABILITIES POLICY COUNCIL. There  
31 is appropriated from the general fund of the state to the  
32 prevention of disabilities policy council established in  
33 section 225B.3 for the fiscal year beginning July 1, 1992, and  
34 ending June 30, 1993, the following amount, or so much thereof  
35 as is necessary, to be used for the purpose designated:



1 For performance of the council's duties in accordance with  
2 chapter 225B:

3 ..... \$ 27,090

4 Sec. 31. VOLUNTEERS. There is appropriated from the  
5 general fund of the state to the department of human services  
6 for the fiscal year beginning July 1, 1992, and ending June  
7 30, 1993, the following amount, or so much thereof as is  
8 necessary, to be used for the purpose designated:

9 For development and coordination of volunteer services:

10 ..... \$ 85,793

11 Sec. 32. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY  
12 DETERMINATION SYSTEM. There is appropriated from the general  
13 fund of the state to the department of human services for the  
14 fiscal year beginning July 1, 1992, and ending June 30, 1993,  
15 the following amount, or so much thereof as is necessary, to  
16 be used for the purpose designated:

17 For the first year development costs of the "X-PERT"  
18 knowledge-based computer software package for public  
19 assistance benefit eligibility determination:

20 ..... \$ 453,204

21 Sec. 33. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
22 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
23 DEPARTMENT OF HUMAN SERVICES.

24 1. a. For the fiscal year beginning July 1, 1992, the  
25 department of human services may allocate any increases for  
26 durable medical products and supplies so that equipment and  
27 supplies which have greater wholesale cost increases may be  
28 reimbursed at a higher rate and those which have a lower or no  
29 wholesale cost increase may be reimbursed at a lower rate or  
30 have no increase.

31 b. For the fiscal year beginning July 1, 1992, the  
32 following shall have their medical assistance reimbursement  
33 rates increased by 10 percent over the rates in effect on June  
34 30, 1992: early and periodic screening, diagnosis, and  
35 treatment program providers, providers of obstetric services

1 when provided by physicians or certified nurse-midwives, and  
2 pediatric services.

3 c. The department shall revise the reimbursement  
4 methodology used for clinics, including family planning  
5 clinics, from a rate paid per visit based upon cost to a fixed  
6 fee schedule.

7 d. The dispensing fee for pharmacists shall remain at the  
8 rate in effect on June 30, 1992. The reimbursement policy for  
9 drug product costs shall be in accordance with federal  
10 requirements. Total adjustments to reimbursements for  
11 prescription drugs shall remain within funds appropriated.

12 e. Reimbursement rates for in-patient hospital services  
13 shall be increased by 1 percent over the rates in effect on  
14 June 30, 1992.

15 f. Reimbursement rates for rural health clinics shall be  
16 increased in accordance with increases under the federal  
17 medicare program.

18 g. Home health agencies certified for the federal medicare  
19 program, hospice services, and acute care mental hospitals  
20 shall be reimbursed for their current federal medicare audited  
21 costs.

22 h. The basis for establishing the maximum medical  
23 assistance reimbursement rate for nursing facilities shall be  
24 the 70th percentile of facility costs as calculated from the  
25 June 30, 1992, unaudited compilation of cost and statistical  
26 data.

27 i. The department may revise the fee schedule used for  
28 physician reimbursement.

29 2. For the fiscal year beginning July 1, 1992, the maximum  
30 cost reimbursement rate for residential care facilities  
31 reimbursed by the department shall be \$19.62 per day. The  
32 flat reimbursement rate for facilities electing not to file  
33 semiannual cost reports shall be \$14.03 per day. For the  
34 fiscal year beginning July 1, 1992, the maximum reimbursement  
35 rate for providers reimbursed under the in-home health-related

1 care program shall be \$390.15 per month.

2 3. If the department's reimbursement methodology for any  
3 provider reimbursed in accordance with this section includes  
4 an inflation factor, this factor shall not exceed the amount  
5 by which the consumer price index for all urban consumers  
6 increased during the calendar year ending December 31, 1991.

7 4. a. The department of human services shall make  
8 reimbursement payments directly to foster parents for services  
9 provided to children pursuant to section 234.6, subsection 6,  
10 paragraph "b", or section 234.35. For each of the following  
11 fiscal years, the reimbursement rate shall be based upon the  
12 indicated percentage of the current United States department  
13 of agriculture estimate of the cost to raise a child: 1992-  
14 1993, 65 percent; 1993-1994, 75 percent; and 1994-1995, 80  
15 percent. The department may pay an additional stipend for a  
16 child with special needs.

17 b. In the 1992-1993 fiscal year, the basic maintenance  
18 rate for children ages 0 through 5 years shall be \$258, the  
19 rate for children ages 6 through 11 years shall be \$289, the  
20 rate for children ages 12 through 15 years shall be \$328, and  
21 the rate for children ages 16 and older shall be \$356. The  
22 department shall increase the monthly allowance for children  
23 in independent living from \$300 to \$400. The department may  
24 adopt emergency rules to implement the provisions of this  
25 subsection.

26 5. a. For the fiscal year beginning July 1, 1993, the  
27 department shall reimburse foster group care facilities, as  
28 defined under section 237.3, subsection 2, paragraph "a",  
29 subparagraphs (1) through (4) and (6), and shelter care  
30 facilities approved under section 232.142 at 100 percent of  
31 the cost of maintenance as specified in Pub. L. No. 96-272, as  
32 codified in 42 U.S.C. § 475(4). The service portion of the  
33 reimbursement rate shall be negotiated between the department  
34 and the facility on the basis of specific clients and  
35 specified in a purchase of service agreement.

1 b. In January 1993, the department, in conjunction with  
2 the provider groups affected by this subsection, shall present  
3 a plan outlining the specific details of this reimbursement  
4 method to the joint human services appropriations  
5 subcommittee. The plan shall consider the requirements of  
6 licensure, fair market value for service components,  
7 negotiation process required, and cost-effectiveness of the  
8 method.

9 Sec. 34. ASSISTANCE TO GAMBLERS. There is appropriated  
10 from the general fund of the state to the department of human  
11 services for the fiscal year beginning July 1, 1992, and  
12 ending June 30, 1993, the following amount, or so much thereof  
13 as is necessary, to be used for the purpose designated:

14 For the gamblers assistance program:  
15 ..... \$ 250,000

16 The Iowa lottery board and the state racing and gaming  
17 commission shall cooperate with the gamblers assistance  
18 program to incorporate information regarding the gamblers  
19 assistance program and its toll-free telephone number in  
20 printed materials distributed by the board and commission.  
21 The commission may require licensees to have the information  
22 available in a conspicuous place as a condition of licensure.

23 Sec. 35. FULL-TIME EQUIVALENT LIMIT NOTIFICATION. The  
24 Iowa veterans home, the state mental health institutes, and  
25 the state hospital-schools may exceed the number of full-time  
26 equivalent positions authorized in this Act if the additional  
27 positions are specifically related to licensing,  
28 certification, or accreditation standards or citations. The  
29 department shall notify the co-chairpersons and ranking  
30 members of the joint human services appropriations  
31 subcommittee and the legislative fiscal bureau if the  
32 specified number is exceeded. The notification shall include  
33 an estimate of the number of full-time equivalent positions  
34 added and the fiscal effect of the addition.

35 Sec. 36. COMPUTERIZATION -- ASSESSMENT OF FINANCIAL

1 IMPACT. In order to assess the financial impact of  
2 computerizing functions within the department of human  
3 services, the department of general services, information  
4 services division, shall monitor the utilization of the  
5 central processing unit resources maintained by the division,  
6 and shall provide quarterly reports to the legislative fiscal  
7 committee of the legislative council and the legislative  
8 fiscal bureau. The quarterly reports shall contain an  
9 analysis of the central processing unit resources utilized by  
10 the department of human services by each computerized  
11 application within the department. The reports shall also  
12 contain information on computerized applications which are  
13 under development, and shall project the central processing  
14 unit utilization which will occur in 6, 12, 18, and 24 months.  
15 The reports shall be designed to enable the legislative fiscal  
16 committee and the legislative fiscal bureau to assess the  
17 fiscal impact of various computerized applications, with  
18 emphasis upon the need for the division to purchase additional  
19 computer hardware.

20 Sec. 37. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.  
21 If a state institution administered by the department of human  
22 services is to be closed or reduced in size, prior to the  
23 closing or reduction the department shall initiate and  
24 coordinate efforts in cooperation with the Iowa department of  
25 economic development to develop new jobs in the area in which  
26 the state institution is located.

27 Sec. 38. EMERGENCY RULES. If specifically authorized by a  
28 provision of this Act, the department of human services may  
29 adopt administrative rules under section 17A.4, subsection 2,  
30 and section 17A.5, subsection 2, paragraph "b", to implement  
31 the provisions and the rules shall become effective  
32 immediately upon filing, unless a later effective date is  
33 specified in the rules. In addition, the department may adopt  
34 administrative rules in accordance with the provisions of this  
35 section as necessary to comply with federal requirements or to

1 adjust to a change in the level of federal funding which  
2 affect refugee programs during the fiscal period beginning  
3 July 1, 1992, and ending June 30, 1993. Any rules adopted in  
4 accordance with the provisions of this section shall also be  
5 published as notice of intended action as provided in section  
6 17A.4.

7 Sec. 39. EFFECTIVE DATE. Section 12, subsection 8,  
8 relating to the demonstration program to decategorize child  
9 welfare services, section 13 of this Act, relating to foster  
10 care SSI eligibility determinations, and section 16,  
11 subsection 1, relating to a determination of allocations by  
12 the state court administrator, being deemed of immediate  
13 importance, take effect upon enactment.

14 EXPLANATION

15 This Act relates to and makes appropriations to the  
16 department of human services and the prevention of  
17 disabilities policy council for the fiscal year beginning July  
18 1, 1992, and ending June 30, 1993, and provides an effective  
19 date.

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SENATE FILE 2355

S-5425

- 1 Amend Senate File 2355 as follows:
- 2 1. Page 1, by striking line 8 and inserting the
- 3 following:
- 4 "..... \$ 46,613,850".
- 5 2. Page 2, line 16, by striking the figure "1."
- 6 3. Page 2, by striking lines 31 through 35.
- 7 4. Page 11, line 32, by striking the figure
- 8 "1992" and inserting the following: "1993".
- 9 5. Page 13, by striking lines 18 and 19 and
- 10 inserting the following:
- 11 "..... \$ 3,378,850
- 12 ..... FTEs 255.49".
- 13 6. Page 18, by striking lines 15 through 17 and
- 14 inserting the following:
- 15 "k. A director of a rehabilitation or residential
- 16 facility appointed by the Iowa association of
- 17 rehabilitation and residential facilities."
- 18 7. Page 26, by striking lines 3 and 4 and
- 19 inserting the following:
- 20 "For community-based programs, including salaries,
- 21 support, maintenance, miscellaneous purposes, and for
- 22 not more than the following full-time equivalent
- 23 position:
- 24 ..... \$ 1,628,106
- 25 ..... FTEs 1.0".
- 26 8. Page 36, line 12 by striking the words
- 27 "MH/MR/DD STATE CASES" and inserting the following:
- 28 "STATE PURCHASE OF LOCAL SERVICES".
- 29 9. Page 36, by striking lines 17 and 18 and
- 30 inserting the following:
- 31 "For state purchase of local services where the
- 32 client has".
- 33 10. Page 39, by inserting after line 6 the
- 34 following:
- 35 "The mental health, mental retardation, and
- 36 developmental disabilities commission shall adopt
- 37 rules pursuant to chapter 17A describing the services
- 38 listed in subparagraphs (1) through (5) of this
- 39 subsection."
- 40 11. Page 39, by striking lines 7 through 11 and
- 41 inserting the following:
- 42 " . Of the funds appropriated in this section
- 43 \$30,000 shall be used to support the Iowa compass
- 44 program providing computerized information and
- 45 referral services for Iowans with disabilities and
- 46 their families."
- 47 12. Page 39, line 12, by striking the words
- 48 "quarterly reports" and inserting the following: "an
- 49 annual report".
- 50 13. Page 39, by striking lines 31 and 32 and

S-5425

S-5425

Page 2

1 inserting the following: "is continued, as  
2 established under section 249A.25, for the fiscal year  
3 which".

4 14. Page 40, line 15, by inserting after the word  
5 "illness." the following: "The state shall have  
6 responsibility for the remaining 50 percent of the  
7 nonfederal share of the costs incurred under this  
8 subsection up to a limit of \$2,082,086. When the  
9 state limit has been reached, any amount of the  
10 nonfederal share remaining unpaid shall be billed to  
11 the county of legal settlement."

12 15. By striking page 40, line 29 through page 41,  
13 line 3 and inserting the following:

14 "\_\_\_\_. The state shall pay the entire nonfederal  
15 share of the costs for case management services  
16 provided to persons 18 years of age or younger who are  
17 served in a medical assistance home and community-  
18 based waiver program for persons with mental  
19 retardation."

20 16. Page 42, line 11, by inserting after the word  
21 "for" the following: "candidate services in".

22 17. Page 42, line 20, by inserting after the word  
23 "subsection." the following: "It is the intent of the  
24 general assembly that reimbursement to counties in  
25 accordance with the provisions of this subsection  
26 shall be discontinued for succeeding fiscal years."

27 18. Page 43, by inserting after line 33 the  
28 following:

29 "\_\_\_\_. The department shall explore the feasibility  
30 of obtaining federal approval of additional medical  
31 assistance home and community-based waivers for  
32 services to persons with a developmental disability.  
33 The department shall also explore the feasibility of  
34 implementing an option under the medical assistance  
35 program for rehabilitative services to persons with  
36 chronic mental illness. If either item is determined  
37 to be feasible, implementation of any new provision  
38 shall be deferred until fiscal year 1993-1994."

39 19. Page 46, line 30, by striking the figure  
40 "357.01" and inserting the following: "353.01".

41 20. Page 48, by striking lines 19 and 20 and  
42 inserting the following: "assistance benefit  
43 eligibility determination, including salaries,  
44 support, maintenance, miscellaneous purposes, and for  
45 not more than the following full-time equivalent  
46 positions:

47 .....	\$	453,204
48 .....	FTEs	17.0".

49 21. By numbering, lettering, renumbering,  
50 relettering and correcting internal references as

S-5425



By ELAINE SZYMONIAK  
JAMES R. RIORDAN

S-5425 FILED MARCH 27, 1992  
ADOPTED (p.1048)

SENATE FILE 2355

S-5426

1 Amend Senate File 2355 as follows:

2 1. Page 52, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_ Section 234.40, Code 1991, is amended  
5 to read as follows:

6 234.40 CORPORAL PUNISHMENT.

7 The department of human services shall not adopt or  
8 ~~enforce any rule or policy~~ enforce any rule or policy prohibiting limited  
9 corporal punishment of foster children by foster  
10 parents licensed by the department. ~~This paragraph~~  
11 ~~shall not prevent promulgation of rules prohibiting~~  
12 ~~malicious, willful and wanton conduct by a foster~~  
13 ~~parent which causes injury or damage to a foster~~  
14 ~~child, or exposes the foster child to danger of such~~  
15 ~~injury or damage.~~ The rules shall allow foster  
16 parents to use reasonable physical force to restrain a  
17 foster child in order to prevent injury to the foster  
18 child, injury to others, the destruction of property,  
19 or extremely disruptive behavior. For the purposes of  
20 this section, "corporal punishment" means the  
21 intentional physical punishment of a foster child. A  
22 foster parent's physical contact with the body of a  
23 foster child shall not be considered corporal  
24 punishment if the contact is reasonable and necessary  
25 under the circumstances and is not designed or  
26 intended to cause pain or if the foster parent uses  
27 reasonable force, as defined under section 704.1."

28 2. By renumbering as necessary.

By BEVERLY A. HANNON  
ELAINE SZYMONIAK

S-5426 FILED MARCH 27, 1992  
ADOPTED (p.1048)

SENATE FILE 2355

S-5421

1 Amend Senate File 2355 as follows:

2 1. Page 11, by inserting after line 28 the  
3 following:

4 " \_\_\_\_ The department shall consider the  
5 feasibility of establishing a school-age child care  
6 pilot program involving regular contact between  
7 children and elder Iowans who are nursing home  
8 residents. The areas of consideration may include but  
9 are not limited to identifying potential nursing home  
10 sites, school-age child day care providers, and  
11 transportation, safety, program, staff, and facility  
12 requirements. The department shall report to the  
13 governor and the general assembly on or before January  
14 15, 1993, concerning the feasibility of establishing a  
15 pilot program during the 1993-1994 fiscal year."

16 2. By renumbering as necessary.

By RICHARD VANDE HOEF  
ELAINE SZYMONIAK  
MARK R. HAGERLA

S-5421 FILED MARCH 27, 1992  
ADOPTED (p.1048)

## SENATE FILE 2355

S-5427

1 Amend Senate File 2355 as follows:

2 1. Page 9, line 1, by striking the word "INDIANS"  
3 and inserting the following: "NATIVE AMERICANS".

4 2. Page 9, line 6, by striking the word "Indians"  
5 and inserting the following: "Native Americans".

6 3. Page 9, line 12, by striking the word  
7 "Indians" and inserting the following: "Native  
8 Americans".

By MICHAEL CONNOLLY

S-5427 FILED MARCH 27, 1992

ADOPTED (p.1048)

## SENATE FILE 2355

S-5428

1 Amend Senate File 2355 as follows:

2 1. Page 7, by inserting after line 29 the  
3 following:

4 " . The department shall review health care  
5 studies to determine the cost-effectiveness of  
6 treatment of lower back pain by the various types of  
7 licensed physicians, as defined in section 135.1. The  
8 studies to be reviewed shall include but are not  
9 limited to all of the following: P. Shekelle, "The  
10 Appropriateness of Spinal Manipulation for Low-Back  
11 Pain," Rand Corp., 99, 1991; Wolk, S., "An Analysis of  
12 Florida Workers' Compensation Medical Claims for Back-  
13 Related Injuries," Foundation for Chiropractic  
14 Education and Research, 1988; Meade, T.W., Dyer, S. et  
15 al., "Low Back Pain of Mechanical Origin: Randomised  
16 Comparison of Chiropractic and Hospital Outpatient  
17 Treatment", British Medical Journal, 300, 1431-1437,  
18 1990. If the studies reviewed by the department  
19 indicate a potential cost savings of 20 percent or  
20 more in the cost of treatment of low back pain by a  
21 particular type of licensed physician, the department  
22 shall develop a method to utilize this type of  
23 physician in the treatment of medical assistance  
24 recipients for low back pain in situations where the  
25 treatment is within the scope of practice of the  
26 physician type."

27 2. By renumbering as necessary.

By RICHARD RUNNING  
BEVERLY A. HANNON  
WALLY E. HORN

S-5428 FILED MARCH 27, 1992

ADOPTED (p.1048)

SENATE FILE **2355**  
BY COMMITTEE ON APPROPRIATIONS

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1992)

- New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, Date 4/10/92 (p. 1296) Passed House, Date 4/10/92 (p. 1296)  
 Vote: Ayes 36 Nays 13 Vote: Ayes 70 Nays 26  
 Approved June 3, 1992

A BILL FOR

1 An Act relating to appropriations for the department of human  
 2 services and the prevention of disabilities policy council and  
 3 providing for effective and applicability dates.

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

5 Conference Committee Appointed

6  
 7 Sen. Symonick (Chair), Roswell, Murphy,  
 8 Wagner, Timman (p. 1476)

9  
 10 Rep. Hammond (Chair), Brown, Haviland  
 11 Hester, Krubbs (p. 1627)

12 Pass Per Conference Committee Report

13  
 14  
 15 Sen. 26-23 (p. 1688) 4/28

16 Use. 51-46 (p. 1892) 4/28  
 17  
 18  
 19  
 20  
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 22

S.F. 2355

1 Section 1. AID TO FAMILIES WITH DEPENDENT CHILDREN. There  
2 is appropriated from the general fund of the state to the  
3 department of human services for the fiscal year beginning  
4 July 1, 1992, and ending June 30, 1993, the following amount,  
5 or so much thereof as is necessary, to be used for the purpose  
6 designated:

7 For aid to families with dependent children:  
8 ..... \$ 46,613,850

9 1. The department may fund the employee portion of the  
10 cash bonus program from unspent funds under the appropriation  
11 made in this section.

12 2. The department shall continue to contract for services  
13 in developing and monitoring a demonstration waiver program to  
14 facilitate providing assistance in self-employment investment  
15 to aid to dependent children families. The demonstration  
16 waiver program shall be provided for the fiscal period  
17 beginning July 1, 1992, and ending June 30, 1993, or for as  
18 long as federal approval of the program continues. Of the  
19 funds appropriated in this section, up to \$99,400 shall be  
20 used to provide technical assistance for aid to dependent  
21 children families seeking self-employment. The technical  
22 assistance may be provided through the department or through a  
23 contract with the division of job training of the Iowa  
24 department of economic development.

25 3. The department shall apply the self-employment  
26 investment demonstration waiver project statewide during the  
27 fiscal period delineated in the federal waiver submitted to  
28 operate the waiver project statewide, provided training is  
29 available to a recipient through a recognized self-employment  
30 training program.

31 4. The department shall continue the special needs program  
32 under the aid to families with dependent children program.

33 5. The department shall contract with the corporation for  
34 enterprise development for Iowa's second year of participation  
35 in the two-year study phase of a "state human investment

1 policy" demonstration project. Of the funds appropriated in  
2 this section, up to \$75,000 shall be used for costs associated  
3 with Iowa's participation in the project. The department  
4 shall make efforts to obtain additional private and federal  
5 funding for the project, and shall submit reports on the  
6 status of the project to the legislative fiscal bureau.

7 Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from  
8 the general fund of the state to the department of human  
9 services for the fiscal year beginning July 1, 1992, and  
10 ending June 30, 1993, the following amount, or so much thereof  
11 as is necessary, to be used for the purpose designated:

12 For emergency assistance to families with dependent  
13 children under Title IV-A of the federal Social Security Act  
14 to match federal funding for homeless prevention programs:  
15 ..... \$ 883,750

\*16 The emergency assistance provided for in this section shall  
17 be available beginning October 1, 1992, and shall be provided  
18 only if all other publicly funded resources have been  
19 exhausted. The emergency assistance includes, but is not  
20 limited to, assisting people who face eviction, potential  
21 eviction, or foreclosure, utility shutoff or fuel shortage,  
22 loss of heating energy supply or equipment, homelessness,  
23 utility or rental deposits, or other specified crisis which  
24 threatens family or living arrangements. The emergency  
25 assistance shall be available to migrant families who would  
26 otherwise meet eligibility criteria. The department shall  
27 report quarterly, beginning October 1, 1992, and continuing  
28 through the period that emergency assistance funding is  
29 provided, to the legislative fiscal committee concerning the  
30 emergency assistance.

\*31 Sec. 3. MEDICAL ASSISTANCE. There is appropriated from  
32 the general fund of the state to the department of human  
33 services for the fiscal year beginning July 1, 1992, and  
34 ending June 30, 1993, the following amount, or so much thereof  
35 as is necessary, to be used for the purpose designated:

1 For medical assistance, including reimbursement for  
2 abortion services, which shall be available under the medical  
3 assistance program only for those abortions which are  
4 medically necessary:

5 ..... \$276,575,011

6 1. Medically necessary abortions are those performed under  
7 any of the following conditions:

8 a. The attending physician certifies that continuing the  
9 pregnancy would endanger the life of the pregnant woman.

10 b. The attending physician certifies that the fetus is  
11 physically deformed, mentally deficient, or afflicted with a  
12 congenital illness.

13 c. The pregnancy is the result of a rape which is reported  
14 within 45 days of the incident to a law enforcement agency or  
15 public or private health agency which may include a family  
16 physician.

17 d. The pregnancy is the result of incest which is reported  
18 within 150 days of the incident to a law enforcement agency or  
19 public or private health agency which may include a family  
20 physician.

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

24 2. Of the funds appropriated in this section, \$100,000 is  
25 allocated until January 31, 1993, for contingency assistance  
26 for the federal nutrition program for women, infants, and  
27 children and shall be transferred to the Iowa department of  
28 public health as necessary in order to fully utilize funding  
29 available for the program. Any moneys allocated in this  
30 subsection which are unexpended or unobligated on January 31,  
31 1993, shall be available during the remainder of the fiscal  
32 year to the department of human services for the purposes of  
33 this section.

34 3. Notwithstanding section 8.39, the department may  
35 transfer funds appropriated in this section to a separate

1 account established in the department's case management unit  
2 for expenditures required to provide case management services  
3 pursuant to the appropriation made in this Act for mental  
4 health, mental retardation, and developmental disabilities  
5 services under medical assistance which are jointly funded by  
6 the state and county, pending final settlement of the  
7 expenditures. Funds received by the case management unit in  
8 settlement of the expenditures shall be used to replace the  
9 transferred funds and are available for the purposes for which  
10 the funds were appropriated in this section.

11 4. If implementing a procedure of purchase and  
12 distribution of vaccines to physicians participating in the  
13 medical assistance program is determined by the department of  
14 human services to be cost-effective for the department, the  
15 department of human services may use moneys appropriated in  
16 this section to contract with the Iowa department of public  
17 health for this purpose. In implementing the procedure, the  
18 department shall adopt rules requiring physicians to obtain  
19 vaccines from the Iowa department of public health for  
20 immunization of medical assistance recipients. The department  
21 may adopt emergency rules to implement the provisions of this  
22 subsection.

23 5. The department shall seek federal approval of a medical  
24 assistance waiver in order to expand the availability of the  
25 MediPASS program to an additional 27,000 enrollees. If  
26 federal approval is granted, the department may adopt  
27 emergency rules to implement the provisions of this  
28 subsection.

29 6. Of the funds appropriated in this section, \$60,000  
30 shall be used by the department for the fiscal year 1992-1993  
31 costs to establish and operate an HIV and AIDS insurance  
32 continuation assistance pilot program. The pilot program  
33 shall be administered by the medical services division to  
34 provide insurance continuation assistance to persons with AIDS  
35 or HIV-related illnesses who are unable to maintain health

1 insurance premium payments due to illness. The pilot program  
2 shall operate for a two-year period beginning October 1, 1992.  
3 The funds shall be made available in a manner that provides  
4 the assistance, as needed, to recipients at any time until the  
5 end of the pilot program or until the appropriated funding is  
6 exhausted.

7 a. The department shall publicize the program for  
8 enrollment of potential participants through provision of  
9 information through the Iowa department of public health, the  
10 regional AIDS coalitions funded by the Iowa department of  
11 public health, physicians, hospitals, social workers, and  
12 social service providers, and other groups identified by the  
13 coalitions.

14 b. The program shall provide all of the following:

15 (1) That an applicant is eligible for participation in the  
16 program if all of the following conditions are met:

17 (a) The applicant is a resident of the state.

18 (b) The applicant suffers from AIDS or an HIV-related  
19 illness.

20 (c) The applicant has an income of not more than 300  
21 percent of the federal poverty level as defined by the most  
22 recently revised poverty income guidelines published by the  
23 United States department of health and human services and cash  
24 assets of not more than \$10,000.

25 (d) The applicant is enrolled in an individual or group  
26 private health insurance plan.

27 (e) The applicant is or will be unable, due to AIDS or the  
28 HIV-related illness, to continue employment in the applicant's  
29 current position or the applicant must significantly reduce  
30 hours of employment.

31 (f) Enrollment in the program is the most cost-effective,  
32 available means of providing the applicant with health  
33 insurance coverage.

34 (2) That an applicant is required to provide the following  
35 to verify eligibility for participation in the program:



1 (a) Documentation of income and assets, as required by  
2 rule of the department.

3 (b) Documentation through submission of a statement by the  
4 applicant's physician that the applicant suffers from AIDS or  
5 an HIV-related illness and that the applicant is, or will  
6 within a period of six months be, unable to continue  
7 employment.

8 (3) An expedited eligibility determination process to  
9 ensure that an eligible applicant is not denied coverage under  
10 the applicant's existing policy due to nonpayment of premiums  
11 during the determination process period. This may include but  
12 is not limited to accepting preapplications from any HIV-  
13 infected person or the making of payments based on preliminary  
14 determinations.

15 (4) A requirement that following enrollment in the  
16 program, a person must apply for medical assistance, if the  
17 department determines that the person is likely to be eligible  
18 for payment of premiums under the medical assistance program.

19 (5) That all information relating to an applicant is  
20 confidential information and the provisions of chapter 141 are  
21 applicable to the information.

22 (6) Insurance premiums and medical expenses for which the  
23 applicant has no coverage, which are incurred in the month of  
24 application, shall be deducted from the applicant's gross  
25 income for the purpose of determining eligibility for the  
26 program.

27 c. The department shall provide a preliminary report to  
28 the general assembly by January 1, 1993, and a final report to  
29 the general assembly by January 1, 1994, regarding the cost-  
30 effectiveness of the pilot program, the impact of the  
31 requirements of federal law on the pilot program, and the  
32 current and projected costs to the state for payment of  
33 medical assistance for the health care costs of persons with  
34 AIDS or HIV-related illnesses.

35 d. For the purposes of this subsection, "AIDS" and "HIV"

1 mean "AIDS" and "HIV" as defined in section 141.21.

2 e. For the purposes of this subsection, "health insurance  
3 plan" includes nonprofit health service corporation contracts  
4 regulated under chapter 514 and health maintenance  
5 organization evidences of coverage regulated under chapter  
6 514B.

7 f. Of the funds allocated in this subsection, the  
8 department may transfer not more than \$10,000 to the  
9 appropriation made in this Act for general administration to  
10 be used for administrative costs associated with this program.  
11 The department is authorized a 0.5 FTE position in addition to  
12 the positions authorized in the appropriation made in this Act  
13 for general administration in order to administer the program.

14 g. The program shall start by October 1, 1992, and the  
15 department is authorized to adopt emergency rules to implement  
16 the provisions of this section by that date.

17 7. The department shall take action to provide for the  
18 continuing medical assistance eligibility without a spend down  
19 requirement for those persons whose eligibility is related to  
20 federal supplemental security income eligibility and the  
21 medically needy program. If providing for the continuing  
22 eligibility is permitted under federal requirements, the  
23 department may adopt emergency rules to implement the  
24 eligibility.

25 8. The department shall review health care studies to  
26 determine the cost-effectiveness of treatment of lower back  
27 pain by the various types of licensed physicians, as defined  
28 in section 135.1. The studies to be reviewed shall include  
29 but are not limited to all of the following: P. Shekelle,  
30 "The Appropriateness of Spinal Manipulation for Low-Back  
31 Pain," Rand Corp., 99, 1991; Wolk, S., "An Analysis of Florida  
32 Workers' Compensation Medical Claims for Back-Related  
33 Injuries," Foundation for Chiropractic Education and Research,  
34 1988; Meade, T.W., Dyer, S. et al., "Low Back Pain of  
35 Mechanical Origin: Randomised Comparison of Chiropractic and

1 Hospital Outpatient Treatment", British Medical Journal, 300,  
2 1431-1437, 1990. If the studies reviewed by the department  
3 indicate a potential cost savings of 20 percent or more in the  
4 cost of treatment of low back pain by a particular type of  
5 licensed physician, the department shall develop a method to  
6 utilize this type of physician in the treatment of medical  
7 assistance recipients for low back pain in situations where  
8 the treatment is within the scope of practice of the physician  
9 type.

10 Sec. 4. MEDICAL CONTRACTS. There is appropriated from the  
11 general fund of the state to the department of human services  
12 for the fiscal year beginning July 1, 1992, and ending June  
13 30, 1993, the following amount, or so much thereof as is  
14 necessary, to be used for the purpose designated:

15 For medical contracts:  
16 ..... \$ 4,339,000

17 The department shall continue to contract for drug  
18 utilization review under the medical assistance program.

19 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is  
20 appropriated from the general fund of the state to the  
21 department of human services for the fiscal year beginning  
22 July 1, 1992, and ending June 30, 1993, the following amount,  
23 or so much thereof as is necessary, to be used for the purpose  
24 designated:

25 For state supplementary assistance:  
26 ..... \$ 19,047,933

27 1. The department shall increase the personal needs  
28 allowance for residents of residential care facilities by the  
29 same percentage and at the same time as federal supplemental  
30 security income and federal social security benefits are  
31 increased due to a recognized increase in the cost of living.  
32 The department may adopt emergency rules to implement the  
33 provisions of this subsection.

34 2. The department shall report to the members of the joint  
35 human services appropriations subcommittee concerning the

1 actions taken by the department to implement uniform reporting  
2 of maintenance and service costs for the financial reports  
3 used by service providers for reimbursement under the state  
4 supplementary assistance program and for reimbursement of  
5 purchase of service contracts under the social services block  
6 grant. The actions may include but are not limited to the  
7 development of uniform rules and consolidated cost reports.

8 This report shall be submitted on or before October 1, 1992.

9 3. In determining an individual's eligibility or the  
10 amount of assistance provided under the state supplementary  
11 assistance program or the federal social services block grant,  
12 the department shall not consider moneys received by that  
13 individual under the federal Social Security Persons Achieving  
14 Self-Sufficiency (PASS) program or the Income-Related Work  
15 Expense (IRWE) program to be income.

16 Sec. 6. AID TO NATIVE AMERICANS. There is appropriated  
17 from the general fund of the state to the department of human  
18 services for the fiscal year beginning July 1, 1992, and  
19 ending June 30, 1993, the following amount, or so much thereof  
20 as is necessary, to be used for the purpose designated:

21 For aid to Native Americans under section 252.43:  
22 ..... \$ 36,765

23 The tribal council shall not use more than 5 percent of the  
24 funds for administration purposes. The department shall  
25 report quarterly to the chairpersons and ranking members of  
26 the joint human services appropriations subcommittee and the  
27 legislative fiscal bureau concerning aid to Native Americans  
28 and in addition shall submit an annual report.

29 Sec. 7. CHILD DAY CARE ASSISTANCE. There is appropriated  
30 from the general fund of the state to the department of human  
31 services for the fiscal year beginning July 1, 1992, and  
32 ending June 30, 1993, the following amount, or so much thereof  
33 as is necessary, to be used for the purposes designated:

34 For protective child day care assistance and state child  
35 care assistance:

1 ..... \$ 7,460,648

2 1. It is the intent of the general assembly that  
3 \$3,107,695 of the funds appropriated in this section be used  
4 for protective child day care assistance.

5 2. It is the intent of the general assembly that  
6 \$2,294,060 of the funds appropriated in this section be used  
7 for state child care assistance.

8 3. a. The funds allocated in this section for protective  
9 and state child care assistance shall be allocated to the  
10 department of human services regions and each region shall  
11 distribute the allocation to the counties within the region.  
12 If a region determines that a specified portion of the funds  
13 provided to a county in that region is sufficient to meet the  
14 county's current demand and projected growth, the region may  
15 transfer the excess amount of funds to another county in that  
16 region. If the region determines that a specified portion of  
17 the funds provided to the region is sufficient to meet the  
18 region's current demand and projected growth for the remainder  
19 of the fiscal year, the excess amount may be transferred for  
20 use in another region.

21 b. For state child care assistance, eligibility shall be  
22 limited to children whose family income is equal to or less  
23 than 155 percent of the federal office of management and  
24 budget poverty guidelines. However, on or after October 1,  
25 1992, the department may increase the income eligibility limit  
26 to be equal to or less than 75 percent of the Iowa median  
27 family income. Every effort shall be made to provide  
28 assistance for the entire fiscal year to families remaining  
29 eligible before providing assistance to eligible families who  
30 have not received assistance previously. For the entire  
31 fiscal year, the department shall utilize the priority ranking  
32 of requirements for families who receive assistance developed  
33 pursuant to 1991 Iowa Acts, chapter 267, section 109,  
34 subsection 3, paragraph "b", with special priority given to  
35 foster care families within the income guidelines.

1 c. The department may adopt emergency rules necessary to  
2 qualify to receive funding from the federal child care  
3 development block grant and the federal at-risk child care  
4 program. If required as a condition of receiving these funds,  
5 the rules may provide for eligibility, health and safety  
6 requirements, parental access to children, reimbursement  
7 rates, types of service provided, licensing standards,  
8 complaint registration procedures, or other rules necessary to  
9 establish a simplified or consolidated child day care policy.

10 d. Nothing in this section shall be construed or is  
11 intended as, or shall imply, a grant of entitlement for  
12 services to persons who are eligible for assistance due to an  
13 income level consistent with the requirements of this section.  
14 Any state obligation to provide services pursuant to this  
15 section is limited to the extent of the funds appropriated in  
16 this section.

17 4. Of the funds appropriated in this section, \$633,931 is  
18 allocated for the fiscal year beginning July 1, 1992, for the  
19 statewide program for child day care resource and referral  
20 services under section 237A.26.

21 5. The department may use any of the funds appropriated in  
22 this section as a match to obtain federal grants for use in  
23 expanding child day care assistance and related programs.

24 6. Of the funds appropriated in this section, \$866,265  
25 shall be used to increase the reimbursement rate paid for  
26 child day care provided by child care centers in order to  
27 enhance the quality of child care centers.

28 7. Of the funds appropriated in this section, the  
29 department shall use \$233,735, or so much thereof as is  
30 necessary, to increase the department's staff in order to meet  
31 federal requirements.

32 8. a. It is the intent of the general assembly that  
33 \$324,962 of the funds appropriated in this section shall be  
34 used for transitional child care assistance.

35 b. Notwithstanding section 239.21, the department of human

1 services shall provide the transitional child care assistance  
2 in accordance with the federal Family Support Act of 1988,  
3 Pub. L. No. 100-485, § 302, and applicable federal  
4 regulations. Reimbursement for services shall be limited to  
5 registered or licensed child day care providers and programs  
6 providing care, supervision, or guidance of a child which is  
7 not included under the definition of "child day care" pursuant  
8 to section 237A.1, subsection 4.

9     9. The department shall consider the feasibility of  
10 establishing a school-age child care pilot program involving  
11 regular contact between children and elder Iowans who are  
12 nursing home residents. The areas of consideration may  
13 include but are not limited to identifying potential nursing  
14 home sites, school-age child day care providers, and  
15 transportation, safety, program, staff, and facility  
16 requirements. The department shall report to the governor and  
17 the general assembly on or before January 15, 1993, concerning  
18 the feasibility of establishing a pilot program during the  
19 1993-1994 fiscal year.

20     Sec. 8. JOBS PROGRAM. There is appropriated from the  
21 general fund of the state to the department of human services  
22 for the fiscal year beginning July 1, 1992, and ending June  
23 30, 1993, the following amount, or so much thereof as is  
24 necessary, to be used for the purposes designated:

25     For the federal-state job opportunities and basic skills  
26 (JOBS) program, food stamp employment and training program,  
27 and family development and self-sufficiency grants, in  
28 accordance with this section:

29 ..... \$ 4,968,195

30     1. Of the funds appropriated in this section, \$4,076,896  
31 is allocated for the JOBS program.

32     2. Of the funds appropriated in this section, \$129,985 is  
33 allocated for the food stamp employment and training program.

34     3. The department shall work with family development and  
35 self-sufficiency grantees and the state's community action

1 agencies to develop an administrative process for initiatives  
2 which raise local funds to match federal funds under the JOBS  
3 program in order to expand or to develop additional family  
4 development program initiatives.

5 4. Of the funds appropriated in this section, \$779,314 is  
6 allocated to the family development and self-sufficiency grant  
7 program as provided under section 217.12.

8 a. Not more than 5 percent of the funds allocated in this  
9 subsection shall be used for the administration of the grant  
10 program.

11 b. Federal funding matched by state, county, or other  
12 funding which is not appropriated in this section shall be  
13 deposited in the department's JOBS account. If the match  
14 funding is generated by a family development and self-  
15 sufficiency grantee, the federal funding received shall be  
16 used to expand the family development and self-sufficiency  
17 grant program. If the match funding is generated by another  
18 source, the federal funding received may be used either to  
19 expand the grant program or the JOBS program. The department  
20 may adopt emergency rules to implement the provisions of this  
21 paragraph.

22 c. Of the funding allocated in this subsection, the family  
23 development and self-sufficiency council may use up to  
24 \$200,000 to renew existing grants in an amount which does not  
25 exceed 110 percent of an annual grant amount and to award not  
26 more than two new grants. The council shall award new grants  
27 in a manner to expand the program into areas which document a  
28 strong commitment to family development and self-sufficiency  
29 and are not currently receiving a grant. The expansion grants  
30 shall be awarded on or before January 1, 1993, for a period  
31 ending June 30, 1993.

32 d. Based upon the annual evaluation report concerning each  
33 grantee funded by this allocation, the family development and  
34 self-sufficiency council may use funds allocated to renew  
35 grants.



1     Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated  
 2 from the general fund of the state to the department of human  
 3 services for the fiscal year beginning July 1, 1992, and  
 4 ending June 30, 1993, the following amount, or so much thereof  
 5 as is necessary, to be used for the purposes designated:

6     For child support recovery, including salaries, support,  
 7 maintenance, miscellaneous purposes, and for not more than the  
 8 following full-time equivalent positions:

9	.....	\$	3,378,850
10	.....	FTEs	255.49

11     1. The director of human services, within the limitations  
 12 of the funds appropriated in this section, or funds  
 13 transferred from the aid to families with dependent children  
 14 program for this purpose, shall establish new positions and  
 15 add additional employees to the child support recovery unit if  
 16 the director determines that both the current and additional  
 17 employees together can reasonably be expected to recover for  
 18 the aid to families with dependent children program and the  
 19 nonpublic assistance support recovery program more than twice  
 20 the amount of money required to pay the salaries and support  
 21 for both the current and additional employees or the new  
 22 positions are necessary for compliance with federal  
 23 requirements and the anticipated increased recovery amount  
 24 exceeds the cost of salaries and support for the new  
 25 positions. If the director adds additional employees, the  
 26 department shall demonstrate the cost-effectiveness of the  
 27 current and additional employees by reporting to the joint  
 28 human services appropriations subcommittee the ratio of the  
 29 total amount of administrative costs for child support  
 30 recoveries to the total amount of the child support recovered.

31     2. Notwithstanding section 252B.4, nonpublic assistance  
 32 application and user fees received by the child support  
 33 recovery program are appropriated and shall be used for the  
 34 purposes of the child support recovery program. The director  
 35 of human services may exceed the full-time equivalent position

1 limit authorized in this section if fees collected relating to  
2 the new positions are sufficient to pay the salaries and  
3 support for the positions. The director shall report any new  
4 positions added pursuant to this subsection to the  
5 chairpersons and ranking members of the joint human services  
6 appropriations subcommittee and the legislative fiscal bureau.  
7 The department may adopt emergency rules as necessary to  
8 implement the provisions of this subsection.

9 3. The director of human services, in consultation with  
10 the department of management and the legislative fiscal  
11 committee, is authorized to receive and deposit state child  
12 support incentive earnings in the manner specified under  
13 applicable federal requirements.

14 4. The director of human services may establish new  
15 positions and add additional state employees to the child  
16 support recovery unit if the director determines the employees  
17 are necessary to replace county-funded positions eliminated  
18 due to termination, reduction, or nonrenewal of a chapter 28E  
19 contract. However, the director must also determine that the  
20 resulting increase in the state share of child support  
21 recovery incentives exceeds the cost of the positions, the  
22 positions are necessary to ensure continued federal funding of  
23 the program, or the new positions can reasonably be expected  
24 to recover more than twice the amount of money to pay the  
25 salaries and support for the new positions.

26 5. Funding is provided within the appropriation made in  
27 this section for the department's expenses relating to a child  
28 support public awareness campaign. The department shall  
29 cooperate with the attorney general as necessary for  
30 implementation of the campaign.

31 Sec. 10. JUVENILE INSTITUTIONS. There is appropriated  
32 from the general fund of the state to the department of human  
33 services for the fiscal year beginning July 1, 1992, and  
34 ending June 30, 1993, the following amounts, or so much  
35 thereof as is necessary, to be used for the purposes

1 designated:

2 For the operation of the state training school and the Iowa  
3 juvenile home, including salaries, support, maintenance,  
4 miscellaneous purposes, and for not more than the following  
5 full-time equivalent positions:

6 For the state juvenile institutions:

7 ..... \$ 11,811,820

8 ..... FTEs 327.69

9 1. The following amount of the funds appropriated and FTEs  
10 authorized in this section are allocated for the Iowa juvenile  
11 home at Toledo:

12 ..... \$ 4,341,157

13 ..... FTEs 119.47

14 2. The following amount of the funds appropriated and  
15 full-time equivalent positions authorized in this section are  
16 allocated for the state training school at Eldora:

17 ..... \$ 7,470,663

18 ..... FTEs 208.22

19 3. It is the intent of the general assembly that during  
20 the fiscal year beginning July 1, 1992, the population levels  
21 at the state juvenile institutions shall not exceed the  
22 population guidelines established under 1990 Iowa Acts,  
23 chapter 1239, section 21. It is also the intent of the  
24 general assembly that each state juvenile institution shall  
25 apply for an adolescent pregnancy prevention grant for the  
26 fiscal year beginning July 1, 1992.

27 4. Within the funds appropriated in this section, the  
28 department may reallocate funds as necessary to best fulfill  
29 the needs of the institutions provided for in this  
30 appropriation.

31 5. The department shall report to the legislative fiscal  
32 bureau, on or before the twentieth day of each month, the  
33 department's current expenditures for the institutions  
34 receiving allocations under this appropriation. The report  
35 shall include a comparison of actual to budgeted expenditures

1 for each institution.

2 Sec. 11. CHILD WELFARE TASK FORCE.

3 1. DUTIES. An interdisciplinary child welfare task force  
4 is established to present recommendations to the governor and  
5 the general assembly relating to the design of a financing  
6 system for child welfare, juvenile justice, and mental health  
7 services for children which provides a family-centered,  
8 community-based, and prevention-oriented response to families  
9 with children currently served in out-of-home placements. The  
10 task force shall complete its duties on or before June 30,  
11 1994. The task force shall do all of the following:

12 a. Develop a more flexible state financing system for  
13 child welfare that allows funding which is currently available  
14 only for out-of-home placements to be used for alternative  
15 services that can prevent the need for out-of-home placements.

16 b. Develop a flexible financing system within the range of  
17 options available for out-of-home placements which provide  
18 sufficient support to maintain children, who currently are  
19 generally placed in remote and institutional settings, in more  
20 community-based and family-like settings.

21 c. Recommend ways to redirect existing expenditures in  
22 order to meet the best interests of children, preserve  
23 families, and employ the least restrictive placements.

24 d. Outline the long-term needs of Iowa for the following  
25 services: family-centered; family preservation; day  
26 treatment; protective day care and crisis nursery; family  
27 foster care emphasizing reunification; family foster care  
28 supporting children with special health care needs; family  
29 foster care providing therapeutic support to troubled and  
30 troubling children; adoption; subsidized adoption; independent  
31 living; residential treatment; enhanced residential treatment;  
32 psychiatric medical institution for children; state  
33 psychiatric hospitalization; state training school; Iowa  
34 juvenile home; private psychiatric hospitalization; shelter  
35 care; detention; residential juvenile substance abuse

1 treatment; and nonresidential juvenile substance abuse  
2 treatment. In developing this outline, attention should be  
3 given to reducing the overall needs for institutional care  
4 through greater development of alternatives to that care.

5 e. Identify financing options that can make use of greater  
6 federal financial participation in the development of  
7 alternatives to institutional placement.

8 f. Develop a financial process to reward counties involved  
9 in the demonstration program to decategorize child welfare  
10 funding for their efforts to reduce the number of children  
11 placed in state institutions.

12 g. Monitor the efforts of the out-of-state placement  
13 committee, if established in law by the Seventy-fourth General  
14 Assembly, 1992 Session, to reduce out-of-state placements by  
15 25 percent by June 30, 1994.

16 2. MEMBERSHIP. The interdisciplinary task force  
17 membership shall include the following persons:

18 a. The administrator of the division of children, youth,  
19 and families of the department of human services.

20 b. The administrator of the division of mental health,  
21 mental retardation, and developmental disabilities of the  
22 department of human services.

23 c. A supreme court justice appointed by the chief justice.

24 d. A court of appeals judge appointed by the chief  
25 justice.

26 e. Two juvenile court officers appointed by the chief  
27 justice.

28 f. Two members of county boards of supervisors appointed  
29 by the Iowa state association of counties.

30 g. A county attorney appointed by the Iowa county  
31 attorney's association.

32 h. A protective service investigator, a protective service  
33 treatment worker, a family preservation worker, and a foster  
34 care worker, appointed by the director of human services.

35 i. A director of a community mental health center

1 appointed by the community mental health centers association  
2 of Iowa.

3 j. Two providers offering both residential and  
4 nonresidential services to families appointed by the coalition  
5 for children and family services.

6 k. A director of a rehabilitation or residential facility  
7 appointed by the Iowa association of rehabilitation and  
8 residential facilities.

9 1. Representatives from other state agencies, and from  
10 business, legal services, and child advocacy interests  
11 approved by the task force.

12 The appointing organizations shall be responsible for  
13 providing any per diem and travel and meal expenses for the  
14 members of the task force.

15 3. ORGANIZATION. The task force may establish  
16 subcommittees and work groups as deemed necessary to perform  
17 its duties. The task force may expand its membership or  
18 utilize other interested persons on its subcommittees and work  
19 groups, as deemed appropriate. The department of human  
20 services shall seek outside support from foundations and other  
21 organizations to provide technical assistance and to carry out  
22 the management of the task force. The task force shall hold  
23 an initial meeting no later than July 30, 1992.

24 4. REPORTS. The task force shall issue an initial report  
25 by December 15, 1992, which shall include preliminary  
26 recommendations regarding the establishment of a more flexible  
27 financing system for child welfare services in the state and  
28 the identification of the types of services to serve children  
29 and families that will be needed in the long-term. The report  
30 shall include additional recommendations and a work plan. The  
31 task force shall complete an additional report by September  
32 15, 1993.

33 Sec. 12. FOSTER CARE. There is appropriated from the  
34 general fund of the state to the department of human services  
35 for the fiscal year beginning July 1, 1992, and ending June

1 30, 1993, the following amount, or so much thereof as is  
2 necessary, to be used for the purpose designated:

3 For foster care:  
4 ..... \$ 57,089,726

5 1. The department may transfer a portion of the funds  
6 appropriated in this section to provide subsidized adoption  
7 services, purchase adoption services, or to provide less  
8 restrictive treatment programs than foster care, if funds  
9 allocated under the appropriation in this Act for home-based  
10 services are insufficient.

11 2. On or before October 1, 1992, the department and state  
12 court administrator shall enter into a chapter 28E agreement  
13 which enables the state to receive funding for eligible cases  
14 under the federal Social Security Act, Title IV-E. The  
15 agreement shall provide for adequate compensation to the court  
16 for any additional administrative costs necessary to secure  
17 the funding and shall not limit the discretion of the court in  
18 making determinations in the best interests of a child.

19 3. Not more than 25 percent of the children placed in  
20 foster care funded under the federal Social Security Act,  
21 Title IV-E, shall be placed in foster care for a period of  
22 more than 24 months.

23 4. The department shall provide day treatment alternatives  
24 within the child welfare system and additional services by  
25 including day treatment provided by psychiatric medical  
26 institutions for children as a service reimbursed under  
27 medical assistance. The services shall be directed to serving  
28 children who would otherwise be placed in group foster care or  
29 a psychiatric medical institution for children. The  
30 department may use funds appropriated in this Act for medical  
31 assistance to pay the nonfederal share of costs for services  
32 reimbursed under the medical assistance program which are  
33 provided in a psychiatric medical institution for children.

34 5. The department may use up to \$828,000 of the funds  
35 appropriated in this section to develop additional therapeutic

1 foster care programs in the state. The programs shall provide  
2 respite and special support services to foster parents to  
3 enable them to serve in an active treatment capacity with the  
4 children under their care. Funding allocated in this  
5 subsection shall also be used to reimburse foster parents for  
6 their services. The funding is intended to serve at least 60  
7 more children than were served in therapeutic foster care in  
8 fiscal year 1991-1992.

9 6. Of the funds appropriated in this section, up to  
10 \$987,393 may be used to develop and maintain the state's  
11 implementation of the national adoption and foster care  
12 information system pursuant to the requirements of Pub. L. No.  
13 99-509. In developing the system the department shall involve  
14 representatives of the court, service providers, advocates,  
15 and other persons interested in the adoption process.

16 7. Of the funds appropriated in this section, \$150,000 may  
17 be used to contract to develop a statewide system for  
18 recruiting, retaining, and supporting foster care families  
19 consistent with the recommendation of the department's family  
20 foster care advisory committee. The department shall involve  
21 the family foster care advisory committee in developing a  
22 request for proposals for the contract. The committee shall  
23 also be involved in reviewing proposals, overseeing the work  
24 of the contractor, and further defining needs in the system.  
25 The department shall also involve the committee in seeking new  
26 financial support for enhancing the family foster care system,  
27 including government and foundation grants.

28 8. The department shall continue the demonstration program  
29 to decategorize child welfare services in the five counties in  
30 which the program has commenced. The department may approve  
31 additional applications from a county or cluster of counties  
32 to initiate a demonstration program provided the department,  
33 the boards of supervisors in the counties, and the affected  
34 judicial districts agree to implement the program. The  
35 schedule for implementing the demonstration program in



1 additional counties shall provide that the program be  
2 implemented on or after January 1, 1993. The department shall  
3 establish for the demonstration program counties a child  
4 welfare fund composed of all or part of the amount that would  
5 otherwise be expected to be used for residents of the counties  
6 for foster care, family-centered services, subsidized  
7 adoption, child day care, local purchase of services, state  
8 juvenile institution care, mental health institute care, state  
9 hospital-school care, juvenile detention, department-direct  
10 services, and court-ordered evaluation and treatment of  
11 juvenile services and notwithstanding any other provision of  
12 law, the fund shall be considered encumbered. Notwithstanding  
13 other service funding provisions in law, the department shall  
14 establish the fund by transferring funds from the budgets  
15 affected, except for the funds appropriated for the state  
16 mental health institutes, the state hospital-schools, the  
17 state training school, and the Iowa juvenile home which shall  
18 remain on account for the county at these institutions. By  
19 June 15, 1992, the department shall inform each demonstration  
20 program county of the estimated amount that will be available  
21 in the county's child welfare fund and on account at the  
22 institutions for that county during the ensuing fiscal year.  
23 The department shall confirm each county's budgeted amount by  
24 October 1, 1992. A limited amount of the fund may be used to  
25 support services and reimbursement rates not allowable within  
26 historical program or service categories and administrative  
27 rules. In addition, a limited amount of the child welfare  
28 fund may be used for emergency family assistance to provide  
29 resources for a family to remain together or to be unified.  
30 It is the intent of the general assembly that the  
31 demonstration program be designed to operate in a county for a  
32 three-year period. The three-year time period for a  
33 decategorization project in Dubuque, Linn, Polk,  
34 Pottawattamie, or Scott county shall be considered to begin on  
35 January 1 in the first year following the year in which the

1 county's decategorization project was approved by the  
2 department.

3 9. The department shall implement changes in group foster  
4 care maintenance and service definitions to be consistent with  
5 the definitions under Title IV-E of the federal Social  
6 Security Act. State funding saved due to federal financial  
7 participation provided under Title IV-E which is received as a  
8 result of the definition changes, shall be used to implement  
9 the system changes recommended by the family foster care  
10 advisory committee pursuant to subsection 7.

11 10. Of the funds appropriated in this section, up to  
12 \$80,000 may be expended in accordance with a plan developed by  
13 the department and the supreme court to implement a system for  
14 department and judicial training in order to provide statewide  
15 reasonable efforts to prevent or eliminate the need to place  
16 children outside the children's homes. In implementing the  
17 plan, the department and the court shall provide comprehensive  
18 training in jurisdictions in which there are high rates of  
19 out-of-home placements. The training shall be coordinated  
20 with the expansions of family preservation and family-centered  
21 services pursuant to the home-based services appropriation in  
22 this Act.

23 11. Of the funds appropriated in this section, not more  
24 than \$30,000 may be used to contract for the development of a  
25 computerized foster care placement information system for the  
26 state. The system shall be capable of providing an on-line  
27 data base of the availability of particular foster care  
28 placements, technical support, training, and appropriate user  
29 documentation. The department shall report to the  
30 chairpersons and ranking members of the joint human services  
31 appropriations subcommittee and the legislative fiscal bureau  
32 on or before September 15, 1992, concerning the status of this  
33 contract.

34 12. The department shall contract with the developers of  
35 the reasonable efforts protocol portion of the reasonable

1 efforts model court project. The contract shall be to  
2 continue training seminars for child welfare practitioners  
3 throughout the state on the use of reasonable efforts to  
4 prevent or eliminate the need for removal of a child from the  
5 child's home. In addition, the department shall draw upon the  
6 reasonable efforts model court project in working with the  
7 supreme court to provide ongoing instruction and technical  
8 assistance in selected counties in the state concerning  
9 application of reasonable efforts. Counties shall be selected  
10 by targeting those with a high rate of placing children  
11 outside the children's homes. The recipients of technical  
12 assistance shall include court officials, department of human  
13 services referral workers, and child welfare service  
14 providers. Trainers shall include respected peers and  
15 colleagues of the training recipients. The department shall  
16 use up to \$80,000 of the funds appropriated in this section  
17 for the contract. The department shall seek assistance from  
18 the national conference of state legislatures and private  
19 foundations in implementing the provisions of this subsection.

20 13. The department shall incorporate family-centered  
21 approaches to serving families into the department's general  
22 child welfare training for all child welfare workers. The  
23 training shall include an introduction to family preservation  
24 and family-centered services and these services' usages as  
25 alternatives to out-of-home care. In addition, the department  
26 shall develop specific training concerning these services for  
27 those workers who are involved with referrals of children to  
28 foster care. The department shall work with the judicial  
29 system in order to make the training applicable and available  
30 to court officers involved with referrals of children to  
31 foster care. In developing the training, the department shall  
32 seek assistance from the child welfare league of America and  
33 the national association of family-based services and shall  
34 draw from successful initiatives used in other states. In  
35 implementing the provisions of this subsection, the department

1 may use up to \$85,000 of the moneys appropriated in this Act  
2 for family preservation services and up to \$55,000 of the  
3 funds appropriated in this section.

4 Sec. 13. FOSTER CARE SSI DETERMINATIONS. The amount of  
5 the appropriation in this Act for foster care is based upon  
6 expansion of the number of children in foster care who are  
7 eligible for federal supplemental security income (SSI). The  
8 department may use up to \$500,000 of that appropriation to  
9 enter into a performance-based contract to secure SSI benefits  
10 for children placed in foster care. The contractor must be  
11 capable of beginning services on July 1, 1992. The contract  
12 shall include provisions for training of department of human  
13 services and juvenile court staff, completion of applications,  
14 tracking of application results, and representation during the  
15 appeals process whenever an appeal is necessary to secure SSI  
16 benefits. The provisions of this section shall take effect  
17 upon enactment.

18 Sec. 14. HOME-BASED SERVICES. There is appropriated from  
19 the general fund of the state to the department of human  
20 services for the fiscal year beginning July 1, 1992, and  
21 ending June 30, 1993, the following amount, or so much thereof  
22 as is necessary, to be used for the purpose designated:

23 For home-based services on the condition that family  
24 planning services are funded, provided that if the department  
25 changes any allocation to a program funded under this section,  
26 the department shall promptly notify the legislative fiscal  
27 bureau of the change:

28 ..... \$ 22,538,118

29 1. Of the funds appropriated in this section, \$30,000  
30 shall be used by the department to contract with universities  
31 to provide ongoing research and evaluation assistance to  
32 programs and initiatives of the department involving family-  
33 centered services and foster care. The contracts shall make  
34 maximum use of any matching resources available from the  
35 universities with which the department contracts.

1 2. a. Of the funds appropriated in this section,  
2 \$5,565,972 shall be used for family preservation and  
3 reunification services and training. A limited amount of the  
4 funds may be used for emergency family assistance to provide  
5 other resources required for a family participating in a  
6 project to stay together or to be reunified. The payment  
7 system for the project shall not be based upon units of time,  
8 but may be based upon the cost to serve a family, including  
9 adjustments according to the provider's performance and the  
10 outcome of the services provided to each family. The  
11 department shall use the statewide family preservation and  
12 decategorization committee to assist in selecting additional  
13 projects. In addition, a portion of the funds appropriated in  
14 this section shall be used for the jurisdictions receiving  
15 reasonable efforts training pursuant to the requirements  
16 provided in the appropriation in this Act for foster care.

17 b. The department shall seek federal financial  
18 participation for family preservation under Title IV-A of the  
19 federal Social Security Act. The nonfederal share of the  
20 costs shall be paid from funds appropriated in this section.  
21 Any federal funds received pursuant to this paragraph are  
22 appropriated for the purposes for which the funds are  
23 appropriated in this section.

24 Sec. 15. COMMUNITY-BASED PROGRAMS. There is appropriated  
25 from the general fund of the state to the department of human  
26 services for the fiscal year beginning July 1, 1992, and  
27 ending June 30, 1993, the following amount, or so much thereof  
28 as is necessary, to be used for the purpose designated:

29 For community-based programs, including salaries, support,  
30 maintenance, miscellaneous purposes, and for not more than the  
31 following full-time equivalent position:  
32 ..... \$ 1,528,106  
33 ..... FTEs 1.0

34 1. Of the funds appropriated in this section, \$438,713  
35 shall be used for adolescent pregnancy prevention grants. At

1 least 75 percent of the funds shall be used for programs which  
2 incorporate family planning and pregnancy prevention services  
3 as the major component of the program. The department shall  
4 not expend more than 8 percent of the funds for administrative  
5 costs. A grant may be awarded to a public school corporation,  
6 a maternal and child health center, an adolescent services  
7 provider, a project involving the state juvenile institutions,  
8 or a nonprofit organization which is involved in adolescent  
9 issues. Grants shall be awarded for a one-year period and  
10 shall be based on the demonstrated need for adolescent  
11 pregnancy prevention and adolescent parent services.  
12 Preference in awarding grants shall be given to each of the  
13 projects for children placed at a state juvenile institution  
14 and projects which utilize a variety of community resources  
15 and agencies.

16 a. As used in this subsection, "adolescent" means a person  
17 who is less than 18 years of age or a person who is attending  
18 an accredited high school or pursuing a course of study which  
19 will lead to a high school diploma or its equivalent. The  
20 department shall establish guidelines which permit a grant  
21 recipient to continue providing services to a person who  
22 receives services under the grant as an adolescent and becomes  
23 18 years of age or older.

24 b. A grant shall only be awarded to a project which  
25 provides one or more of the following services:

26 (1) Workshops and information programs for adolescents and  
27 parents of adolescents to improve communication between  
28 children and parents regarding human sexuality issues.

29 (2) Development and distribution of informational material  
30 designed to discourage adolescent sexual activity, to provide  
31 information regarding acquired immune deficiency syndrome and  
32 sexually transmitted diseases, and to encourage male and  
33 female adolescents to assume responsibility for their sexual  
34 activity and parenting.

35 (3) Early pregnancy detection, prenatal services including

1 chlamydia testing, and counseling regarding decision-making  
2 options for pregnant adolescents.

3 (4) Case management and child care services provided to  
4 male and female adolescent parents.

5 c. Additional services may be offered by a grantee  
6 pursuant to a purchase of service contract with the department  
7 including child day care services; child development and  
8 parenting instruction; services to support high school  
9 completion, job training, and job placement; prevention of  
10 additional pregnancies during adolescence; and other personal  
11 services.

12 2. Of the funds appropriated in this section, at least  
13 \$209,512 shall be used to provide grants administered in  
14 accordance with the provisions for adolescent pregnancy  
15 prevention grants, except for requirements to target certain  
16 specific geographic areas of the state. The grants shall be  
17 awarded to fund any of the following purposes:

18 a. Programs targeted to children. A program shall include  
19 the following: components for parental involvement; parental  
20 education, including techniques for encouraging sexual  
21 abstinence; outreach services for recruiting parents and  
22 children into the program; and the provision of transportation  
23 to program staff and participants necessary for recruiting and  
24 encouraging program participation.

25 b. Programs intended to prevent an additional pregnancy by  
26 a parent who is less than 19 years of age. Preference in  
27 grant awards shall be given to programs which provide  
28 financial incentives to clients for their program  
29 participation and success in avoiding an additional pregnancy.

30 c. Providing additional pregnancy prevention grants.  
31 Preference in grant awards shall be given to programs which,  
32 in addition to other services, provide counseling to mixed  
33 gender groups of adolescents.

34 d. Programs intended to educate adolescents concerning the  
35 risks associated with alcohol and other drug use during

1 pregnancy, including health, financial, emotional, and other  
2 potential long-term effects for mother and child.

3 3. Of the funds appropriated in this section, \$532,789  
4 shall be used by the department for child abuse prevention  
5 grants.

6 Sec. 16. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.

7 There is appropriated from the general fund of the state to  
8 the department of human services for the fiscal year beginning  
9 July 1, 1992, and ending June 30, 1993, the following amount,  
10 or so much thereof as is necessary, to be used for the purpose  
11 designated:

12 Payment of the expenses of court-ordered services provided  
13 to juveniles which are a charge upon the state pursuant to  
14 section 232.141, subsection 4:

15 ..... \$ 4,000,000

16 1. Notwithstanding section 232.141 or any other provision  
17 of law, the funds appropriated in this section shall be  
18 allocated to the judicial districts as determined by the state  
19 court administrator. The state court administrator shall make  
20 the determination on the allocations on or before June 15,  
21 1992.

22 2. Each judicial district shall continue the planning  
23 group for the court-ordered services for juveniles provided in  
24 that district which was established pursuant to 1991 Iowa  
25 Acts, chapter 267, section 119. A planning group shall  
26 continue to perform its duties as specified in that law.

27 Each district planning group shall submit an annual report  
28 in January 1993 to the state court administrator and the  
29 department of human services. The report shall cover the  
30 preceding fiscal year and shall include a preliminary report  
31 on the current fiscal year. The administrator and the  
32 department shall compile these reports and submit the reports  
33 to the chairpersons and ranking members of the joint human  
34 services appropriations subcommittee and the legislative  
35 fiscal bureau.



1 3. The department of human services shall develop policies  
2 and procedures to ensure that the funds appropriated in this  
3 section are spent only after all other reasonable actions have  
4 been taken to utilize other funding sources and community-  
5 based services. The policies and procedures shall be designed  
6 to achieve the following objectives relating to services  
7 provided under chapter 232:

8 a. Maximize the utilization of funds which may be  
9 available from the medical assistance program including usage  
10 of the early and periodic screening, diagnosis, and treatment  
11 (EPSDT) program.

12 b. Recover payments from any third-party insurance carrier  
13 which is liable for coverage of the services, including health  
14 insurance coverage.

15 c. Pursue development of agreements with regularly  
16 utilized out-of-state service providers which are intended to  
17 reduce per diem costs paid to those providers.

18 4. The department of human services, in consultation with  
19 the state court administrator and the judicial district  
20 planning groups, shall compile a monthly report describing  
21 spending in the districts for court-ordered services for  
22 juveniles, including the utilization of the medical assistance  
23 program. The reports shall be submitted on or before the  
24 twentieth day of each month to the chairpersons and ranking  
25 members of the joint human services appropriations  
26 subcommittee and the legislative fiscal bureau.

27 5. Notwithstanding chapter 232 or any other provision of  
28 law, a district or juvenile court in a department of human  
29 services district shall not order any service which is a  
30 charge upon the state pursuant to section 232.141 if there are  
31 insufficient court-ordered services funds available in the  
32 district allocation to pay for the service. The chief  
33 juvenile court officer shall work with the judicial district  
34 planning group to encourage use of the funds appropriated in  
35 this section such that there are sufficient funds to pay for

1 all court-related services during the entire year. The eight  
2 chief juvenile court officers shall attempt to anticipate  
3 potential surpluses and shortfalls in the allocations and  
4 shall cooperatively request the state court administrator to  
5 transfer funds between the districts' allocations as prudent.

6 6. Notwithstanding any provision of law to the contrary, a  
7 district or juvenile court shall not order a county to pay for  
8 any service provided to a juvenile pursuant to an order  
9 entered under chapter 232 which is a charge upon the state  
10 under section 232.141, subsection 4.

11 7. Of the funds appropriated in this section, up to  
12 \$200,000 may be used by the judicial department for  
13 administration of the requirements under this section and for  
14 travel associated with court-ordered placements which are a  
15 charge upon the state pursuant to section 232.141, subsection  
16 4.

17 Sec. 17. CHILD PROTECTIVE SYSTEM IMPROVEMENTS. There is  
18 appropriated from the general fund of the state to the  
19 department of human services for the fiscal year beginning  
20 July 1, 1992, and ending June 30, 1993, the following amount,  
21 or so much thereof as is necessary, to be used for the purpose  
22 designated:

23 For improvements in the state system for child protection:  
24 ..... \$ 543,251

25 The funding appropriated in this section shall be used as  
26 determined by the department for any of the following  
27 purposes:

28 1. For general administration of the department to improve  
29 staff training efforts.

30 2. For oversight of termination of parental rights and  
31 permanency planning efforts on a statewide basis on the  
32 condition that regular reports regarding the statewide program  
33 efforts shall be provided to the legislative fiscal bureau.

34 3. For use by the department in general administration to  
35 promote innovative treatment programs, write grants to obtain

1 federal and private funding, and promote public and private  
2 efforts to treat and prevent child abuse.

3 4. For personnel, assigned by the attorney general, to  
4 provide additional services relating to termination of  
5 parental rights and child in need of assistance cases.

6 5. For funding of the state multidisciplinary team to  
7 assist with difficult cases within the child abuse and foster  
8 care system and with respect to child protective investigation  
9 and initial case planning and to develop and coordinate local  
10 multidisciplinary teams.

11 6. For use by the department in conducting outcome-  
12 oriented evaluations of child protection, prevention, and  
13 treatment programs.

14 7. For specialized foster care permanency planning field  
15 operations staff.

16 Sec. 18. IOWA VETERANS HOME. There is appropriated from  
17 the general fund of the state to the department of human  
18 services for the fiscal year beginning July 1, 1992, and  
19 ending June 30, 1993, the following amount, or so much thereof  
20 as is necessary, to be used for the purposes designated:

21 For operation of the Iowa veterans home, including  
22 salaries, support, maintenance, miscellaneous purposes, and  
23 for not more than the following full-time equivalent  
24 positions:

25 .....	\$ 26,517,342
26 .....	FTEs 700.61

27 1. The department may use the gifts accepted by the  
28 director of human services pursuant to section 218.96 and  
29 other resources available to the department for use at the  
30 Iowa veterans home for purposes identified by the department.

31 2. The department shall consider implementing a policy  
32 limiting the amount of subsidy to a patient to the subsidy  
33 that would be provided to that patient in a comparable  
34 facility receiving medical assistance reimbursement.

35 3. a. The department may adopt emergency rules to provide

1 for medical assistance reimbursement for the care and  
2 treatment of medical assistance-eligible individuals admitted  
3 to the Iowa veterans home. If the rules result in medical  
4 assistance reimbursement to the Iowa veterans home which  
5 exceeds the amount budgeted for that purpose in the fiscal  
6 year beginning July 1, 1992, and ending June 30, 1993, the  
7 department may exceed the number of full-time equivalent  
8 positions authorized in this section for the purpose of  
9 meeting related certification requirements or to provide  
10 additional beds.

11 b. An amount equal to the nonfederal share of the cost to  
12 determine the medical assistance eligibility for individuals  
13 pursuant to this subsection shall be transferred from moneys  
14 appropriated in this section and used in addition to moneys  
15 appropriated in this Act for field operations. The department  
16 may exceed the number of full-time equivalent positions  
17 authorized in the field operations appropriation for the  
18 purpose of providing medical assistance eligibility  
19 determinations pursuant to this subsection.

20 Sec. 19. MENTAL HEALTH INSTITUTES. There is appropriated  
21 from the general fund of the state to the department of human  
22 services for the fiscal year beginning July 1, 1992, and  
23 ending June 30, 1993, the following amounts, or so much  
24 thereof as is necessary, to be used for the purposes  
25 designated:

26 For the state mental health institutes for salaries,  
27 support, maintenance, miscellaneous purposes, and for not more  
28 than the following full-time equivalent positions:

29 ..... \$ 41,889,419  
30 .....FTEs 1,058.13

31 1. The funds appropriated and full-time equivalent  
32 positions authorized in this section are allocated as follows:

33 a. State mental health institute at Cherokee:  
34 ..... \$ 14,695,140  
35 ..... FTEs 381.41

1	b. State mental health institute at Clarinda:	
2	.....	\$ 5,667,293
3	.....	FTEs 138.11
4	c. State mental health institute at Independence:	
5	.....	\$ 16,507,883
6	.....	FTEs 435.61
7	d. State mental health institute at Mount Pleasant:	
8	.....	\$ 5,019,103
9	.....	FTEs 103.00

10 2. Within the funds appropriated in this section, the  
 11 department may reallocate funds as necessary to best fulfill  
 12 the needs of the institutions provided for in this  
 13 appropriation.

14 3. The department shall report to the legislative fiscal  
 15 bureau, on or before the twentieth day of each month, the  
 16 department's current expenditures for the institutions  
 17 receiving allocations under this appropriation. The report  
 18 shall include a comparison of actual to budgeted expenditures  
 19 for each institution.

20 Sec. 20. HOSPITAL-SCHOOLS. There is appropriated from the  
 21 general fund of the state to the department of human services  
 22 for the fiscal year beginning July 1, 1992, and ending June  
 23 30, 1993, the following amounts, or so much thereof as is  
 24 necessary, to be used for the purposes designated:

25 For the state hospital-schools, for salaries, support,  
 26 maintenance, miscellaneous purposes, and for not more than the  
 27 following full-time equivalent positions:

28	.....	\$ 64,271,228
29	.....	FTEs 1,831.25

30 1. The funds appropriated and full-time equivalent  
 31 positions authorized in this section are allocated as follows:

32	a. State hospital-school at Glenwood:	
33	.....	\$ 34,585,533
34	.....	FTEs 995.00

35 b. State hospital-school at Woodward:

1 ..... \$ 29,585,695  
2 ..... FTEs 836.25

3 2. Within the funds appropriated in this section, the  
4 department may reallocate funds as necessary to best fulfill  
5 the needs of the institutions provided for in this  
6 appropriation.

7 3. The department shall report to the legislative fiscal  
8 bureau, on or before the twentieth day of each month, the  
9 department's current expenditures for the institutions  
10 receiving allocations under this appropriation. The report  
11 shall include a comparison of actual to budgeted expenditures  
12 for each institution.

13 Sec. 21. MENTAL HEALTH -- MENTAL RETARDATION --  
14 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is  
15 appropriated from the general fund of the state to the  
16 department of human services for the fiscal year beginning  
17 July 1, 1992, and ending June 30, 1993, the following amount,  
18 or so much thereof as is necessary, to be used for the purpose  
19 designated:

20 For mental health, mental retardation, and developmental  
21 disabilities special services:  
22 ..... \$ 370,069

23 1. The department and the Iowa finance authority shall  
24 develop methods to implement the financing for existing  
25 community-based facilities and to implement financing for  
26 small community-based facilities, including those facilities  
27 which may be developed under a federally approved home and  
28 community-based waiver for services provided under the medical  
29 assistance program. The department shall develop criteria for  
30 these facilities which may include provisions to restrict  
31 placements to current state hospital-school clients or to  
32 avert the placement of persons in a state hospital-school.  
33 The department shall assure that clients are referred to these  
34 facilities upon their development.

35 2. Of the funds appropriated in this section, \$248,862 is

1 allocated to provide supplemental per diems to community-based  
2 residential care facilities and community living arrangements.  
3 The per diem is restricted to clients placed from the state  
4 hospital-schools and persons averted from placement in a state  
5 hospital-school who meet the appropriate level of functioning  
6 for this type of care.

7 3. Of the funds appropriated in this section, \$121,207 is  
8 allocated to provide funds for construction and start-up costs  
9 to develop community living arrangements to provide for  
10 persons who are mentally ill and homeless. These funds may be  
11 used to match federal Stewart B. McKinney Homeless Assistance  
12 Act grant funds.

13 Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM. There is  
14 appropriated from the general fund of the state to the  
15 department of human services for the fiscal year beginning  
16 July 1, 1992, and ending June 30, 1993, the following amount,  
17 or so much thereof as is necessary, to be used for the purpose  
18 designated:

19 For the family support subsidy program:  
20 ..... \$ 1,002,833

21 Sec. 23. SPECIAL NEEDS GRANTS. There is appropriated from  
22 the general fund of the state to the department of human  
23 services for the fiscal year beginning July 1, 1992, and  
24 ending June 30, 1993, the following amount, or so much thereof  
25 as is necessary, to be used for the purpose designated:

26 To provide special needs grants to families with a family  
27 member at home who has a developmental disability or to a  
28 person with a developmental disability:  
29 ..... \$ 53,212

30 Grants must be used by a family to defray special costs of  
31 caring for the family member to prevent out-of-home placement  
32 of the family member or to provide for independent living  
33 costs. A grant may provide up to \$5,000 per person for costs  
34 associated with an assistive animal. The grants may be  
35 administered by a private nonprofit agency which serves people

1 statewide provided that no administrative costs are received  
2 by the agency. Regular reports regarding the special needs  
3 grants with the family support subsidy program and an annual  
4 report concerning the characteristics of the grantees shall be  
5 provided to the legislative fiscal bureau.

6 Sec. 24. STATE PURCHASE OF LOCAL SERVICES. There is  
7 appropriated from the general fund of the state to the  
8 department of human services for the fiscal year beginning  
9 July 1, 1992, and ending June 30, 1993, the following amount,  
10 or so much thereof as is necessary, to be used for the  
11 purposes designated:

12 For state purchase of local services where the client has  
13 no established county of legal settlement:  
14 ..... \$ 3,533,460

15 Sec. 25. BLOCK GRANT SUPPLEMENTATION. There is  
16 appropriated from the general fund of the state to the  
17 department of human services for the fiscal year beginning  
18 July 1, 1992, and ending June 30, 1993, the following amount,  
19 or so much thereof as is necessary, to be used for the purpose  
20 designated:

21 For supplementation of federal social services block grant  
22 funds and for allocation to counties for the purchase of local  
23 services:  
24 ..... \$ 4,482,581

25 The amount of the appropriation made in this section is  
26 based on the allocation amount under the appropriation of the  
27 federal social services block grant for the federal fiscal  
28 year beginning October 1, 1992, for local administrative costs  
29 and other local services, being the same amount and used in  
30 the same manner as provided in 1991 Iowa Acts, chapter 269,  
31 section 9, subsection 3, paragraph "e". The funds  
32 appropriated in this section shall be allocated to counties  
33 pursuant to the rules of the department in effect on January  
34 1, 1985. The department shall increase the income guidelines  
35 for income eligible persons receiving services funded with



1 federal social services block grant funds for the fiscal year  
2 beginning July 1, 1992, by the same percentage and at the same  
3 time as federal social security benefits are increased due to  
4 a recognized increase in the cost of living. The department  
5 may adopt emergency rules to implement the provisions of this  
6 section relating to an increase in the cost of living.

7     Sec. 26. MENTAL HEALTH -- MENTAL RETARDATION -- DE-  
8 VELOPMENTAL DISABILITIES COMMUNITY SERVICES. There is  
9 appropriated from the general fund of the state to the  
10 department of human services for the fiscal year beginning  
11 July 1, 1992, and ending June 30, 1993, the following amount,  
12 or so much thereof as is necessary, to be used for the purpose  
13 designated:

14     For mental health, mental retardation, and developmental  
15 disabilities community services in accordance with the  
16 provisions of this Act:

17 ..... \$ 10,366,168

18     1. Of the funds appropriated in this section, \$10,336,168  
19 shall be allocated to counties for funding of community-based  
20 mental health, mental retardation, and developmental  
21 disabilities services. The moneys shall be allocated to a  
22 county as follows:

23     a. Fifty percent based upon the county's proportion of the  
24 state's population of persons with an annual income which is  
25 equal to or less than the poverty guideline established by the  
26 federal office of management and budget.

27     b. Fifty percent based upon the county's proportion of the  
28 state's general population.

29     A county shall utilize 5 percent of the funding the county  
30 receives pursuant to this subsection for services to persons  
31 with a developmental disability other than mental retardation.  
32 The remaining funding shall be used by the county for services  
33 to persons with mental retardation or mental illness.

34 However, no more than 60 percent of the remaining funding  
35 shall be used for services to persons with either mental

1 retardation or mental illness.

2 For the fiscal year beginning July 1, 1992, a county shall  
3 use at least 50 percent of the funding the county receives  
4 under this subsection for the following contemporary services  
5 to persons with mental illness, mental retardation, or a  
6 developmental illness:

7 (1) Case management.

8 (2) Supported employment.

9 (3) Community-based housing, including but not limited to  
10 group homes with five beds or less which promote quality  
11 support services, appropriate levels of independence, and  
12 community inclusion for residents. However, expenditures  
13 relating to a group home with more than five beds or a group  
14 home which does not comply with the location requirements of  
15 section 358A.25, subsection 3, or section 414.22, subsection  
16 3, are not eligible for reimbursement. Expenditures for  
17 housing provided in intermediate care facilities for the  
18 mentally retarded with ten beds or less which received a  
19 certificate of need under chapter 135 on or before July 1,  
20 1991, are eligible for payment under this allocation until  
21 July 1, 1997.

22 (4) Individual support services provided to residents  
23 living in community-based housing or an independent living  
24 arrangement or to residents and residents' families when a  
25 resident is living with the resident's family. The support  
26 services are any service deemed necessary by a county to  
27 support a resident in a community-based housing or other  
28 living arrangement described in this lettered paragraph, and  
29 include any employment, training, crisis intervention, or  
30 educational program. The support services may also include  
31 provision of or payment for the costs of food, medical  
32 services, clothing, and counseling.

33 (5) Day programming provided to residents living in  
34 community-based housing, an independent living arrangement, or  
35 with the resident's family.

1 The mental health, mental retardation, and developmental  
2 disabilities commission shall adopt rules pursuant to chapter  
3 17A describing the services listed in subparagraphs (i)  
4 through (5) of this subsection.

5 2. Of the funds appropriated in this section \$30,000 shall  
6 be used to support the Iowa compass program providing  
7 computerized information and referral services for Iowans with  
8 disabilities and their families.

9 3. The department shall submit an annual report concerning  
10 each population served and each service funded in this section  
11 to the chairpersons and ranking members of the joint human  
12 services appropriation subcommittee and the legislative fiscal  
13 bureau.

14 Sec. 27. MH/MR/DD SERVICES UNDER MEDICAL ASSISTANCE --  
15 JOINT STATE AND COUNTY FUNDING. There is appropriated from  
16 the general fund of the state to the department of human  
17 services for the fiscal year beginning July 1, 1992, and  
18 ending June 30, 1993, the following amount, or so much thereof  
19 as is necessary, to be used for the purpose designated:

20 For mental health, mental retardation, and developmental  
21 disabilities provided under the medical assistance program and  
22 jointly funded by the state and counties, including  
23 reimbursement of counties for previous expenditures, in  
24 accordance with the provisions of this section:

25 ..... \$ 6,858,495

26 1. The enhanced mental health, mental retardation, and  
27 developmental disabilities services plan oversight committee  
28 is continued, as established under section 249A.25, for the  
29 fiscal year which begins July 1, 1992, and ends June 30, 1993.  
30 The oversight committee shall issue a final decision regarding  
31 any issue of disagreement between a county and the department  
32 relating to expenditures for candidate services or the  
33 county's maintenance of effort.

34 2. For purposes of this section, "candidate services"  
35 means day treatment, partial hospitalization, and case

1 management.

2 3. a. The county of legal settlement shall be billed for  
3 50 percent of the nonfederal share of the cost of case  
4 management provided to adults, day treatment, and partial  
5 hospitalization, and of the cost of care which is reimbursed  
6 under a federally approved home and community-based waiver  
7 that would otherwise be approved for provision in an  
8 intermediate care facility for the mentally retarded, provided  
9 under the medical assistance program for persons with mental  
10 retardation, a developmental disability, or chronic mental  
11 illness. The state shall have responsibility for the  
12 remaining 50 percent of the nonfederal share of the costs  
13 incurred under this subsection up to a limit of \$2,982,086.  
14 When the state limit has been reached, any amount of the  
15 nonfederal share remaining unpaid shall be billed to the  
16 county of legal settlement.

17 b. If the department has contracted with a county or a  
18 consortium of counties to be the provider of case management  
19 services, the department is responsible for any costs included  
20 within the unit rate for case management services which are  
21 disallowed for reimbursement pursuant to Title XIX of the  
22 federal Social Security Act by the federal health care  
23 financing administration. The department shall use funds  
24 appropriated under this section to credit a county for the  
25 county's share of any amounts overpaid due to the disallowed  
26 costs. If certain costs are disallowed due to requirements or  
27 preferences of a particular county in the provision of case  
28 management services the county shall not receive credit for  
29 the amount of the costs.

30 c. The state shall pay the entire nonfederal share of the  
31 costs for case management services provided to persons 18  
32 years of age or younger who are served in a medical assistance  
33 home and community-based waiver program for persons with  
34 mental retardation.

35 4. A county is responsible to continue to expend at least

1 the agreed upon amount expended for services in the fiscal  
2 year which ended June 30, 1987, for the fiscal year beginning  
3 July 1, 1992, for services to persons with mental retardation,  
4 a developmental disability, or chronic mental illness.  
5 Notwithstanding section 8.33, if a county does not expend the  
6 agreed upon amount in the fiscal year, the balance not  
7 expended shall not revert to the general fund of the county,  
8 but shall be carried over to the next fiscal year to be  
9 expended for the provision of services to persons with mental  
10 retardation, a developmental disability, or mental illness  
11 including, but not limited to, the chronically mentally ill,  
12 and shall be used as additional funds. The additional funds  
13 shall be used, to the greatest extent possible, to meet unmet  
14 needs of persons with mental retardation, a developmental  
15 disability, or mental illness. This subsection does not  
16 relieve the county from any other funding obligations required  
17 by law, including but not limited to the obligations in  
18 section 222.60.

19 5. The department, in conjunction with the oversight  
20 committee, and with the agreement of each county, shall  
21 establish the actual amount expended for each candidate  
22 service for persons with mental retardation, a developmental  
23 disability, or chronic mental illness in the fiscal year which  
24 ended June 30, 1987, and this amount shall be deemed each  
25 county's base year expenditure for the candidate service. A  
26 disagreement between the department and a county as to the  
27 actual amount expended shall be decided by the oversight  
28 committee.

29 The department, in conjunction with the oversight  
30 committee, and with the agreement of each county, shall  
31 determine the expenditures in the fiscal year beginning July  
32 1, 1991, by each county for the candidate services, including  
33 the amount the county contributes under subsection 3. If the  
34 expenditures in the fiscal year beginning July 1, 1991, exceed  
35 the base year expenditures for candidate services, then the

1 county shall receive from the funds appropriated under this  
2 section the least amount of the following:

3 a. The difference between the total expenditures for the  
4 candidate services in the fiscal year beginning July 1, 1991,  
5 and the base year expenditures.

6 b. The amount expended by the county under subsection 3  
7 for candidate services in the fiscal year beginning July 1,  
8 1991.

9 c. The amount by which total expenditures for persons with  
10 mental retardation, a developmental disability, or chronic  
11 mental illness for the fiscal year beginning July 1, 1991,  
12 less any carryover amount from the fiscal year which began  
13 July 1, 1990, exceed the maintenance of effort expenditures  
14 under subsection 4.

15 The department may utilize a debit-credit approach in order  
16 to implement the financial transactions with counties required  
17 by this subsection. It is the intent of the general assembly  
18 that reimbursement to counties in accordance with the  
19 provisions of this subsection shall be discontinued for  
20 succeeding fiscal years.

21 6. Notwithstanding section 225C.20, case management  
22 services shall be provided by the department except when a  
23 county or a consortium of counties contracts with the  
24 department to provide the services. A county or consortium of  
25 counties may contract to be the provider at any time and the  
26 department shall agree to the contract so long as the contract  
27 meets the standards for case management adopted by the  
28 department. The county or consortium of counties may  
29 subcontract for the provision of case management services if  
30 the subcontract meets the same standards. A mental health,  
31 mental retardation, and developmental disabilities  
32 coordinating board may change the provider of individual case  
33 management services at any time. If the current or proposed  
34 contract is with the department, the coordinating board shall  
35 provide written notification of a proposed change to the

1 department on or before August 15 and written notification of  
2 an approved change on or before October 15 in the fiscal year  
3 which precedes the fiscal year in which the change will take  
4 effect.

5 7. This section does not relieve the county from any other  
6 funding obligations required by law, including but not limited  
7 to the obligations in section 222.60.

8 8. Nothing in this division is intended by the general  
9 assembly to be the provision of a fair and equitable funding  
10 formula specified in 1985 Iowa Acts, chapter 249, section 9.  
11 Nothing in this division shall be construed as, is intended  
12 as, or shall imply a claim of entitlement to any programs or  
13 services specified in section 225C.28.

14 9. For the purposes of this section only, persons with  
15 mental disorders resulting from Alzheimer's disease or  
16 substance abuse shall not be considered chronically mentally  
17 ill.

18 10. Where the department contracts with a county or  
19 consortium of counties to provide case management services,  
20 the state shall appear and defend the department's employees  
21 and agents acting in an official capacity on the department's  
22 behalf and the state shall indemnify the employees and agents  
23 for acts within the scope of their employment. The state's  
24 duties to defend and indemnify shall not apply if the conduct  
25 upon which any claim is based constitutes a wilful and wanton  
26 act or omission or malfeasance in office.

27 11. Medical assistance funding for case management  
28 services for eligible persons 18 years of age and under shall  
29 also be provided to persons residing in counties with  
30 decategorization projects, provided these projects have  
31 included these persons in their service plan and the  
32 decategorization project county is willing to provide the  
33 nonfederal share of costs.

34 12. The department shall explore the feasibility of  
35 obtaining federal approval of additional medical assistance

1 home and community-based waivers for services to persons with  
2 a developmental disability. The department shall also explore  
3 the feasibility of implementing an option under the medical  
4 assistance program for rehabilitative services to persons with  
5 chronic mental illness. If either item is determined to be  
6 feasible, implementation of any new provision shall be  
7 deferred until fiscal year 1993-1994.

8 Sec. 28. FIELD OPERATIONS. There is appropriated from the  
9 general fund of the state to the department of human services  
10 for the fiscal year beginning July 1, 1992, and ending June  
11 30, 1993, the following amount, or so much thereof as is  
12 necessary, to be used for the purpose designated:

13 For field operations, including salaries, support,  
14 maintenance, miscellaneous purposes, and for not more than the  
15 following full-time equivalent positions:

16 ..... \$ 37,945,044  
17 ..... FTES 2,188.00

18 1. Staff who are designated as "Title XIX case management  
19 staff" are considered to be in addition to the limit for full-  
20 time equivalent positions and the funds appropriated for field  
21 operations. The department shall report quarterly to the  
22 chairpersons and ranking members of the legislative fiscal  
23 committee of the legislative council, the members of the joint  
24 human services appropriations subcommittee, and the  
25 legislative fiscal bureau regarding the total number of Title  
26 XIX case management staff positions filled, including the  
27 number of positions which were filled by persons who were  
28 already employed by the department in another capacity.

29 2. Upon the request of a county, the department shall work  
30 with the county to develop a funding plan for persons with  
31 mental retardation, a developmental disability, or chronic  
32 mental illness who are not eligible to receive case management  
33 provided under the medical assistance program and are  
34 receiving service management. With an agreed upon funding  
35 plan, the department is authorized to combine state funds that



1 would otherwise be expended on service management with county  
2 funds to upgrade services provided to the persons from service  
3 management to case management. Staff required to implement  
4 this subsection are not subject to the limitations on full-  
5 time equivalent positions and funds appropriated for field  
6 operations.

7 3. If the field operations staffing level meets the funded  
8 full-time equivalent position limit authorized in this section  
9 and a region identifies a critical position vacancy or a  
10 position with a caseweight factor greater than 120 percent of  
11 the budgeted caseweight factor for the position, the director  
12 of human services may exceed the full-time equivalent position  
13 limit imposed under this section in the amount necessary to  
14 fill the critical position vacancy or to reduce the caseweight  
15 factor to the budgeted level. For purposes of this  
16 subsection, "critical position vacancy" includes a clerical  
17 position in an office limited to a single clerical staff  
18 position. The maximum caseweight factor for the fiscal year  
19 beginning July 1, 1992, and ending June 30, 1993, is 213 for  
20 income maintenance workers and 208 for service workers. If  
21 the department is able to increase federal financial  
22 participation relating to field operations, the moneys shall  
23 be used to reduce the budgeted caseweight factor funded by the  
24 appropriation in this section for income maintenance and  
25 service workers. In addition, if the field operations  
26 staffing level meets the funded full-time equivalent position  
27 limit imposed in this section and there is a critical position  
28 vacancy in the state or the statewide average caseweight  
29 factor for a particular type of position exceeds 105 percent  
30 of the maximum caseweight factor for that type of position,  
31 the director of human services may exceed the full-time  
32 equivalent position limit imposed in this section in an amount  
33 necessary to fill the critical position vacancy or to reduce  
34 the caseweight factor to the maximum level. If expenditures  
35 remain within the amount appropriated in this section, the

1 department may exceed the full-time equivalent position limit  
2 imposed in this section. The department shall report monthly  
3 to the chairpersons and ranking members of the joint human  
4 services appropriations subcommittee and to the legislative  
5 fiscal bureau regarding caseweight factor computations in each  
6 region, the statewide average caseweight factor, the existence  
7 of a critical position vacancy in any region, and action taken  
8 by the department to address any critical position vacancy  
9 problem or excess caseweight factor.

10 4. Notwithstanding the full-time equivalent position limit  
11 imposed in this section, a county implementing a  
12 decategorization project, consistent with the county's  
13 decategorization plan, may modify the staffing level in the  
14 county's human services office and the modification shall not  
15 affect other county or regional human services staffing levels  
16 and shall not be considered to be subject to the full-time  
17 equivalent position limit imposed in this section.

18 5. If the amount of the nonfederal portion of a field  
19 operations income maintenance worker's salary, benefits, and  
20 support costs are paid to the department by a hospital or  
21 health center, the costs associated with that worker and that  
22 worker shall be considered to be in addition to the amount  
23 appropriated and full-time equivalent positions authorized in  
24 this appropriation for field operations.

25 6. If a county supplements a full or partial full-time  
26 equivalent position, the supplemented position is considered  
27 to be in addition to the amount appropriated and full-time  
28 equivalent positions authorized in this appropriation for  
29 field operations.

30 Sec. 29. GENERAL ADMINISTRATION. There is appropriated  
31 from the general fund of the state to the department of human  
32 services for the fiscal year beginning July 1, 1992, and  
33 ending June 30, 1993, the following amount, or so much thereof  
34 as is necessary, to be used for the purpose designated:

35 For general administration, including salaries, support,

1 maintenance, miscellaneous purposes, and for not more than the  
2 following full-time equivalent positions:

3 ..... \$ 9,104,882  
4 ... FTEs 353.01

5 1. Full-time equivalent positions which are funded  
6 entirely with federal, public, or private grants are exempt  
7 from the limits on the number of full-time equivalent  
8 positions provided in this section, but are approved only for  
9 the period of time for which the federal funds or grants are  
10 available for the position.

11 2. The department shall continue its activities in  
12 applying to the Robert Wood Johnson foundation for a grant to  
13 investigate the feasibility of establishing a system with a  
14 single state authority and regional subauthorities for the  
15 planning, funding, and administration of services for persons  
16 with mental illness. The application process shall be  
17 coordinated with the requirements of the federal Mental Health  
18 Planning Act, Pub. L. No. 99-660, and federal mental health  
19 law amendments enacted in 1990. The department shall work  
20 with legislators, advocacy groups, county representatives, and  
21 service providers as necessary in developing the grant  
22 application. The department shall report to the joint human  
23 services appropriations subcommittee on or before January 11,  
24 1993.

25 3. The department, in consultation with the child  
26 development coordinating council and the family development  
27 and self-sufficiency council, shall consider the feasibility  
28 of developing a proposal for submission to the federal family  
29 support administration for a state family resource and support  
30 program grant under the federal Claude Pepper Young Americans  
31 Act of 1990, Pub. L. No. 101-501 § 933, as codified in 42  
32 U.S.C. § 12339. The department may also apply for a planning  
33 grant under that Act. In making application for a grant, the  
34 department shall build upon existing effective programs in  
35 Iowa provided through the child development coordinating

1 council, the family development and self-sufficiency council,  
2 adolescent pregnancy prevention grants, and child abuse  
3 prevention grants.

4 Sec. 30. PREVENTION OF DISABILITIES POLICY COUNCIL. There  
5 is appropriated from the general fund of the state to the  
6 prevention of disabilities policy council established in  
7 section 225B.3 for the fiscal year beginning July 1, 1992, and  
8 ending June 30, 1993, the following amount, or so much thereof  
9 as is necessary, to be used for the purpose designated:

10 For performance of the council's duties in accordance with  
11 chapter 225B:

12 ..... \$ 27,090

13 Sec. 31. VOLUNTEERS. There is appropriated from the  
14 general fund of the state to the department of human services  
15 for the fiscal year beginning July 1, 1992, and ending June  
16 30, 1993, the following amount, or so much thereof as is  
17 necessary, to be used for the purpose designated:

18 For development and coordination of volunteer services:

19 ..... \$ 85,793

20 Sec. 32. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY  
21 DETERMINATION SYSTEM. There is appropriated from the general  
22 fund of the state to the department of human services for the  
23 fiscal year beginning July 1, 1992, and ending June 30, 1993,  
24 the following amount, or so much thereof as is necessary, to  
25 be used for the purpose designated:

26 For the first year development costs of the "X-PERT"  
27 knowledge-based computer software package for public  
28 assistance benefit eligibility determination, including  
29 salaries, support, maintenance, miscellaneous purposes, and  
30 for not more than the following full-time equivalent  
31 positions:

32 ..... \$ 453,204

33 ..... FTES 17.0

34 Sec. 33. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
35 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE

1 DEPARTMENT OF HUMAN SERVICES.

2 1. a. For the fiscal year beginning July 1, 1992, the  
3 department of human services may allocate any increases for  
4 durable medical products and supplies so that equipment and  
5 supplies which have greater wholesale cost increases may be  
6 reimbursed at a higher rate and those which have a lower or no  
7 wholesale cost increase may be reimbursed at a lower rate or  
8 have no increase.

9 b. For the fiscal year beginning July 1, 1992, the  
10 following shall have their medical assistance reimbursement  
11 rates increased by 10 percent over the rates in effect on June  
12 30, 1992: early and periodic screening, diagnosis, and  
13 treatment program providers, providers of obstetric services  
14 when provided by physicians or certified nurse-midwives, and  
15 pediatric services.

16 c. The department shall revise the reimbursement  
17 methodology used for clinics, including family planning  
18 clinics, from a rate paid per visit based upon cost to a fixed  
19 fee schedule.

20 d. The dispensing fee for pharmacists shall remain at the  
21 rate in effect on June 30, 1992. The reimbursement policy for  
22 drug product costs shall be in accordance with federal  
23 requirements. Total adjustments to reimbursements for  
24 prescription drugs shall remain within funds appropriated.

25 e. Reimbursement rates for in-patient hospital services  
26 shall be increased by 1 percent over the rates in effect on  
27 June 30, 1992.

28 f. Reimbursement rates for rural health clinics shall be  
29 increased in accordance with increases under the federal  
30 medicare program.

31 g. Home health agencies certified for the federal medicare  
32 program, hospice services, and acute care mental hospitals  
33 shall be reimbursed for their current federal medicare audited  
34 costs.

35 n. The basis for establishing the maximum medical

1 assistance reimbursement rate for nursing facilities shall be  
2 the 70th percentile of facility costs as calculated from the  
3 June 30, 1992, unaudited compilation of cost and statistical  
4 data.

5 i. The department may revise the fee schedule used for  
6 physician reimbursement.

7 2. For the fiscal year beginning July 1, 1992, the maximum  
8 cost reimbursement rate for residential care facilities  
9 reimbursed by the department shall be \$19.62 per day. The  
10 flat reimbursement rate for facilities electing not to file  
11 semiannual cost reports shall be \$14.03 per day. For the  
12 fiscal year beginning July 1, 1992, the maximum reimbursement  
13 rate for providers reimbursed under the in-home health-related  
14 care program shall be \$390.15 per month.

15 3. If the department's reimbursement methodology for any  
16 provider reimbursed in accordance with this section includes  
17 an inflation factor, this factor shall not exceed the amount  
18 by which the consumer price index for all urban consumers  
19 increased during the calendar year ending December 31, 1991.

20 4. a. The department of human services shall make  
21 reimbursement payments directly to foster parents for services  
22 provided to children pursuant to section 234.6, subsection 6,  
23 paragraph "b", or section 234.35. For each of the following  
24 fiscal years, the reimbursement rate shall be based upon the  
25 indicated percentage of the current United States department  
26 of agriculture estimate of the cost to raise a child: 1992-  
27 1993, 65 percent; 1993-1994, 75 percent; and 1994-1995, 80  
28 percent. The department may pay an additional stipend for a  
29 child with special needs.

30 b. In the 1992-1993 fiscal year, the basic maintenance  
31 rate for children ages 0 through 5 years shall be \$258, the  
32 rate for children ages 6 through 11 years shall be \$289, the  
33 rate for children ages 12 through 15 years shall be \$328, and  
34 the rate for children ages 16 and older shall be \$356. The  
35 department shall increase the monthly allowance for children

1 in independent living from \$300 to \$400. The department may  
2 adopt emergency rules to implement the provisions of this  
3 subsection.

4 5. a. For the fiscal year beginning July 1, 1993, the  
5 department shall reimburse foster group care facilities, as  
6 defined under section 237.3, subsection 2, paragraph "a",  
7 subparagraphs (1) through (4) and (6), and shelter care  
8 facilities approved under section 232.142 at 100 percent of  
9 the cost of maintenance as specified in Pub. L. No. 96-272, as  
10 codified in 42 U.S.C. § 475(4). The service portion of the  
11 reimbursement rate shall be negotiated between the department  
12 and the facility on the basis of specific clients and  
13 specified in a purchase of service agreement.

14 b. In January 1993, the department, in conjunction with  
15 the provider groups affected by this subsection, shall present  
16 a plan outlining the specific details of this reimbursement  
17 method to the joint human services appropriations  
18 subcommittee. The plan shall consider the requirements of  
19 licensure, fair market value for service components,  
20 negotiation process required, and cost-effectiveness of the  
21 method.

22 Sec. 34. ASSISTANCE TO GAMBLERS. There is appropriated  
23 from the general fund of the state to the department of human  
24 services for the fiscal year beginning July 1, 1992, and  
25 ending June 30, 1993, the following amount, or so much thereof  
26 as is necessary, to be used for the purpose designated:

27 For the gamblers assistance program:  
28 ..... \$ 250,000

29 The Iowa lottery board and the state racing and gaming  
30 commission shall cooperate with the gamblers assistance  
31 program to incorporate information regarding the gamblers  
32 assistance program and its toll-free telephone number in  
33 printed materials distributed by the board and commission.  
34 The commission may require licensees to have the information  
35 available in a conspicuous place as a condition of licensure.

1     Sec. 35. FULL-TIME EQUIVALENT LIMIT NOTIFICATION. The  
2 Iowa veterans home, the state mental health institutes, and  
3 the state hospital-schools may exceed the number of full-time  
4 equivalent positions authorized in this Act if the additional  
5 positions are specifically related to licensing,  
6 certification, or accreditation standards or citations. The  
7 department shall notify the co-chairpersons and ranking  
8 members of the joint human services appropriations  
9 subcommittee and the legislative fiscal bureau if the  
10 specified number is exceeded. The notification shall include  
11 an estimate of the number of full-time equivalent positions  
12 added and the fiscal effect of the addition.

13     Sec. 36. COMPUTERIZATION -- ASSESSMENT OF FINANCIAL  
14 IMPACT. In order to assess the financial impact of  
15 computerizing functions within the department of human  
16 services, the department of general services, information  
17 services division, shall monitor the utilization of the  
18 central processing unit resources maintained by the division,  
19 and shall provide quarterly reports to the legislative fiscal  
20 committee of the legislative council and the legislative  
21 fiscal bureau. The quarterly reports shall contain an  
22 analysis of the central processing unit resources utilized by  
23 the department of human services by each computerized  
24 application within the department. The reports shall also  
25 contain information on computerized applications which are  
26 under development, and shall project the central processing  
27 unit utilization which will occur in 6, 12, 18, and 24 months.  
28 The reports shall be designed to enable the legislative fiscal  
29 committee and the legislative fiscal bureau to assess the  
30 fiscal impact of various computerized applications, with  
31 emphasis upon the need for the division to purchase additional  
32 computer hardware.

33     Sec. 37. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.  
34 If a state institution administered by the department of human  
35 services is to be closed or reduced in size, prior to the



1 closing or reduction the department shall initiate and  
 2 coordinate efforts in cooperation with the Iowa department of  
 3 economic development to develop new jobs in the area in which  
 4 the state institution is located.

5 Sec. 38. Section 234.40, Code 1991, is amended to read as  
 6 follows:

7 234.40 CORPORAL PUNISHMENT.

8 The department of human services shall not adopt or enforce  
 9 any rule or policy rules prohibiting limited corporal  
 10 punishment of foster children by foster parents licensed by  
 11 the department. This paragraph shall not prevent promulgation  
 12 of rules prohibiting malicious, willful and wanton conduct by  
 13 a foster parent which causes injury or damage to a foster  
 14 child, or exposes the foster child to danger of such injury or  
 15 damage. The rules shall allow foster parents to use  
 16 reasonable physical force to restrain a foster child in order  
 17 to prevent injury to the foster child, injury to others, the  
 18 destruction of property, or extremely disruptive behavior.  
 19 For the purposes of this section, "corporal punishment" means  
 20 the intentional physical punishment of a foster child. A  
 21 foster parent's physical contact with the body of a foster  
 22 child shall not be considered corporal punishment if the  
 23 contact is reasonable and necessary under the circumstances  
 24 and is not designed or intended to cause pain or if the foster  
 25 parent uses reasonable force, as defined under section 704.1.

26 Sec. 39. EMERGENCY RULES. If specifically authorized by a  
 27 provision of this Act, the department of human services may  
 28 adopt administrative rules under section 17A.4, subsection 2,  
 29 and section 17A.5, subsection 2, paragraph "b", to implement  
 30 the provisions and the rules shall become effective  
 31 immediately upon filing, unless a later effective date is  
 32 specified in the rules. In addition, the department may adopt  
 33 administrative rules in accordance with the provisions of this  
 34 section as necessary to comply with federal requirements or to  
 35 adjust to a change in the level of federal funding which

1 affect refugee programs during the fiscal period beginning  
2 July 1, 1992, and ending June 30, 1993. Any rules adopted in  
3 accordance with the provisions of this section shall also be  
4 published as notice of intended action as provided in section  
5 17A.4.

6 Sec. 40. EFFECTIVE DATE. Section 12, subsection 8,  
7 relating to the demonstration program to decategorize child  
8 welfare services, section 13 of this Act, relating to foster  
9 care SSI eligibility determinations, and section 16,  
10 subsection 1, relating to a determination of allocations by  
11 the state court administrator, being deemed of immediate  
12 importance, take effect upon enactment.

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SENATE FILE 2355

H-5786

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 8 and inserting the  
4 following:

5 "..... \$ 46,478,137".

6 2. Page 1, line 28, by inserting after the word  
7 "the" the following: "Iowa Self-employed Household  
8 Incentive Program (ISHIP)".

9 3. Page 3, by striking line 5 and inserting the  
10 following:

11 "..... \$276,675,611".

12 4. Page 7, lines 20 and 21, by striking the words  
13 "the medically needy program" and inserting the  
14 following: "who are eligible for the medically needy  
15 program without a spend down requirement".

16 5. By striking page 7, line 25 through page 8,  
17 line 9 and inserting the following:

18 " \_\_\_\_\_. It is the intent of the general assembly  
19 that copayments shall not be charged to recipients for  
20 services which are mandatory under federal  
21 requirements for the medical assistance program.

22 \_\_\_\_\_. The department shall actively pursue the  
23 potential to fund child welfare services under the  
24 early and periodic screening, diagnosis, and treatment  
25 (EPSDT) option of the medical assistance program. If  
26 the funding is implemented, the department may  
27 transfer moneys appropriated in this Act for foster  
28 care or home-based services as necessary to pay the  
29 nonfederal costs of services reimbursed under EPSDT  
30 which are provided to children who would otherwise  
31 receive services paid under those appropriations. The  
32 department may adopt emergency rules to implement the  
33 provisions of this subsection.

34 \_\_\_\_\_. Except as otherwise provided in the  
35 appropriation made in this Act for enhanced mental  
36 health, mental retardation, and developmental  
37 disabilities services, if a medical assistance  
38 recipient is receiving care which is reimbursed under  
39 a federally approved home and community-based services  
40 waiver but would otherwise be approved for care in an  
41 intermediate care facility for the mentally retarded,  
42 the recipient's county of legal settlement shall  
43 reimburse the department on a monthly basis for the  
44 portion of the recipient's cost of care which is not  
45 paid from federal funds.

46 \_\_\_\_\_. The department shall apply to the federal  
47 government for medical assistance waivers as necessary  
48 to provide a day treatment program for children with  
49 severe psychiatric and behavioral disorders. The  
50 department may adopt emergency rules to implement the

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Page 2

1 provisions of this subsection."

2 6. Page 9, line 15, by inserting after the word  
3 "income." the following: "The department shall adopt  
4 emergency rules to implement the provisions of this  
5 subsection."

6 7. Page 11, line 27, by inserting after the word  
7 "centers." the following: "However, any reimbursement  
8 increase provided under this subsection shall not  
9 cause the provider's reimbursement rate to exceed the  
10 provider's actual and allowable cost plus the  
11 inflationary increase authorized in the section of  
12 this Act relating to provider reimbursement. The  
13 department may adopt emergency rules to implement the  
14 provisions of this subsection."

15 8. Page 12, line 14, by inserting after the word  
16 "home" the following: "or adult day care".

17 9. Page 12, line 30, by striking the figure  
18 "4,076,896" and inserting the following: "4,058,896".

19 10. Page 13, line 18, by striking the words "may  
20 be used either" and inserting the following: "shall  
21 be used".

22 11. Page 13, line 19, by striking the words "or  
23 the JOBS program".

24 12. Page 13, line 24, by striking the word  
25 "renew" and inserting the following: "increase".

26 13. Page 13, line 25, by striking the words "an  
27 annual" and inserting the following: "the fiscal year  
28 1991-1992".

29 14. Page 14, by striking line 9 and inserting the  
30 following:

31 "..... \$ 3,757,260".

32 15. Page 14, by striking lines 17 through 25 and  
33 inserting the following: "employees together can  
34 reasonably be expected to maintain or increase net  
35 state revenue at or beyond the budgeted level. If the  
36 director adds additional employees, the".

37 16. Page 15, line 6, by inserting after the word  
38 "bureau." the following: "If a statute enacted by the  
39 Seventy-fourth General Assembly, 1992 Session,  
40 authorizes the department to charge an annual cost  
41 recovery fee to nonpublic assistance users of child  
42 support recovery services, the fee may be deducted  
43 from support paid in fiscal year 1992-1993, unless the  
44 user elects to pay the fee directly. The department  
45 shall continue to provide child support recovery  
46 services to persons who were notified during fiscal  
47 year 1991-1992 that services would not be continued if  
48 an annual cost recovery fee was not paid."

49 17. Page 18, by inserting after line 15 the  
50 following:

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1 \_\_\_\_\_ Investigate the efforts used by other states  
2 to return children who have been placed out-of-state,  
3 including any training programs.

4 \_\_\_\_\_ Investigate the potential of using funding  
5 currently expended for children placed out-of-state as  
6 matching funding for services in this state in order  
7 to retain those children in this state.

8 \_\_\_\_\_ Investigate the potential of using medical  
9 assistance funding available under section 1915a of  
10 the federal Social Security Act in decategorization  
11 counties as a model for developing a flexible  
12 financing system."

13 18. Page 18, lines 18 and 19 by striking the  
14 words "children, youth, and families" and inserting  
15 the following: "adult, children, and family  
16 services".

17 19. Page 18, by striking lines 23 through 27 and  
18 inserting the following:

19 "\_\_\_\_\_. A juvenile court judge or referee appointed  
20 by the chief justice.

21 "\_\_\_\_\_. A juvenile court officer appointed by the  
22 chief justice."

23 20. Page 19, by inserting after line 3 the  
24 following:

25 "\_\_\_\_\_. A member of the general assembly appointed  
26 by the legislative council."

27 21. Page 20, by striking line 4 and inserting the  
28 following:

29 "..... S 42,942,55.

30 \_\_\_\_\_ a. For fiscal year 1992-1993, the statewide  
31 target, as provided for in section 232.143, if enacted  
32 by the Seventy-fourth General Assembly, 1992 Session,  
33 for the average number of children placed in group  
34 foster care in any day of the fiscal year, shall be  
35 1,405.

36 b. In each quarter of the fiscal year, the  
37 department shall compare the actual number of group  
38 foster care placements in a region and the targets  
39 allocated to the region for that quarter. The  
40 department shall develop a methodology to provide,  
41 within the funds allocated in this subsection, fiscal  
42 incentives to regions which have reduced the number or  
43 length of group foster care placements below the  
44 targeted levels. The fiscal incentives shall be used  
45 by a region to maintain or further the region's  
46 reduction in the number or length of group foster care  
47 placements.

48 c. The department shall report quarterly to the  
49 legislative fiscal bureau concerning the status of  
50 each region's efforts to limit the number of group

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1 foster care placements in accordance with the regional  
2 plan established pursuant to section 232.143.

3 d. It is the intent of the general assembly that  
4 the average reimbursement rates paid for placement of  
5 children out-of-state shall not exceed the maximum  
6 reimbursement rate paid to providers in this state."

7 22. Page 20, line 11, by striking the word and  
8 figures "October 1, 1992" and inserting the following:  
9 "April 1, 1993".

10 23. Page 20, by striking lines 23 through 33.

11 24. Page 21, by striking lines 9 through 27.

12 25. Page 22, line 11, by striking the words  
13 "services and notwithstanding" and inserting the  
14 following: "services. Notwithstanding".

15 26. Page 23, line 6, by striking the words "due  
16 to" and inserting the following: "in excess of the  
17 amount budgeted for".

18 27. Page 23, line 10, by inserting after the  
19 figure "7." the following: "Notwithstanding any  
20 provision of law to the contrary, any state funding  
21 identified as saved in excess of the amount budgeted  
22 for the federal financial participation shall be  
23 considered encumbered, for the purposes of this  
24 subsection, at the time of identification."

25 28. By striking page 23, line 11 through page 24,  
26 line 19.

27 29. Page 24, line 29, by striking the word  
28 "system" and inserting the following: "department".

29 30. Page 25, by inserting after line 3 the  
30 following:

31 "Sec. \_\_\_\_ . GROUP FOSTER CARE ALTERNATIVES. There  
32 is appropriated from the general fund of the state to  
33 the department of human services for the fiscal year  
34 beginning July 1, 1992, and ending June 30, 1993, the  
35 following amount, or so much thereof as is necessary,  
36 to be used for the purposes designated:

37 For programming alternatives to group foster care,  
38 in accordance with the provisions of this section:

39 ..... \$ 4,142,127

40 1. The department shall allocate up to \$1,050,000  
41 of the funds appropriated in this section among the  
42 department's regions to be used for wrap-around  
43 services. The moneys shall be used by each region to  
44 reduce the number or length of group foster care  
45 placements ordered by that region. For the purposes  
46 of this subsection, "wrap-around services" means  
47 coordinated, highly individualized, and community-  
48 based services directed to the basic human needs of a  
49 child and child's family which are developed and  
50 approved by an interdisciplinary team and focused upon

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1 the strengths of the child and the child's family.  
2 The department may transfer funds allocated in this  
3 subsection in addition to other funds appropriated in  
4 this Act that are used to provide wrap-around  
5 services.

6 2. Of the funds appropriated in this section, up  
7 to \$987,393 may be used to develop and maintain the  
8 state's implementation of the national adoption and  
9 foster care information system pursuant to the  
10 requirements of Pub. L. No. 99-509. In developing the  
11 system the department shall involve representatives of  
12 the court, service providers, advocates, and other  
13 persons interested in the adoption process.

14 3. Of the funds appropriated in this section, up  
15 to \$150,000 may be used to contract to develop a  
16 statewide system for recruiting, retaining, and  
17 supporting foster care families consistent with the  
18 recommendation of the department's family foster care  
19 advisory committee. The department shall involve the  
20 family foster care advisory committee in developing  
21 request for proposals for the contract. The committee  
22 shall also be involved in reviewing proposals,  
23 overseeing the work of the contractor, and further  
24 defining needs in the system. The department shall  
25 also involve the committee in seeking new financial  
26 support for enhancing the family foster care system  
27 including government and foundation grants. The  
28 department may adopt emergency rules to implement  
29 provisions of this subsection.

30 4. The department shall utilize the reasonable  
31 efforts model court project in continuing training  
32 seminars for child welfare practitioners throughout  
33 the state on the use of reasonable efforts to prevent  
34 or eliminate the need for removal of a child from the  
35 child's home. In addition, the department shall draw  
36 upon the reasonable efforts model court project in  
37 working with the judicial department to provide  
38 ongoing instruction and technical assistance in  
39 selected counties in the state concerning application  
40 of reasonable efforts. Counties shall be selected by  
41 targeting those with a high rate of placing children  
42 outside the children's homes. The recipients of  
43 technical assistance shall include court officials,  
44 department of human services referral workers, and  
45 child welfare service providers. Trainers shall  
46 include respected peers and colleagues of the training  
47 recipients. The department shall use up to \$80,000 of  
48 the funds appropriated in this section for the  
49 contract. The department shall seek assistance from  
50 the national conference of state legislatures and

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1 private foundations in implementing the provisions of  
2 this subsection.

3 5. Of the funds appropriated in this section, up  
4 to \$1,000,000 is allocated for continued foster care  
5 services to a child who is 18 years of age or older in  
6 accordance with the provisions of section 234.35,  
7 subsection 4, paragraph "c", if enacted by the  
8 Seventy-fourth General Assembly, 1992 Session. The  
9 department shall distribute the moneys allocated in  
10 this subsection to the departmental regions based on  
11 each region's proportion of the total number of  
12 children placed in foster care on March 31, 1992, who,  
13 during the fiscal year beginning July 1, 1992, would  
14 no longer be eligible for foster care due to age.

15 6. The provisions of this section and of the  
16 appropriation for foster care in this Act constitute a  
17 significant change in state policy involving child  
18 welfare. In order to determine whether the change in  
19 policy has the intended effect and to provide  
20 information for future decision making, adequate  
21 information is required. During the fiscal period of  
22 this appropriation, the department shall track those  
23 out-of-home placements of children in which the state  
24 or a county is financially involved. The department,  
25 in coordination with the legislative fiscal bureau and  
26 the judicial department, shall develop a system for  
27 providing the tracking information. The tracking  
28 information shall be provided in a manner by which it  
29 can be determined whether the limitations on group  
30 foster care enacted by the Seventy-fourth General  
31 Assembly, 1992 Session, have resulted in increased use  
32 of out-of-home placements of children other than group  
33 foster care. The tracking information shall be  
34 submitted quarterly to the governor, the chairpersons  
35 and ranking members of the joint human services  
36 appropriations subcommittee, and the legislative  
37 fiscal bureau and shall include all of the following  
38 information for each departmental region:

39 a. The number of placements of children within  
40 each of the following age ranges: 0 through 5; 6  
41 through 10; 11 through 15; and 16 through 21.

42 b. The number of children placed in each of the  
43 following: family foster care, residential foster  
44 care, state training school, Iowa juvenile home,  
45 psychiatric medical institutions for children (PMICs),  
46 residential substance abuse treatment programs,  
47 hospitals for acute psychiatric care, state mental  
48 health institutes, shelter care, juvenile detention,  
49 adult correctional facilities, state hospital-schools,  
50 intermediate care facilities for the mentally retarded

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1 (ICF/MR), residential care facilities for the mentally  
2 retarded (RCF/MR)."

3 31. Page 25, line 10, by striking the words "The  
4 contractor must be" and inserting the following: "In  
5 selecting a vendor, the department shall give  
6 preference to a vendor who is".

7 32. Page 25, line 16, by inserting after the word  
8 "benefits." the following: "Notwithstanding section  
9 217.30 and section 232.2, subsection 11, and any other  
10 provision of law to the contrary, the custodian of a  
11 child in foster care may release medical, mental  
12 health, substance abuse, or any other information  
13 necessary only to determine the child's eligibility  
14 for SSI benefits, and may sign releases for the  
15 information. In any release of information made  
16 pursuant to this subsection, confidentiality shall be  
17 maintained to the maximum extent possible."

18 33. Page 26, line 23, by inserting after the word  
19 "section." the following: "The department may adopt  
20 emergency rules to implement the provisions of this  
21 paragraph.

22 . Of the funds appropriated in this section, up  
23 to \$3,027,717 shall be used for family-centered  
24 services for families with children with mental  
25 retardation or other developmental disability who  
26 would otherwise be placed in group foster care or are  
27 currently placed in group foster care. The department  
28 may adopt emergency rules to implement the provisions  
29 of this subsection."

30 34. Page 26, line 29, by inserting after the word  
31 "programs," the following: "on the condition that  
32 family planning services are funded,".

33 35. Page 29, line 26, by inserting after the word  
34 "law." the following: "Reimbursement rates for  
35 providers of court-ordered evaluation and treatment  
36 services paid under section 232.141, subsection 4,  
37 shall be negotiated with providers by each judicial  
38 district's planning group."

39 36. Page 33, line 7, by inserting after the word  
40 "may" the following: "expend the excess amounts to".

41 37. Page 33, line 14, by striking the words  
42 "appropriated in this section" and inserting the  
43 following: "reimbursed to the Iowa veterans home  
44 pursuant to paragraph "a"".

45 38. Page 34, by inserting after line 19 the  
46 following:

47 " . As part of the discharge planning process at  
48 the state mental health institutes, the department  
49 shall provide assistance in obtaining eligibility for  
50 federal supplemental security income (SSI) to those

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1 individuals whose care at a state mental health  
2 institute is the financial responsibility of the  
3 state."

4 39. By striking page 37, line 6 through page 44,  
5 line 33 and inserting the following:

6 "Sec. \_\_\_\_ . MH/MR/DD STATE CASES -- NON-MH/MR/DD  
7 LOCAL PURCHASES. There is appropriated from the  
8 general fund of the state to the department of human  
9 services for the fiscal year beginning July 1, 1992,  
10 and ending June 30, 1993, the following amount, or so  
11 much thereof as is necessary, to be used for the  
12 purposes designated:

13 For purchase of local mental health, mental  
14 retardation, and developmental disabilities services  
15 where the client has no established county of legal  
16 settlement and for allocation to the various counties  
17 for the purchase of local services not related to  
18 mental health, mental retardation, or developmental  
19 disabilities:

20 ..... \$ 4,982,213

21 Sec. \_\_\_\_ . MENTAL HEALTH -- MENTAL RETARDATION --  
22 DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES. There  
23 is appropriated from the general fund of the state to  
24 the department of human services for the fiscal year  
25 beginning July 1, 1992, and ending June 30, 1993, the  
26 following amount, or so much thereof as is necessary,  
27 to be used for the purpose designated:

28 For mental health, mental retardation, and  
29 developmental disabilities community services in  
30 accordance with the provisions of this Act:

31 ..... \$ 28,803,279

32 1. Of the funds appropriated in this section,  
33 \$1,912,335, or so much thereof as is necessary, is  
34 allocated to reimburse eligible counties for their  
35 expenditures for services provided to persons with  
36 mental retardation, a developmental disability, or  
37 chronic mental illness during the fiscal year  
38 beginning July 1, 1991, and ending June 30, 1992, in  
39 accordance with 1991 Iowa Acts, chapter 267, section  
40 128. The amount of reimbursement due a county  
41 pursuant to this section shall be determined in  
42 accordance with the formula provided in 1991 Iowa  
43 Acts, chapter 267, section 128, subsection 5, after  
44 revising the formula to apply to the fiscal year  
45 beginning July 1, 1991.

46 2. a. Of the funds appropriated in this section,  
47 \$13,038,776 is allocated for distribution to counties  
48 for local purchase of services for persons with mental  
49 illness or mental retardation or other developmental  
50 disability.

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1 b. The funds allocated in this subsection shall be  
2 expended by counties in accordance with eligibility  
3 guidelines established in the department's rules  
4 outlining general provisions for service  
5 administration. Services eligible for payment with  
6 funds allocated in this subsection are limited to any  
7 of the following which are provided in accordance with  
8 the department's administrative rules for the  
9 services: community supervised apartment living  
10 arrangements, residential services for adults,  
11 sheltered work, supported employment, supported work  
12 training, transportation, and work activity.

13 c. In purchasing services with funds allocated in  
14 this subsection, a county shall designate a person to  
15 provide for eligibility determination and development  
16 of a case plan for individuals for whom the services  
17 are purchased. The designated person shall be a  
18 medical assistance case manager serving the person's  
19 county of residence. If an individual does not have a  
20 case manager, the individual's eligibility shall be  
21 determined by a social services caseworker of the  
22 department serving the individual's county of  
23 residence. The case plan shall be developed in  
24 accordance with the department's rules outlining  
25 general provisions for service administration.

26 d. Services purchased with funds allocated in this  
27 subsection must be the result of a referral by the  
28 person who identified the services in developing the  
29 individual's case plan.

30 e. Services purchased with funds allocated in this  
31 subsection must be under a purchase of service  
32 contract established in accordance with the  
33 department's administrative rules for purchase of  
34 service.

35 f. The funds provided by this subsection shall be  
36 allocated to each county as follows:

37 (1) Fifty percent based upon the county's  
38 proportion of the state's population of persons with  
39 an annual income which is equal to or less than the  
40 poverty guideline established by the federal office of  
41 management and budget.

42 (2) Fifty percent based upon the amount provided  
43 to the county for local purchase services under the  
44 federal social services block grant in the fiscal year  
45 beginning July 1, 1991.

46 g. Each county shall submit to the department a  
47 plan for funding of the services eligible for payment  
48 under this subsection. The plan may provide for  
49 allocation of the funds for one or more of the  
50 eligible services. The plan shall identify the

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1 funding amount the county allocates for each service  
2 and the time period for which the funding will be  
3 available. Only those services which have funding  
4 allocated in the plan are eligible for payment with  
5 funds provided in this subsection.

6 h. A county shall provide advance notice to the  
7 individual receiving services, the service provider,  
8 and the person responsible for developing the case  
9 plan of the date the county determines that funding  
10 will no longer be available for a service.

11 i. Moneys allocated to a county pursuant to  
12 paragraph "f" shall be provided to the county as  
13 claims are submitted to the state.

14 j. The moneys provided under this subsection do  
15 not establish an entitlement to the services funded  
16 under this subsection.

17 3. Of the funds appropriated in this section,  
18 \$13,822,168 shall be deposited in the state mental  
19 health, mental retardation, and developmental  
20 disabilities community services fund, if the fund is  
21 created by the Seventy-fourth General Assembly, 1992  
22 Session. If the fund is not created, the moneys shall  
23 be deposited in the state community mental health and  
24 mental retardation services fund and allocated as  
25 provided in this section. All moneys deposited shall  
26 be allocated to counties for funding of community-  
27 based mental health, mental retardation, and  
28 developmental disabilities services in accordance with  
29 rules adopted by the department for this purpose. The  
30 moneys shall be allocated to a county as follows:

31 a. Fifty percent based upon the county's  
32 proportion of the state's population of persons with  
33 an annual income which is equal to or less than the  
34 poverty guideline established by the federal office of  
35 management and budget.

36 b. Fifty percent based upon the county's  
37 proportion of the state's general population.

38 4. Of the funds appropriated in this section,  
39 \$30,000 shall be transferred to the governor's  
40 planning council for developmental disabilities for  
41 use in contracting to continue operating a  
42 computerized information and referral project for  
43 Iowans with developmental disabilities and their  
44 families.

45 5. The department may adopt emergency rules to  
46 implement the provisions of this section.

47 6. The department shall submit quarterly reports  
48 concerning each population served and each service  
49 funded in this section to the chairpersons and ranking  
50 members of the joint human services appropriations

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1 subcommittee and the legislative fiscal bureau.

2 Sec. \_\_\_\_ . ENHANCED MENTAL HEALTH -- MENTAL

3 RETARDATION -- DEVELOPMENTAL DISABILITIES SERVICES.

4 There is appropriated from the general fund of the

5 state to the department of human services for the

6 fiscal year beginning July 1, 1992, and ending June

7 30, 1993, the following amount, or so much thereof as

8 is necessary, to be used for the purpose designated:

9 For the enhanced mental health, mental retardation,  
10 and developmental disabilities services under the  
11 medical assistance program:

12 ..... \$ 4,946,160

13 1. For purposes of this section, "enhanced mental  
14 health, mental retardation, and developmental  
15 disabilities services" means day treatment, partial  
16 hospitalization, and case management provided to  
17 medical assistance-eligible individuals with mental  
18 retardation, developmental disabilities including a  
19 brain injury as defined in section 135.22, or chronic  
20 mental illness.

21 2. The state shall pay the nonfederal share of the  
22 costs of case management provided to adults, day  
23 treatment, and partial hospitalization provided under  
24 the medical assistance program. Funding for case  
25 management services shall be limited to persons with  
26 mental retardation, a developmental disability, or  
27 chronic mental illness. The state shall pay the  
28 nonfederal share of costs for case management services  
29 provided to persons 18 and under who are served in a  
30 medical assistance home and community-based waiver  
31 program for persons with mental retardation.

32 3. Medical assistance funding for case management  
33 services for eligible persons 18 years of age and  
34 under shall also be provided to persons residing in  
35 counties with decategorization projects, provided  
36 these projects have included these persons in their  
37 service plan and the decategorization project county  
38 is willing to provide the nonfederal share of costs.

39 4. This section does not relieve the county from  
40 any other funding obligations required by law,  
41 including but not limited to the obligations in  
42 section 222.60.

43 5. For the purposes of this section only, persons  
44 with mental disorders resulting from Alzheimer's  
45 disease or substance abuse shall not be considered  
46 chronically mentally ill.

47 6. If the department has contracted with a county  
48 or a consortium of counties to be the provider of case  
49 management services, the department is responsible for  
50 any costs included within the unit rate for case

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1 management services which are disallowed for  
 2 reimbursement pursuant to Title XIX of the federal  
 3 Social Security Act by the federal health care  
 4 financing administration. If certain costs are  
 5 disallowed due to requirements or preferences of a  
 6 particular county in the provision of case management  
 7 services, the county shall be responsible for the  
 8 disallowed costs."

9 40. Page 45, by striking lines 16 and 17 and  
 10 inserting the following:

11 "..... \$ 37,844,444  
 12 ..... FTES 2,180.50".

13 41. Page 48, by striking lines 3 and 4 and  
 14 inserting the following:

15 "..... \$ 9,218,882  
 16 ..... FTES 359.01".

17 42. Page 49, by inserting after line 33 the  
 18 following:

19 "The department shall complete all of the following  
 20 requirements relating to implementation of the X-PERT  
 21 system:

22 1. Complete an assessment of the relative  
 23 appropriateness and cost-effectiveness of the various  
 24 options for developing the X-PERT system. The  
 25 assessment shall include an evaluation of the relative  
 26 merits of using various computer hardware platforms  
 27 including, but not limited to, mainframe computers,  
 28 distributed processing, and personal microcomputers.  
 29 The department shall utilize experts and resources  
 30 from the private sector and shall ensure that the  
 31 assessment is independent of influence from potential  
 32 system vendors. The department shall report to the  
 33 chairpersons and ranking members of the joint human  
 34 services appropriations subcommittee and the  
 35 legislative fiscal bureau no later than October 1,  
 36 1992.

37 2. Complete a detailed work plan designed to  
 38 ensure that the X-PERT system is fully tested and  
 39 implemented by July 1, 1994. The work plan shall  
 40 contain an assessment of the fiscal and staff  
 41 resources required to meet this time frame and the  
 42 availability of these resources. The work plan shall  
 43 be completed on or before September 1, 1992.

44 3. Develop, in cooperation with the legislative  
 45 fiscal bureau, a methodology for measuring costs and  
 46 savings resulting from the development and  
 47 implementation of the X-PERT system. The methodology  
 48 shall provide for separate measurement of both actual  
 49 reductions in expenditures and avoidance of increased  
 50 expenditures. The department shall implement the

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1 methodology during the development of the system and  
2 shall report quarterly regarding implementation of the  
3 methodology to the chairpersons and ranking members of  
4 the joint human services appropriations subcommittee  
5 and the legislative fiscal bureau."

6 43. Page 51 by inserting after line 6 the  
7 following:

8 "\_\_\_\_. Federally qualified health centers shall be  
9 reimbursed at 100 percent of reasonable costs as  
10 determined by the department in accordance with  
11 federal requirements."

12 44. Page 52, by inserting after line 3 the  
13 following:

14 "\_\_\_\_. For the fiscal year beginning July 1, 1992,  
15 the maximum reimbursement rates for social services  
16 providers other than child day care providers shall  
17 not be increased over the rates in effect on June 30,  
18 1992.

19 \_\_\_\_\_. The department may adopt emergency rules to  
20 implement the provisions of this section."

21 45. Page 54, line 4, by inserting after the word  
22 "located." the following: "Notwithstanding any other  
23 provision of law to the contrary, the department may  
24 close an institution under the authority of the  
25 department or a unit within an institution if the  
26 closing is necessary due to budget reductions made  
27 pursuant to an executive order issued under section  
28 8.31. Any contract providing for a private entity to  
29 utilize a portion of a state institution or to assume  
30 responsibilities performed by an employee of the state  
31 shall require that the private entity pay wages and  
32 provide benefits to the private entity's employees  
33 working in the state-owned facilities which are at  
34 least equal to wages and benefits paid to state  
35 employees doing comparable work."

36 46. Page 54, by inserting after line 4 the  
37 following:

38 "Sec. \_\_\_\_\_. Section 226.7, Code 1991, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 226.7 ALTERNATE PLACEMENT.

42 If a patient is committed to a state mental health  
43 institute by the district court, the mental health  
44 institute shall admit the patient at the time of  
45 commitment or locate an alternate placement for the  
46 patient until the state mental health institute is  
47 able to admit the patient."

48 47. Page 54, by striking lines 5 through 25.

49 48. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

By COMMITTEE ON APPROPRIATIONS  
JOCHUM of Dubuque, CHAIRPERSON

H-5786 FILED APRIL 7, 1992

*Adopted as amended by 5342  
4/7/92 (p. 12-8)*

## SENATE FILE 2355

H-5819

- 1 Amend Senate File 2355, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 6, the  
 4 following:  
 5 "\_\_\_\_\_. The department shall apply for a waiver of  
 6 federal requirements, if necessary, and shall adopt  
 7 rules pursuant to chapter 17A to implement the  
 8 provisions of this subsection. The department shall  
 9 require that if a recipient received aid to dependent  
 10 children in another state within one year prior to  
 11 establishing eligibility for assistance in this state,  
 12 the requirements of this subsection shall apply for  
 13 one year from the date the recipient's eligibility for  
 14 assistance is determined. Using the family size for  
 15 which the recipient's eligibility for assistance is  
 16 determined in this state, the department shall compare  
 17 the grant amount the recipient would be paid in the  
 18 other state with the grant amount paid in this state  
 19 for that family size. For the one-year period, the  
 20 recipient's grant amount shall be based upon the  
 21 lesser of the two amounts."  
 22 2. By renumbering as necessary.

By MILLAGE of Scott

H-5819 FILED APRIL 8, 1992

*Adopted 4/8/92 (p 1262)*

## SENATE FILE 2355

H-5821

- 1 Amend the amendment, H-5786, to Senate File 2355,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 13, by striking lines 28 through 35 and  
 5 inserting the following: "8.31.""

By CORBETT of Linn  
 HALVORSON of Clayton  
 HARBOR of Mills

H-5821 FILED APRIL 8, 1992

*Done 4/8/92 (p 1263)*

## SENATE FILE 2355

H-5823

- 1 Amend Senate File 2355, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, by inserting after line 24, the  
 4 following:  
 5 "\_\_\_\_\_. The department of human services shall work  
 6 cooperatively with the department of elder affairs and  
 7 the area agencies on aging to expedite and improve the  
 8 assessment and eligibility determination process used  
 9 for the medical assistance home and community-based  
 10 waiver program for the elderly."  
 11 2. By renumbering as necessary.

By TEAFORD of Black Hawk  
 HAMMOND of Story

H-5823 FILED APRIL 8, 1992

*Adopted 4/9/92 (p 1271)*



## SENATE FILE 2355

H-5828

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 54, by inserting after line 4, the  
4 following:  
5 "Sec. \_\_\_\_ . Section 135C.2, subsection 5, paragraph  
6 b, Code Supplement 1991, is amended to read as  
7 follows:  
8 b. A facility must be located in an area zoned for  
9 single or multiple-family housing or in an  
10 unincorporated area and must be constructed in  
11 compliance with applicable local ~~housing-codes~~  
12 requirements and the rules adopted for the special  
13 classification by the state fire marshal in accordance  
14 with the concept of the least restrictive environment  
15 for the facility residents. The rules adopted by the  
16 state fire marshal for the special classification  
17 shall be no more restrictive than the rules adopted by  
18 the state fire marshal for demonstration waiver  
19 project facilities pursuant to 1986 Iowa Acts, chapter  
20 246, section 206, subsection 2. Local ~~housing-codes~~  
21 requirements shall not be more restrictive than the  
22 rules adopted for the special classification by the  
23 state fire marshal and the state building code  
24 requirements for single or multiple-family housing."

By HAMMOND of Story

HESTER of Pottawattamie

H-5828 FILED APRIL 9, 1992

ADOPTED (p. 12)

## SENATE FILE 2355

H-5827

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 54, by inserting before line 26 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 239.22 FEDERAL WAIVER  
6 PROJECT FOR SCHOOL ATTENDANCE.

7 The department shall request a waiver from the  
8 secretary of the United States department of health  
9 and human services to permit the department of human  
10 services to implement the requirements of this  
11 section.

12 Following the granting of a waiver, the department  
13 shall apply the following requirements involving  
14 school attendance to families of recipients with a  
15 child who is six through fifteen years of age:

16 1. The department shall require that children  
17 receiving assistance who are six through fifteen years  
18 of age regularly attend school. The requirement shall  
19 be implemented in stages to apply to children of the  
20 indicated ages in the designated school year of the  
21 waiver: six through thirteen years of age, in the  
22 first school year of the waiver; six through fourteen  
23 years of age, in the second school year of the waiver;  
24 six through fifteen years of age, in succeeding school  
25 years of the waiver.

26 2. If a child who is receiving assistance does not  
27 regularly attend school, all of the following  
28 procedures and sanctions shall apply:

29 a. The department shall notify the parent or  
30 guardian of the child and the child of the violation  
31 of the attendance requirement and shall place the  
32 child on a probationary status.

33 b. A child placed on a probationary status shall  
34 be required to meet the regular monthly attendance  
35 requirement for a period of not less than three months  
36 in order to be removed from probation.

37 c. If a child placed on a probationary status does  
38 not meet the regular monthly attendance requirement,  
39 assistance to the family of the child shall be reduced  
40 in an amount which reflects the child's ineligibility  
41 beginning with the subsequent payment of the grant and  
42 shall remain reduced until the child fulfills the  
43 requirements for regular monthly attendance.

44 d. If the child subsequently meets the regular  
45 monthly attendance requirement the amount of the grant  
46 to the family of the child shall be increased to  
47 reflect the child's eligibility.

48 3. The department shall adopt rules to implement  
49 the school attendance requirement established under  
50 this section. The rules shall include a process by

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1 which the parent or guardian of a child may provide a  
2 signed release of the child's school records to the  
3 department for verification of the child's attendance.  
4 The rules shall require active monitoring of the  
5 child's school records on a monthly basis during a  
6 probationary period.

7 4. A child who is six through fifteen years of age  
8 is exempt from the procedures and sanctions prescribed  
9 in this section if the parent or guardian of the child  
10 is actively addressing the attendance problem.

11 5. For the purposes of this section:

12 a. "Actively addressing the attendance problem"  
13 means that the parent or guardian meets with a school  
14 official at the child's school at least once each week  
15 to address the problem.

16 b. "Regular attendance" means both of the  
17 following:

18 (1) The child has fewer than ten unexcused  
19 absences during the previous semester. An unexcused  
20 absence of one-half of a school day or more  
21 constitutes one day of absence.

22 (2) The parent or guardian of the child verifies,  
23 in compliance with rules established by the  
24 department, the child's attendance during the previous  
25 semester.

26 c. "Regular monthly attendance" means that a child  
27 has no more than two unexcused absences during a  
28 calendar month. An unexcused absence of one-half day  
29 of school or more constitutes one day of absence.

30 d. "School" means an accredited school pursuant to  
31 chapter 256."

32 2. By renumbering as necessary.

By RAFFERTY of Scott

H-5827 FILED APRIL 9, 1992

NOT GERMANE, MOTION TO SUSPEND RULES LOST (p. 1279)

## SENATE FILE 2355

H-5833

1 Amend Senate File 2355, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 8, by inserting before line 10 the fol-  
4 lowing:

5 "\_\_\_\_. Administrative rules adopted by the  
6 department establishing intermediate care facility for  
7 the mentally retarded (ICFMR) standards relating to  
8 family scale and size, location, and community  
9 inclusion, including, but not limited to, rules  
10 adopted pursuant to 1991 Iowa Acts, chapter 267,  
11 section 103, subsection 5, and Senate File 2311, as  
12 enacted by the Seventy-fourth General Assembly, 1992  
13 Session, shall not prohibit any ICFMR with eight beds  
14 or less."

By HAMMOND of Story  
HESTER of Pottawattamie

H-5833 FILED APRIL 9, 1992  
ADOPTED (p. 272)

## SENATE FILE 2355

H-5829

1 Amend Senate File 2355 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 6 the  
4 following:

5 " . The department shall apply for a waiver of  
6 federal requirements as necessary to implement the  
7 following requirements:

8 a. Establish a limitation in the amount of the  
9 grant paid to certain recipients of aid to dependent  
10 children in accordance with this subsection. The  
11 limitation shall only apply to the aid to families  
12 with dependent children grant and shall not apply to  
13 medical assistance or food stamp benefits. The  
14 limitation shall not apply to an increase in family  
15 size for a reason, other than the birth of a child,  
16 which would be permitted in accordance with the aid to  
17 dependent children program requirements.

18 b. The limitation shall require that during the  
19 period of a waiver, if a recipient's family size  
20 increases due to the birth of a child, the grant  
21 amount paid to that recipient shall not increase based  
22 upon that birth. However, a recipient's grant amount  
23 shall be permitted to increase to reflect an increase  
24 in the recipient's family size due to the birth of a  
25 child to the recipient during the first ten months of  
26 the waiver period. In addition, if a recipient's  
27 initial eligibility during the waiver period is based  
28 upon a family size with only one child, the  
29 recipient's grant shall be permitted to increase to  
30 reflect the birth of an additional child. If a  
31 recipient's grant amount is not increased due to the  
32 birth of a child in accordance with this section, the  
33 recipient shall be permitted to retain, without  
34 affecting the recipient's eligibility for assistance,  
35 any income attributable to that child, including child  
36 support which would otherwise be retained by the state  
37 due to the child's eligibility for assistance."

38 2. By renumbering as necessary.

By GRUBBS of Scott

H-5829 FILED APRIL 9, 1992

WITHDRAWN (p. 2-6)

## SENATE FILE 2355

H-5835

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 6 the  
4 following:

5 " ". The department shall apply for a waiver of  
6 federal requirements as necessary to implement the  
7 following:

8 a. Establish a community service requirement for  
9 certain recipients of aid to dependent children in  
10 accordance with this subsection. The community  
11 service requirement shall be implemented as a pilot  
12 project for a three-year period in an urban and a  
13 rural county. For the purposes of this subsection:

14 (1) "Community service" means at least fifteen  
15 hours per week of uncompensated work at a government  
16 or nonprofit agency.

17 (2) "Rural" means a county which is not part of a  
18 standard metropolitan statistical area.

19 (3) "Urban" means a county which is part of a  
20 standard metropolitan statistical area as defined by  
21 the United States bureau of the census.

22 b. The community service requirement shall be  
23 applied to recipients in the pilot project counties  
24 who are mandatory participants in the federal-state  
25 Job Opportunities and Basic Skills (JOBS) program  
26 during a time period when the recipients are not  
27 actively participating in a JOBS program component.  
28 The department shall not apply the community service  
29 requirement to a recipient who cannot obtain needed  
30 child care or essential transportation, if the  
31 recipient verifies that there is no agency which would  
32 provide the recipient with an opportunity to provide  
33 community service in the recipient's residence. In  
34 addition, if any of the following circumstances exist,  
35 the department shall not apply the requirement to that  
36 recipient:

37 (1) The recipient has a disability which would  
38 preclude the recipient's participation.

39 (2) The recipient is sixty years of age or older.

40 (3) The recipient is working thirty or more hours  
41 per week.

42 (4) The recipient is sixteen years of age or  
43 younger.

44 (5) The recipient is seventeen or eighteen years  
45 of age and is attending school.

46 (6) The recipient is six months or more pregnant.

47 (7) The recipient's residence is more than a two-  
48 hour round-trip drive from the nearest JOBS program  
49 site.

50 (8) The recipient is a full-time participant in

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1 the federal volunteers in services to America (VISTA)  
2 program.  
3 The department shall adopt rules providing for  
4 circumstances for which a recipient can show good  
5 cause for not complying with the fifteen-hours-per-  
6 week requirement due to an emergency situation.  
7 c. A recipient required to participate in  
8 community service shall locate an agency in which to  
9 provide the community service and notify the  
10 department concerning progress made in locating an  
11 agency. The department shall assist the recipient by  
12 making available a list of agencies willing to be a  
13 community service site. The recipient must submit to  
14 the department a signed form indicating the agency in  
15 which the recipient will provide community service. A  
16 recipient required to participate in community service  
17 who does not comply with community service  
18 requirements shall be subject to the same sanction  
19 applied to a recipient who does not comply with JOBS  
20 program requirements for a similar lack of  
21 compliance."  
22 2. By renumbering as necessary.

By CORBETT of Linn

H-5835 FILED APRIL 9, 1992  
LOST (f 1289)

## SENATE FILE 2355

H-5836

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, line 9, by inserting after the word  
4 "life" the following: "or health".

By BISIGNANO of Polk  
JOCHUM of Dubuque  
SCHRADER of Marion

H-5836 FILED APRIL 9, 1992  
ADOPTED (f 1289)

SENATE FILE 2355

H-5845

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 54, by inserting after line 4, the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 148E.1 DEFINITIONS.

6 As used in this chapter, unless the context  
7 otherwise requires:

8 1. "Acupuncture" means promoting, maintaining, or  
9 restoring health based on traditional oriental medical  
10 concepts of treating specific areas of the human body,  
11 known as acupuncture points or meridians, by  
12 performing any of the following practices:

13 a. Inserting acupuncture needles.

14 b. Moxibustion.

15 c. Applying manual, thermal, or electrical  
16 stimulation or any other secondary therapeutic  
17 technique.

18 2. "Acupuncturist" means a person who is engaged  
19 in the practice of acupuncture.

20 3. "Board" means the board of medical examiners  
21 established in chapter 147.

22 4. "Department" means the Iowa department of  
23 public health.

24 Sec. \_\_\_\_ . NEW SECTION. 148E.2 REGISTRATION AND  
25 RENEWAL REQUIRED.

26 A person shall not engage in the practice of  
27 acupuncture unless the person has registered with the  
28 board and received a certificate of registration  
29 pursuant to this chapter. Registration shall be  
30 renewed annually. The board shall charge a fee for  
31 renewal.

32 Sec. \_\_\_\_ . NEW SECTION. 148E.3 REGISTRATION  
33 REQUIREMENTS AND RECIPROCAL AGREEMENTS.

34 1. A person shall be registered as an  
35 acupuncturist and issued a certificate of registration  
36 by the board, if the person does all of the following:

37 a. Submits a completed application form as  
38 provided by the board and the application fee as  
39 required by the board.

40 b. Successfully completes and passes the  
41 certification and examination process of the national  
42 commission for the certification of acupuncture.

43 c. Successfully completes a training program which  
44 conforms to standards established by the national  
45 commission for the certification of acupuncture.

46 2. The board may register a person as an  
47 acupuncturist and issue a certificate of registration  
48 based upon a reciprocal agreement pursuant to chapter  
49 147.

50 Sec. \_\_\_\_ . NEW SECTION. 148E.4 DISPLAY OF

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## 1 CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

2 An acupuncturist shall display the certificate of  
3 registration issued pursuant to section 148E.3 in a  
4 conspicuous place in the acupuncturist's place of  
5 business. An acupuncturist shall provide to each  
6 patient upon initial contact with the patient the  
7 following information in written form:

8 1. The name, business address, and business phone  
9 number of the acupuncturist.

10 2. A fee schedule.

11 3. A listing of the acupuncturist's education,  
12 experience, degrees, certificates, or credentials  
13 related to acupuncture awarded by professional  
14 acupuncture organizations, the length of time required  
15 to obtain the degrees or credentials, and experience.

16 4. A statement indicating any license,  
17 certificate, or registration in a health care  
18 occupation which was revoked by any local, state, or  
19 national health care agency.

20 5. A statement that the acupuncturist is complying  
21 with rules adopted by the department or the board,  
22 including a statement that only presterilized,  
23 disposable needles are used by the acupuncturist.

24 6. A statement indicating that the practice of  
25 acupuncture is regulated by the department.

26 Sec. \_\_\_\_ . NEW SECTION. 148E.5 USE AND DISPOSAL  
27 OF NEEDLES.

28 An acupuncturist shall use only presterilized,  
29 disposable needles, and shall provide for adequate  
30 disposal of used needles.

31 Sec. \_\_\_\_ . NEW SECTION. 148E.6 REVOCATION OR  
32 SUSPENSION OF CERTIFICATE AND REGISTRATION.

33 In addition to the grounds for revocation or  
34 suspension referred to in section 147.55, the  
35 registration and certificate of registration to  
36 practice acupuncture shall be revoked or suspended  
37 when the acupuncturist is guilty of any of the  
38 following acts or offenses:

39 1. Failure to provide information as required in  
40 section 148E.4 or provision of false information to  
41 patients.

42 2. Acceptance of remuneration for referral of a  
43 patient to other health professionals.

44 3. Offering of or giving of remuneration for the  
45 referral of patients, not including paid  
46 advertisements or marketing services.

47 4. Failure to comply with this chapter, rules  
48 adopted pursuant to this chapter, or applicable  
49 provisions of chapter 147.

50 5. Engaging in sexual activity or genital contact

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1 with a patient while acting or purporting to act  
2 within the scope of practice, whether or not the  
3 patient consented to the sexual activity or genital  
4 contact.

5 6. Disclosure of confidential information  
6 regarding the patient.

7 Sec. \_\_\_\_ . NEW SECTION. 148E.8 ACCIDENT AND  
8 HEALTH INSURANCE COVERAGE.

9 This chapter shall not be construed to require  
10 accident and health insurance coverage for acupuncture  
11 services under an existing or future contract or  
12 policy for insurance issued or issued for delivery in  
13 this state, unless otherwise provided by the contract  
14 or policy.

15 Sec. \_\_\_\_ . NEW SECTION. 148E.9 SCOPE OF CHAPTER.

16 This chapter does not apply to a person otherwise  
17 licensed to practice medicine and surgery, osteopathy,  
18 osteopathic medicine and surgery, podiatry, or  
19 dentistry.

20 Sec. \_\_\_\_ . NEW SECTION. 148E.10 STANDARD OF CARE.

21 A person registered under this chapter shall be  
22 held to the same standard of care as a person licensed  
23 to practice medicine and surgery, osteopathy, or  
24 osteopathic medicine and surgery.

25 Sec. \_\_\_\_ . NEW SECTION. 148E.11 EVALUATION OF  
26 CONDITION REQUIRED.

27 A person registered under this chapter shall not  
28 engage in the performance of acupuncture upon another  
29 person until the person's condition has been evaluated  
30 by a person licensed to practice medicine and surgery,  
31 osteopathy, osteopathic medicine and surgery,  
32 podiatry, or dentistry.

33 Sec. \_\_\_\_ . Section 147.1, subsections 2 and 3, Code  
34 Supplement 1991, are amended to read as follows:

35 2. "Licensed" or "certified" when applied to a  
36 physician and surgeon, podiatrist, osteopath,  
37 osteopathic physician and surgeon, physician  
38 assistant, psychologist or associate psychologist,  
39 chiropractor, nurse, dentist, dental hygienist,  
40 optometrist, speech pathologist, audiologist,  
41 pharmacist, physical therapist, occupational  
42 therapist, practitioner of cosmetology, practitioner  
43 of barbering, funeral director, dietitian, marital and  
44 family therapist, mental health counselor, or social  
45 worker, or acupuncurist means a person licensed or  
46 certified under this title.

47 3. "Profession" means medicine and surgery,  
48 podiatry, osteopathy, osteopathic medicine and  
49 surgery, practice as a physician assistant,  
50 psychology, chiropractic, nursing, dentistry, dental

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1 hygiene, optometry, speech pathology, audiology,  
 2 pharmacy, physical therapy, occupational therapy,  
 3 cosmetology, barbering, mortuary science, marital and  
 4 family therapy, mental health counseling, social work,  
 5 or dietetics, or acupuncture.

6 Sec. \_\_\_\_ . Section 147.13, subsection 1, Code  
 7 Supplement 1991, is amended to read as follows:

8 1. For medicine and surgery, and osteopathy, and  
 9 osteopathic medicine and surgery, and acupuncture,  
 10 medical examiners.

11 Sec. \_\_\_\_ . Section 147.74, Code Supplement 1991, is  
 12 amended by adding the following new subsection after  
 13 subsection 16 and renumbering the remaining  
 14 subsection:

15 NEW SUBSECTION. 17. An acupuncturist registered  
 16 under chapter 148E may use the words "registered  
 17 acupuncturist" after the person's name.

18 Sec. \_\_\_\_ . Section 147.80, Code Supplement 1991, is  
 19 amended by adding the following new subsection after  
 20 subsection 23 and renumbering the remaining  
 21 subsections:

22 NEW SUBSECTION. 24. Registration to practice  
 23 acupuncture, registration to practice acupuncture  
 24 under a reciprocal agreement, or renewal of  
 25 registration to practice acupuncture."

26 2. Title page, line 3, by inserting before the  
 27 word "providing" the following: "including other  
 28 provisions involving health care and".

By RENAUD of Polk

H-5845 FILED APRIL 9, 1992

ADOPTED (p. 1211)

### SENATE FILE 2355

H-5846

1 Amend Senate File 2355, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 33, by inserting after line 19 the following:

4 "c. The first \$2,372,481 of reimbursements received  
 5 from a source other than the state, as a result of the Iowa  
 6 veterans home reclassifying 147 beds under the medical  
 7 assistance program and opening previously closed beds,  
 8 shall be retained by the home and used for costs associated  
 9 with the reclassification and reopening of the beds.

10 The moneys retained by the home pursuant to this paragraph  
 11 are in addition to state funds appropriated to  
 12 the home in this section."

By BURKE of Marshall

WISE of Lee

GRONINGA of Cerro Gordo

PONCY of Wapello

BRAND of Benton

RENAUD of Polk

SVOBODA of Tama

DICKINSON of Jackson

BROWN of Lucas

H-5846 FILED APRIL 9, 1992

ADOPTED (p. 1211)

## SENATE FILE 2355

H-5848

1 Amend Senate File 2355 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 6 the  
4 following:

5 " \_\_\_\_ . As a means of welfare reform and optimizing  
6 the funding appropriated in this section, the  
7 department shall apply for a waiver of federal  
8 requirements as necessary to implement the following  
9 requirements:

10 a. Establish a limitation in the amount of the  
11 grant paid to certain recipients of aid to dependent  
12 children in accordance with this subsection. The  
13 limitation shall only apply to the aid to families  
14 with dependent children grant and shall not apply to  
15 medical assistance or food stamp benefits. The  
16 limitation shall not apply to an increase in family  
17 size for a reason, other than the birth of a child,  
18 which would be permitted in accordance with the aid to  
19 dependent children program requirements.

20 b. The limitation shall require that during the  
21 period of a waiver, if a recipient's family size  
22 increases due to the birth of a child, the grant  
23 amount paid to that recipient shall not increase based  
24 upon that birth. However, a recipient's grant amount  
25 shall be permitted to increase to reflect an increase  
26 in the recipient's family size due to the birth of a  
27 child to the recipient during the first ten months of  
28 the waiver period. In addition, if a recipient's  
29 initial eligibility during the waiver period is based  
30 upon a family size with only one child, the  
31 recipient's grant shall be permitted to increase to  
32 reflect the birth of an additional child. If a  
33 recipient's grant amount is not increased due to the  
34 birth of a child in accordance with this section, the  
35 recipient shall be permitted to retain, without  
36 affecting the recipient's eligibility for assistance,  
37 any income attributable to that child, including child  
38 support which would otherwise be retained by the state  
39 due to the child's eligibility for assistance."

40 2. By renumbering as necessary.

By GRUBBS of Scott

H-5848 FILED APRIL 9, 1992

LOST (y 127)

SENATE FILE 2355

H-5842

1 Amend the amendment, H-5786, to Senate File 2355,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 8 the  
 5 following:  
 6 "\_\_\_\_\_. Page 2, by inserting after line 6 the  
 7 following:  
 8 "\_\_\_\_\_. Notwithstanding section 239.6, the  
 9 department is not required to reconsider eligibility  
 10 of aid to dependent children recipients every six  
 11 months if a federal waiver is granted."  
 12 2. Page 4, by inserting after line 10 the  
 13 following:  
 14 "\_\_\_\_\_. Page 21, line 8, by inserting after the  
 15 figure "1992." the following: "The department may  
 16 adopt emergency rules relating to program standards  
 17 for therapeutic foster care."  
 18 3. Page 8, by striking line 31 and inserting the  
 19 following:  
 20 "..... \$ 29,503,279".  
 21 4. Page 10, line 18, by striking the figure  
 22 "13,822,168" and inserting the following:  
 23 "14,522,168".  
 24 5. Page 13, by striking line 18 and inserting the  
 25 following: "1991. The provisions of this subsection  
 26 do not revise in any manner the maximum reimbursement  
 27 rates paid to social service providers in the fiscal  
 28 year beginning July 1, 1991."  
 29 6. By renumbering as necessary.

By HAMMOND of Story

H-5842 FILED APRIL 9, 1992

ADOPTED (p. 203)

SENATE FILE 2355

H-5844

1 Amend the amendment, H-5786, to Senate File 2355,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 13, by striking lines 22 through 28 and  
 5 inserting the following: ""located." the following:  
 6 "Any contract providing for a private entity to"."

By SPENNER of Henry

H-5844 FILED APRIL 9, 1992

LOST (p. 207)

HOUSE AMENDMENT TO  
SENATE FILE 2355

S-5644

1 Amend Senate File 2355, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking line 8 and inserting the  
4 following:  
5 "..... \$ 46,478,137".  
6 2. Page 1, line 28, by inserting after the word  
7 "the" the following: "Iowa Self-employed Household  
8 Incentive Program (ISHIP)".  
9 3. Page 2, by inserting after line 6 the  
10 following:  
11 "\_\_\_\_\_. Notwithstanding section 239.6, the  
12 department is not required to reconsider eligibility  
13 of aid to dependent children recipients every six  
14 months if a federal waiver is granted."  
15 4. Page 2, by inserting after line 6, the  
16 following:  
17 "\_\_\_\_\_. The department shall apply for a waiver of  
18 federal requirements, if necessary, and shall adopt  
19 rules pursuant to chapter 17A to implement the  
20 provisions of this subsection. The department shall  
21 require that if a recipient received aid to dependent  
22 children in another state within one year prior to  
23 establishing eligibility for assistance in this state,  
24 the requirements of this subsection shall apply for  
25 one year from the date the recipient's eligibility for  
26 assistance is determined. Using the family size for  
27 which the recipient's eligibility for assistance is  
28 determined in this state, the department shall compare  
29 the grant amount the recipient would be paid in the  
30 other state with the grant amount paid in this state  
31 for that family size. For the one-year period, the  
32 recipient's grant amount shall be based upon the  
33 lesser of the two amounts."  
34 5. Page 3, by striking line 5 and inserting the  
35 following:  
36 "..... \$276,675,611".  
37 6. Page 3, line 9, by inserting after the word  
38 "life" the following: "or health".  
39 7. Page 7, lines 20 and 21, by striking the words  
40 "the medically needy program" and inserting the  
41 following: "who are eligible for the medically needy  
42 program without a spend down requirement".  
43 8. Page 7, by inserting after line 24, the  
44 following:  
45 "\_\_\_\_\_. The department of human services shall work  
46 cooperatively with the department of elder affairs and  
47 the area agencies on aging to expedite and improve the  
48 assessment and eligibility determination process used  
49 for the medical assistance home and community-based  
50 waiver program for the elderly."

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1 9. By striking page 7, line 25 through page 8,  
2 line 9 and inserting the following:

3 "\_\_\_\_\_. It is the intent of the general assembly  
4 that copayments shall not be charged to recipients for  
5 services which are mandatory under federal  
6 requirements for the medical assistance program.

7 \_\_\_\_\_. The department shall actively pursue the  
8 potential to fund child welfare services under the  
9 early and periodic screening, diagnosis, and treatment  
10 (EPSDT) option of the medical assistance program. If  
11 the funding is implemented, the department may  
12 transfer moneys appropriated in this Act for foster  
13 care or home-based services as necessary to pay the  
14 nonfederal costs of services reimbursed under EPSDT  
15 which are provided to children who would otherwise  
16 receive services paid under those appropriations. The  
17 department may adopt emergency rules to implement the  
18 provisions of this subsection.

19 \_\_\_\_\_. Except as otherwise provided in the  
20 appropriation made in this Act for enhanced mental  
21 health, mental retardation, and developmental  
22 disabilities services, if a medical assistance  
23 recipient is receiving care which is reimbursed under  
24 a federally approved home and community-based services  
25 waiver but would otherwise be approved for care in an  
26 intermediate care facility for the mentally retarded,  
27 the recipient's county of legal settlement shall  
28 reimburse the department on a monthly basis for the  
29 portion of the recipient's cost of care which is not  
30 paid from federal funds.

31 \_\_\_\_\_. The department shall apply to the federal  
32 government for medical assistance waivers as necessary  
33 to provide a day treatment program for children with  
34 severe psychiatric and behavioral disorders. The  
35 department may adopt emergency rules to implement the  
36 provisions of this subsection."

37 10. Page 8, by inserting before line 10 the fol-  
38 lowing:

39 "\_\_\_\_\_. Administrative rules adopted by the  
40 department establishing intermediate care facility for  
41 the mentally retarded (ICFMR) standards relating to  
42 family scale and size, location, and community  
43 inclusion, including, but not limited to, rules  
44 adopted pursuant to 1991 Iowa Acts, chapter 267,  
45 section 103, subsection 5, and Senate File 2311, as  
46 enacted by the Seventy-fourth General Assembly, 1992  
47 Session, shall not prohibit any ICFMR with eight beds  
48 or less."

49 11. Page 9, line 15, by inserting after the word  
50 "income." the following: "The department shall adopt

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1 emergency rules to implement the provisions of this  
2 subsection."

3 12. Page 11, line 27, by inserting after the word  
4 "centers." the following: "However, any reimbursement  
5 increase provided under this subsection shall not  
6 cause the provider's reimbursement rate to exceed the  
7 provider's actual and allowable cost plus the  
8 inflationary increase authorized in the section of  
9 this Act relating to provider reimbursement. The  
10 department may adopt emergency rules to implement the  
11 provisions of this subsection."

12 13. Page 12, line 14, by inserting after the word  
13 "home" the following: "or adult day care".

14 14. Page 12, line 30, by striking the figure  
15 "4,076,896" and inserting the following: "4,058,896".

16 15. Page 13, line 18, by striking the words "may  
17 be used either" and inserting the following: "shall  
18 be used".

19 16. Page 13, line 19, by striking the words "or  
20 the JOBS program".

21 17. Page 13, line 24, by striking the word  
22 "renew" and inserting the following: "increase".

23 18. Page 13, line 25, by striking the words "an  
24 annual" and inserting the following: "the fiscal year  
25 1991-1992".

26 19. Page 14, by striking line 9 and inserting the  
27 following:

28 "..... \$ 3,757,260".

29 20. Page 14, by striking lines 17 through 25 and  
30 inserting the following: "employees together can  
31 reasonably be expected to maintain or increase net  
32 state revenue at or beyond the budgeted level. If the  
33 director adds additional employees, the".

34 21. Page 15, line 6, by inserting after the word  
35 "bureau." the following: "If a statute enacted by the  
36 Seventy-fourth General Assembly, 1992 Session,  
37 authorizes the department to charge an annual cost  
38 recovery fee to nonpublic assistance users of child  
39 support recovery services, the fee may be deducted  
40 from support paid in fiscal year 1992-1993, unless the  
41 user elects to pay the fee directly. The department  
42 shall continue to provide child support recovery  
43 services to persons who were notified during fiscal  
44 year 1991-1992 that services would not be continued if  
45 an annual cost recovery fee was not paid."

46 22. Page 18, by inserting after line 15 the  
47 following:

48 "\_\_\_ . Investigate the efforts used by other states  
49 to return children who have been placed out-of-state,  
50 including any training programs.

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1 \_\_\_\_\_. Investigate the potential of using funding  
2 currently expended for children placed out-of-state as  
3 matching funding for services in this state in order  
4 to retain those children in this state.

5 \_\_\_\_\_. Investigate the potential of using medical  
6 assistance funding available under section 1915a of  
7 the federal Social Security Act in decategorization  
8 counties as a model for developing a flexible  
9 financing system."

10 23. Page 18, lines 18 and 19 by striking the  
11 words "children, youth, and families" and inserting  
12 the following: "adult, children, and family  
13 services".

14 24. Page 18, by striking lines 23 through 27 and  
15 inserting the following:

16 "\_\_\_\_\_. A juvenile court judge or referee appointed  
17 by the chief justice.

18 "\_\_\_\_\_. A juvenile court officer appointed by the  
19 chief justice."

20 25. Page 19, by inserting after line 8 the  
21 following:

22 "\_\_\_\_\_. A member of the general assembly appointed  
23 by the legislative council."

24 26. Page 20, by striking line 4 and inserting the  
25 following:

26 "..... \$ 42,942,651

27 a. For fiscal year 1992-1993, the statewide  
28 target, as provided for in section 232.143, if enacted  
29 by the Seventy-fourth General Assembly, 1992 Session,  
30 for the average number of children placed in group  
31 foster care in any day of the fiscal year, shall be  
32 1,495.

33 b. In each quarter of the fiscal year, the  
34 department shall compare the actual number of group  
35 foster care placements in a region and the targets  
36 allocated to the region for that quarter. The  
37 department shall develop a methodology to provide,  
38 within the funds allocated in this subsection, fiscal  
39 incentives to regions which have reduced the number or  
40 length of group foster care placements below the  
41 targeted levels. The fiscal incentives shall be used  
42 by a region to maintain or further the region's  
43 reduction in the number or length of group foster care  
44 placements.

45 c. The department shall report quarterly to the  
46 legislative fiscal bureau concerning the status of  
47 each region's efforts to limit the number of group  
48 foster care placements in accordance with the regional  
49 plan established pursuant to section 232.143.

50 d. It is the intent of the general assembly that

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1 the average reimbursement rates paid for placement of  
2 children out-of-state shall not exceed the maximum  
3 reimbursement rate paid to providers in this state."

4 27. Page 20, line 11, by striking the word and  
5 figures "October 1, 1992" and inserting the following:  
6 "April 1, 1993".

7 28. Page 20, by striking lines 23 through 33.

8 29. Page 21, line 8, by inserting after the  
9 figure "1992." the following: "The department may  
10 adopt emergency rules relating to program standards  
11 for therapeutic foster care."

12 30. Page 21, by striking lines 9 through 27.

13 31. Page 22, line 11, by striking the words  
14 "services and notwithstanding" and inserting the  
15 following: "services. Notwithstanding".

16 32. Page 23, line 6, by striking the words "due  
17 to" and inserting the following: "in excess of the  
18 amount budgeted for".

19 33. Page 23, line 10, by inserting after the  
20 figure "7." the following: "Notwithstanding any  
21 provision of law to the contrary, any state funding  
22 identified as saved in excess of the amount budgeted  
23 for the federal financial participation shall be  
24 considered encumbered, for the purposes of this  
25 subsection, at the time of identification."

26 34. By striking page 23, line 11 through page 24,  
27 line 19.

28 35. Page 24, line 29, by striking the word  
29 "system" and inserting the following: "department".

30 36. Page 25, by inserting after line 3 the  
31 following:

32 "Sec. \_\_\_\_ . GROUP FOSTER CARE ALTERNATIVES. There  
33 is appropriated from the general fund of the state to  
34 the department of human services for the fiscal year  
35 beginning July 1, 1992, and ending June 30, 1993, the  
36 following amount, or so much thereof as is necessary,  
37 to be used for the purposes designated:

38 For programming alternatives to group foster care,  
39 in accordance with the provisions of this section:

40 ..... \$ 4,142,127

41 1. The department shall allocate up to \$1,050,000  
42 of the funds appropriated in this section among the  
43 department's regions to be used for wrap-around  
44 services. The moneys shall be used by each region to  
45 reduce the number or length of group foster care  
46 placements ordered by that region. For the purposes  
47 of this subsection, "wrap-around services" means  
48 coordinated, highly individualized, and community-  
49 based services directed to the basic human needs of a  
50 child and child's family which are developed and

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1 approved by an interdisciplinary team and focused upon  
2 the strengths of the child and the child's family.  
3 The department may transfer funds allocated in this  
4 subsection in addition to other funds appropriated in  
5 this Act that are used to provide wrap-around  
6 services.

7 2. Of the funds appropriated in this section, up  
8 to \$987,393 may be used to develop and maintain the  
9 state's implementation of the national adoption and  
10 foster care information system pursuant to the  
11 requirements of Pub. L. No. 99-509. In developing the  
12 system the department shall involve representatives of  
13 the court, service providers, advocates, and other  
14 persons interested in the adoption process.

15 3. Of the funds appropriated in this section, up  
16 to \$150,000 may be used to contract to develop a  
17 statewide system for recruiting, retaining, and  
18 supporting foster care families consistent with the  
19 recommendation of the department's family foster care  
20 advisory committee. The department shall involve the  
21 family foster care advisory committee in developing a  
22 request for proposals for the contract. The committee  
23 shall also be involved in reviewing proposals,  
24 overseeing the work of the contractor, and further  
25 defining needs in the system. The department shall  
26 also involve the committee in seeking new financial  
27 support for enhancing the family foster care system,  
28 including government and foundation grants. The  
29 department may adopt emergency rules to implement the  
30 provisions of this subsection.

31 4. The department shall utilize the reasonable  
32 efforts model court project in continuing training  
33 seminars for child welfare practitioners throughout  
34 the state on the use of reasonable efforts to prevent  
35 or eliminate the need for removal of a child from the  
36 child's home. In addition, the department shall draw  
37 upon the reasonable efforts model court project in  
38 working with the judicial department to provide  
39 ongoing instruction and technical assistance in  
40 selected counties in the state concerning application  
41 of reasonable efforts. Counties shall be selected by  
42 targeting those with a high rate of placing children  
43 outside the children's homes. The recipients of  
44 technical assistance shall include court officials,  
45 department of human services referral workers, and  
46 child welfare service providers. Trainers shall  
47 include respected peers and colleagues of the training  
48 recipients. The department shall use up to \$80,000 of  
49 the funds appropriated in this section for the  
50 contract. The department shall seek assistance from

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1 the national conference of state legislatures and  
2 private foundations in implementing the provisions of  
3 this subsection.

4 5. Of the funds appropriated in this section, up  
5 to \$1,000,000 is allocated for continued foster care  
6 services to a child who is 18 years of age or older in  
7 accordance with the provisions of section 234.35,  
8 subsection 4, paragraph "c", if enacted by the  
9 Seventy-fourth General Assembly, 1992 Session. The  
10 department shall distribute the moneys allocated in  
11 this subsection to the departmental regions based on  
12 each region's proportion of the total number of  
13 children placed in foster care on March 31, 1992, who,  
14 during the fiscal year beginning July 1, 1992, would  
15 no longer be eligible for foster care due to age.

16 6. The provisions of this section and of the  
17 appropriation for foster care in this Act constitute a  
18 significant change in state policy involving child  
19 welfare. In order to determine whether the change in  
20 policy has the intended effect and to provide  
21 information for future decision making, adequate  
22 information is required. During the fiscal period of  
23 this appropriation, the department shall track those  
24 out-of-home placements of children in which the state  
25 or a county is financially involved. The department,  
26 in coordination with the legislative fiscal bureau and  
27 the judicial department, shall develop a system for  
28 providing the tracking information. The tracking  
29 information shall be provided in a manner by which it  
30 can be determined whether the limitations on group  
31 foster care enacted by the Seventy-fourth General  
32 Assembly, 1992 Session, have resulted in increased use  
33 of out-of-home placements of children other than group  
34 foster care. The tracking information shall be  
35 submitted quarterly to the governor, the chairpersons  
36 and ranking members of the joint human services  
37 appropriations subcommittee, and the legislative  
38 fiscal bureau and shall include all of the following  
39 information for each departmental region:

40 a. The number of placements of children within  
41 each of the following age ranges: 0 through 5; 6  
42 through 10; 11 through 15; and 16 through 21.

43 b. The number of children placed in each of the  
44 following: family foster care, residential foster  
45 care, state training school, Iowa juvenile home,  
46 psychiatric medical institutions for children (PMICs),  
47 residential substance abuse treatment programs,  
48 hospitals for acute psychiatric care, state mental  
49 health institutes, shelter care, juvenile detention,  
50 adult correctional facilities, state hospital-schools,

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1 intermediate care facilities for the mentally retarded  
2 (ICF/MR), residential care facilities for the mentally  
3 retarded (RCF/MR)."

4 37. Page 25, line 10, by striking the words "The  
5 contractor must be" and inserting the following: "In  
6 selecting a vendor, the department shall give  
7 preference to a vendor who is".

8 38. Page 25, line 16, by inserting after the word  
9 "benefits." the following: "Notwithstanding section  
10 217.30 and section 232.2, subsection 11, and any other  
11 provision of law to the contrary, the custodian of a  
12 child in foster care may release medical, mental  
13 health, substance abuse, or any other information  
14 necessary only to determine the child's eligibility  
15 for SSI benefits, and may sign releases for the  
16 information. In any release of information made  
17 pursuant to this subsection, confidentiality shall be  
18 maintained to the maximum extent possible."

19 39. Page 26, line 23, by inserting after the word  
20 "section." the following: "The department may adopt  
21 emergency rules to implement the provisions of this  
22 paragraph.

23 . Of the funds appropriated in this section, up  
24 to \$3,027,717 shall be used for family-centered  
25 services for families with children with mental  
26 retardation or other developmental disability who  
27 would otherwise be placed in group foster care or are  
28 currently placed in group foster care. The department  
29 may adopt emergency rules to implement the provisions  
30 of this subsection."

31 40. Page 26, line 29, by inserting after the word  
32 "programs," the following: "on the condition that  
33 family planning services are funded,".

34 41. Page 29, line 26, by inserting after the word  
35 "law." the following: "Reimbursement rates for  
36 providers of court-ordered evaluation and treatment  
37 services paid under section 232.141, subsection 4,  
38 shall be negotiated with providers by each judicial  
39 district's planning group."

40 42. Page 33, line 7, by inserting after the word  
41 "may" the following: "expend the excess amounts to".

42 43. Page 33, line 14, by striking the words  
43 "appropriated in this section" and inserting the  
44 following: "reimbursed to the Iowa veterans home  
45 pursuant to paragraph "a"".

46 44. Page 33, by inserting after line 19 the  
47 following:

48 "c. The first \$2,372,481 of reimbursements  
49 received from a source other than the state, as a  
50 result of the Iowa veterans home reclassifying 147

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1 beds under the medical assistance program and opening  
2 previously closed beds, shall be retained by the home  
3 and used for costs associated with the  
4 reclassification and reopening of the beds. The  
5 moneys retained by the home pursuant to this paragraph  
6 are in addition to state funds appropriated to the  
7 home in this section."

8 45. Page 34, by inserting after line 19 the  
9 following:

10 "\_\_\_\_. As part of the discharge planning process at  
11 the state mental health institutes, the department  
12 shall provide assistance in obtaining eligibility for  
13 federal supplemental security income (SSI) to those  
14 individuals whose care at a state mental health  
15 institute is the financial responsibility of the  
16 state."

17 46. By striking page 37, line 6 through page 44,  
18 line 33 and inserting the following:

19 "Sec. \_\_\_\_ . MH/MR/DD STATE CASES -- NON-MH/MR/DD  
20 LOCAL PURCHASES. There is appropriated from the  
21 general fund of the state to the department of human  
22 services for the fiscal year beginning July 1, 1992,  
23 and ending June 30, 1993, the following amount, or so  
24 much thereof as is necessary, to be used for the  
25 purposes designated:

26 For purchase of local mental health, mental  
27 retardation, and developmental disabilities services  
28 where the client has no established county of legal  
29 settlement and for allocation to the various counties  
30 for the purchase of local services not related to  
31 mental health, mental retardation, or developmental  
32 disabilities:

33 ..... \$ 4,982,213

34 Sec. \_\_\_\_ . MENTAL HEALTH -- MENTAL RETARDATION --  
35 DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES. There  
36 is appropriated from the general fund of the state to  
37 the department of human services for the fiscal year  
38 beginning July 1, 1992, and ending June 30, 1993, the  
39 following amount, or so much thereof as is necessary,  
40 to be used for the purpose designated:

41 For mental health, mental retardation, and  
42 developmental disabilities community services in  
43 accordance with the provisions of this Act:

44 ..... \$ 29,503,279

45 1. Of the funds appropriated in this section,  
46 \$1,912,335, or so much thereof as is necessary, is  
47 allocated to reimburse eligible counties for their  
48 expenditures for services provided to persons with  
49 mental retardation, a developmental disability, or  
50 chronic mental illness during the fiscal year

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1 beginning July 1, 1991, and ending June 30, 1992, in  
2 accordance with 1991 Iowa Acts, chapter 267, section  
3 128. The amount of reimbursement due a county  
4 pursuant to this section shall be determined in  
5 accordance with the formula provided in 1991 Iowa  
6 Acts, chapter 267, section 128, subsection 5, after  
7 revising the formula to apply to the fiscal year  
8 beginning July 1, 1991.

9 2. a. Of the funds appropriated in this section,  
10 \$13,036,776 is allocated for distribution to counties  
11 for local purchase of services for persons with mental  
12 illness or mental retardation or other developmental  
13 disability.

14 b. The funds allocated in this subsection shall be  
15 expended by counties in accordance with eligibility  
16 guidelines established in the department's rules  
17 outlining general provisions for service  
18 administration. Services eligible for payment with  
19 funds allocated in this subsection are limited to any  
20 of the following which are provided in accordance with  
21 the department's administrative rules for the  
22 services: community supervised apartment living  
23 arrangements, residential services for adults,  
24 sheltered work, supported employment, supported work  
25 training, transportation, and work activity.

26 c. In purchasing services with funds allocated in  
27 this subsection, a county shall designate a person to  
28 provide for eligibility determination and development  
29 of a case plan for individuals for whom the services  
30 are purchased. The designated person shall be a  
31 medical assistance case manager serving the person's  
32 county of residence. If an individual does not have a  
33 case manager, the individual's eligibility shall be  
34 determined by a social services caseworker of the  
35 department serving the individual's county of  
36 residence. The case plan shall be developed in  
37 accordance with the department's rules outlining  
38 general provisions for service administration.

39 d. Services purchased with funds allocated in this  
40 subsection must be the result of a referral by the  
41 person who identified the services in developing the  
42 individual's case plan.

43 e. Services purchased with funds allocated in this  
44 subsection must be under a purchase of service  
45 contract established in accordance with the  
46 department's administrative rules for purchase of  
47 service.

48 f. The funds provided by this subsection shall be  
49 allocated to each county as follows:

50 (1) Fifty percent based upon the county's

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1 proportion of the state's population of persons with  
2 an annual income which is equal to or less than the  
3 poverty guideline established by the federal office of  
4 management and budget.

5 (2) Fifty percent based upon the amount provided  
6 to the county for local purchase services under the  
7 federal social services block grant in the fiscal year  
8 beginning July 1, 1991.

9 g. Each county shall submit to the department a  
10 plan for funding of the services eligible for payment  
11 under this subsection. The plan may provide for  
12 allocation of the funds for one or more of the  
13 eligible services. The plan shall identify the  
14 funding amount the county allocates for each service  
15 and the time period for which the funding will be  
16 available. Only those services which have funding  
17 allocated in the plan are eligible for payment with  
18 funds provided in this subsection.

19 h. A county shall provide advance notice to the  
20 individual receiving services, the service provider,  
21 and the person responsible for developing the case  
22 plan of the date the county determines that funding  
23 will no longer be available for a service.

24 i. Moneys allocated to a county pursuant to  
25 paragraph "f" shall be provided to the county as  
26 claims are submitted to the state.

27 j. The moneys provided under this subsection do  
28 not establish an entitlement to the services funded  
29 under this subsection.

30 3. Of the funds appropriated in this section,  
31 \$14,522,168 shall be deposited in the state mental  
32 health, mental retardation, and developmental  
33 disabilities community services fund, if the fund is  
34 created by the Seventy-fourth General Assembly, 1992  
35 Session. If the fund is not created, the moneys shall  
36 be deposited in the state community mental health and  
37 mental retardation services fund and allocated as  
38 provided in this section. The moneys deposited shall  
39 be allocated to counties for funding of community-  
40 based mental health, mental retardation, and  
41 developmental disabilities services in accordance with  
42 rules adopted by the department for this purpose. The  
43 moneys shall be allocated to a county as follows:

44 a. Fifty percent based upon the county's  
45 proportion of the state's population of persons with  
46 an annual income which is equal to or less than the  
47 poverty guideline established by the federal office of  
48 management and budget.

49 b. Fifty percent based upon the county's  
50 proportion of the state's general population.

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1 4. Of the funds appropriated in this section,  
 2 \$30,000 shall be transferred to the governor's  
 3 planning council for developmental disabilities for  
 4 use in contracting to continue operating a  
 5 computerized information and referral project for  
 6 Iowans with developmental disabilities and their  
 7 families.

8 5. The department may adopt emergency rules to  
 9 implement the provisions of this section.

10 6. The department shall submit quarterly reports  
 11 concerning each population served and each service  
 12 funded in this section to the chairpersons and ranking  
 13 members of the joint human services appropriations  
 14 subcommittee and the legislative fiscal bureau.

15 Sec. \_\_\_\_ . ENHANCED MENTAL HEALTH -- MENTAL  
 16 RETARDATION -- DEVELOPMENTAL DISABILITIES SERVICES.

17 There is appropriated from the general fund of the  
 18 state to the department of human services for the  
 19 fiscal year beginning July 1, 1992, and ending June  
 20 30, 1993, the following amount, or so much thereof as  
 21 is necessary, to be used for the purpose designated:

22 For the enhanced mental health, mental retardation,  
 23 and developmental disabilities services under the  
 24 medical assistance program:

25 ..... S 4,946,160

26 1. For purposes of this section, "enhanced mental  
 27 health, mental retardation, and developmental  
 28 disabilities services" means day treatment, partial  
 29 hospitalization, and case management provided to  
 30 medical assistance-eligible individuals with mental  
 31 retardation, developmental disabilities including a  
 32 brain injury as defined in section 135.22, or chronic  
 33 mental illness.

34 2. The state shall pay the nonfederal share of the  
 35 costs of case management provided to adults, day  
 36 treatment, and partial hospitalization provided under  
 37 the medical assistance program. Funding for case  
 38 management services shall be limited to persons with  
 39 mental retardation, a developmental disability, or  
 40 chronic mental illness. The state shall pay the  
 41 nonfederal share of costs for case management services  
 42 provided to persons 18 and under who are served in a  
 43 medical assistance home and community-based waiver  
 44 program for persons with mental retardation.

45 3. Medical assistance funding for case management  
 46 services for eligible persons 18 years of age and  
 47 under shall also be provided to persons residing in  
 48 counties with decategorization projects, provided  
 49 these projects have included these persons in their  
 50 service plan and the decategorization project county

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1 is willing to provide the nonfederal share of costs.

2 4. This section does not relieve the county from  
3 any other funding obligations required by law,  
4 including but not limited to the obligations in  
5 section 222.60.

6 5. For the purposes of this section only, persons  
7 with mental disorders resulting from Alzheimer's  
8 disease or substance abuse shall not be considered  
9 chronically mentally ill.

10 6. If the department has contracted with a county,  
11 or a consortium of counties to be the provider of case  
12 management services, the department is responsible for  
13 any costs included within the unit rate for case  
14 management services which are disallowed for  
15 reimbursement pursuant to Title XIX of the federal  
16 Social Security Act by the federal health care  
17 financing administration. If certain costs are  
18 disallowed due to requirements or preferences of a  
19 particular county in the provision of case management  
20 services, the county shall be responsible for the  
21 disallowed costs."

22 47. Page 45, by striking lines 16 and 17 and  
23 inserting the following:

24 ".....	\$ 37,844,444
25 "..... FTEs	2,180.50".

26 48. Page 48, by striking lines 3 and 4 and  
27 inserting the following:

28 ".....	\$ 9,218,882
29 "..... FTEs	359.01".

30 49. Page 49, by inserting after line 33 the  
31 following:

32 "The department shall complete all of the following  
33 requirements relating to implementation of the X-PERT  
34 system:

35 1. Complete an assessment of the relative  
36 appropriateness and cost-effectiveness of the various  
37 options for developing the X-PERT system. The  
38 assessment shall include an evaluation of the relative  
39 merits of using various computer hardware platforms  
40 including, but not limited to, mainframe computers,  
41 distributed processing, and personal microcomputers.  
42 The department shall utilize experts and resources  
43 from the private sector and shall ensure that the  
44 assessment is independent of influence from potential  
45 system vendors. The department shall report to the  
46 chairpersons and ranking members of the joint human  
47 services appropriations subcommittee and the  
48 legislative fiscal bureau no later than October 1,  
49 1992.

50 2. Complete a detailed work plan designed to

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1 ensure that the X-PERT system is fully tested and  
2 implemented by July 1, 1994. The work plan shall  
3 contain an assessment of the fiscal and staff  
4 resources required to meet this time frame and the  
5 availability of these resources. The work plan shall  
6 be completed on or before September 1, 1992.

7 3. Develop, in cooperation with the legislative  
8 fiscal bureau, a methodology for measuring costs and  
9 savings resulting from the development and  
10 implementation of the X-PERT system. The methodology  
11 shall provide for separate measurement of both actual  
12 reductions in expenditures and avoidance of increased  
13 expenditures. The department shall implement the  
14 methodology during the development of the system and  
15 shall report quarterly regarding implementation of the  
16 methodology to the chairpersons and ranking members of  
17 the joint human services appropriations subcommittee  
18 and the legislative fiscal bureau."

19 50. Page 51 by inserting after line 6 the  
20 following:

21 "\_\_\_\_\_. Federally qualified health centers shall be  
22 reimbursed at 100 percent of reasonable costs as  
23 determined by the department in accordance with  
24 federal requirements."

25 51. Page 52, by inserting after line 3 the  
26 following:

27 "\_\_\_\_\_. For the fiscal year beginning July 1, 1992,  
28 the maximum reimbursement rates for social services  
29 providers other than child day care providers shall  
30 not be increased over the rates in effect on June 30,  
31 1991. The provisions of this subsection do not revise  
32 in any manner the maximum reimbursement rates paid to  
33 social service providers in the fiscal year beginning  
34 July 1, 1991.

35 "\_\_\_\_\_. The department may adopt emergency rules to  
36 implement the provisions of this section."

37 52. Page 54, line 4, by inserting after the word  
38 "located." the following: "Notwithstanding any other  
39 provision of law to the contrary, the department may  
40 close an institution under the authority of the  
41 department or a unit within an institution if the  
42 closing is necessary due to budget reductions made  
43 pursuant to an executive order issued under section  
44 8.31. Any contract providing for a private entity to  
45 utilize a portion of a state institution or to assume  
46 responsibilities performed by an employee of the state  
47 shall require that the private entity pay wages and  
48 provide benefits to the private entity's employees  
49 working in the state-owned facilities which are at  
50 least equal to wages and benefits paid to state

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1 employees doing comparable work."

2 53. Page 54, by inserting after line 4, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 135C.2, subsection 5, paragraph  
5 b, Code Supplement 1991, is amended to read as  
6 follows:

7 b. A facility must be located in an area zoned for  
8 single or multiple-family housing or in an  
9 unincorporated area and must be constructed in  
10 compliance with applicable local housing-codes  
11 requirements and the rules adopted for the special  
12 classification by the state fire marshal in accordance  
13 with the concept of the least restrictive environment  
14 for the facility residents. The rules adopted by the  
15 state fire marshal for the special classification  
16 shall be no more restrictive than the rules adopted by  
17 the state fire marshal for demonstration waiver  
18 project facilities pursuant to 1986 Iowa Acts, chapter  
19 1246, section 206, subsection 2. Local housing-codes  
20 requirements shall not be more restrictive than the  
21 rules adopted for the special classification by the  
22 state fire marshal and the state building code  
23 requirements for single or multiple-family housing."

24 54. Page 54, by inserting after line 4, the  
25 following:

26 "Sec. \_\_\_\_\_. NEW SECTION. 148E.1 DEFINITIONS.

27 As used in this chapter, unless the context  
28 otherwise requires:

29 i. "Acupuncture" means promoting, maintaining, or  
30 restoring health based on traditional oriental medical  
31 concepts of treating specific areas of the human body,  
32 known as acupuncture points or meridians, by  
33 performing any of the following practices:

34 a. Inserting acupuncture needles.  
35 b. Moxibustion.  
36 c. Applying manual, thermal, or electrical  
37 stimulation or any other secondary therapeutic  
38 technique.

39 2. "Acupuncturist" means a person who is engaged  
40 in the practice of acupuncture.

41 3. "Board" means the board of medical examiners  
42 established in chapter 147.

43 4. "Department" means the Iowa department of  
44 public health.

45 Sec. \_\_\_\_\_. NEW SECTION. 148E.2 REGISTRATION AND  
46 RENEWAL REQUIRED.

47 A person shall not engage in the practice of  
48 acupuncture unless the person has registered with the  
49 board and received a certificate of registration  
50 pursuant to this chapter. Registration shall be

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1 renewed annually. The board shall charge a fee for  
2 renewal.

3 Sec. \_\_\_\_ . NEW SECTION. 148E.3 REGISTRATION  
4 REQUIREMENTS AND RECIPROCAL AGREEMENTS.

5 1. A person shall be registered as an  
6 acupuncturist and issued a certificate of registration  
7 by the board, if the person does all of the following:

8 a. Submits a completed application form as  
9 provided by the board and the application fee as  
10 required by the board.

11 b. Successfully completes and passes the  
12 certification and examination process of the national  
13 commission for the certification of acupuncture.

14 c. Successfully completes a training program which  
15 conforms to standards established by the national  
16 commission for the certification of acupuncture.

17 2. The board may register a person as an  
18 acupuncturist and issue a certificate of registration  
19 based upon a reciprocal agreement pursuant to chapter  
20 147.

21 Sec. \_\_\_\_ . NEW SECTION. 148E.4 DISPLAY OF  
22 CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

23 An acupuncturist shall display the certificate of  
24 registration issued pursuant to section 148E.3 in a  
25 conspicuous place in the acupuncturist's place of  
26 business. An acupuncturist shall provide to each  
27 patient upon initial contact with the patient the  
28 following information in written form:

29 1. The name, business address, and business phone  
30 number of the acupuncturist.

31 2. A fee schedule.

32 3. A listing of the acupuncturist's education,  
33 experience, degrees, certificates, or credentials  
34 related to acupuncture awarded by professional  
35 acupuncture organizations, the length of time required  
36 to obtain the degrees or credentials, and experience.

37 4. A statement indicating any license,  
38 certificate, or registration in a health care  
39 occupation which was revoked by any local, state, or  
40 national health care agency.

41 5. A statement that the acupuncturist is complying  
42 with rules adopted by the department or the board,  
43 including a statement that only presterilized,  
44 disposable needles are used by the acupuncturist.

45 6. A statement indicating that the practice of  
46 acupuncture is regulated by the department.

47 Sec. \_\_\_\_ . NEW SECTION. 148E.5 USE AND DISPOSAL  
48 OF NEEDLES.

49 An acupuncturist shall use only presterilized,  
50 disposable needles, and shall provide for adequate

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1 disposal of used needles.

2 Sec. \_\_\_\_ . NEW SECTION. 148E.6 REVOCATION OR  
3 SUSPENSION OF CERTIFICATE AND REGISTRATION.

4 In addition to the grounds for revocation or  
5 suspension referred to in section 147.55, the  
6 registration and certificate of registration to  
7 practice acupuncture shall be revoked or suspended  
8 when the acupuncturist is guilty of any of the  
9 following acts or offenses:

10 1. Failure to provide information as required in  
11 section 148E.4 or provision of false information to  
12 patients.

13 2. Acceptance of remuneration for referral of a  
14 patient to other health professionals.

15 3. Offering of or giving of remuneration for the  
16 referral of patients, not including paid  
17 advertisements or marketing services.

18 4. Failure to comply with this chapter, rules  
19 adopted pursuant to this chapter, or applicable  
20 provisions of chapter 147.

21 5. Engaging in sexual activity or genital contact  
22 with a patient while acting or purporting to act  
23 within the scope of practice, whether or not the  
24 patient consented to the sexual activity or genital  
25 contact.

26 6. Disclosure of confidential information  
27 regarding the patient.

28 Sec. \_\_\_\_ . NEW SECTION. 148E.8 ACCIDENT AND  
29 HEALTH INSURANCE COVERAGE.

30 This chapter shall not be construed to require  
31 accident and health insurance coverage for acupuncture  
32 services under an existing or future contract or  
33 policy for insurance issued or issued for delivery in  
34 this state, unless otherwise provided by the contract  
35 or policy.

36 Sec. \_\_\_\_ . NEW SECTION. 148E.9 SCOPE OF CHAPTER.

37 This chapter does not apply to a person otherwise  
38 licensed to practice medicine and surgery, osteopathy,  
39 osteopathic medicine and surgery, podiatry, or  
40 dentistry.

41 Sec. \_\_\_\_ . NEW SECTION. 148E.10 STANDARD OF CARE.

42 A person registered under this chapter shall be  
43 held to the same standard of care as a person licensed  
44 to practice medicine and surgery, osteopathy, or  
45 osteopathic medicine and surgery.

46 Sec. \_\_\_\_ . NEW SECTION. 148E.11 EVALUATION OF  
47 CONDITION REQUIRED.

48 A person registered under this chapter shall not  
49 engage in the performance of acupuncture upon another  
50 person until the person's condition has been evaluated

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1 by a person licensed to practice medicine and surgery,  
2 osteopathy, osteopathic medicine and surgery,  
3 podiatry, or dentistry.

4 Sec. \_\_\_\_ . Section 147.1, subsections 2 and 3, Code  
5 Supplement 1991, are amended to read as follows:

6 2. "Licensed" or "certified" when applied to a  
7 physician and surgeon, podiatrist, osteopath,  
8 osteopathic physician and surgeon, physician  
9 assistant, psychologist or associate psychologist,  
10 chiropractor, nurse, dentist, dental hygienist,  
11 optometrist, speech pathologist, audiologist,  
12 pharmacist, physical therapist, occupational  
13 therapist, practitioner of cosmetology, practitioner  
14 of barbering, funeral director, dietitian, marital and  
15 family therapist, mental health counselor, or social  
16 worker, or acupuncturist means a person licensed or  
17 certified under this title.

18 3. "Profession" means medicine and surgery,  
19 podiatry, osteopathy, osteopathic medicine and  
20 surgery, practice as a physician assistant,  
21 psychology, chiropractic, nursing, dentistry, dental  
22 hygiene, optometry, speech pathology, audiology,  
23 pharmacy, physical therapy, occupational therapy,  
24 cosmetology, barbering, mortuary science, marital and  
25 family therapy, mental health counseling, social work,  
26 or dietetics, or acupuncture.

27 Sec. \_\_\_\_ . Section 147.13, subsection 1, Code  
28 Supplement 1991, is amended to read as follows:

29 1. For medicine and surgery, and osteopathy, and  
30 osteopathic medicine and surgery, and acupuncture,  
31 medical examiners.

32 Sec. \_\_\_\_ . Section 147.74, Code Supplement 1991, is  
33 amended by adding the following new subsection after  
34 subsection 16 and renumbering the remaining  
35 subsection:

36 NEW SUBSECTION. 17. An acupuncturist registered  
37 under chapter 148E may use the words "registered  
38 acupuncturist" after the person's name.

39 Sec. \_\_\_\_ . Section 147.80, Code Supplement 1991, is  
40 amended by adding the following new subsection after  
41 subsection 23 and renumbering the remaining  
42 subsections:

43 NEW SUBSECTION. 24. Registration to practice  
44 acupuncture, registration to practice acupuncture  
45 under a reciprocal agreement, or renewal of  
46 registration to practice acupuncture."

47 55. Page 54, by inserting after line 4 the  
48 following:

49 "Sec. \_\_\_\_ . Section 226.7, Code 1991, is amended by  
50 striking the section and inserting in lieu thereof the

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Page 19

1 following:

2 226.7 ALTERNATE PLACEMENT.

3 If a patient is committed to a state mental health  
4 institute by the district court, the mental health  
5 institute shall admit the patient at the time of  
6 commitment or locate an alternate placement for the  
7 patient until the state mental health institute is  
8 able to admit the patient."

9 56. Page 54, by striking lines 5 through 25.

10 57. Title page, line 3, by inserting before the  
11 word "providing" the following: "including other  
12 provisions involving health care and".

13 58. By renumbering, relettering, or redesignating  
14 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5644 FILED APRIL 10, 1992

*Senate amended (5661, 5670, 5673, 5674, 5681A, 5683, 5684, 5693) &  
concurrent 4/14 (p 1391)*



## SENATE FILE 2355

S-5670

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 14, line 44, by striking the words "Any  
5 contract providing for a private entity to".

6 2. By striking page 14, line 45, through page 15,  
7 line 1.

By LEONARD L. BOSWELL

S-5670 FILED APRIL 14, 1992

ADOPTED (p. 1396)

## SENATE FILE 2355

S-5673

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 14, by striking line 24 and inserting the  
5 following: "federal requirements.

6 \_\_\_\_\_. The department shall review and utilize small  
7 area analysis to identify differences in utilization  
8 of physician and hospital services. Within funds  
9 appropriated, the department shall seek to revise  
10 reimbursement methodologies for providers and shall  
11 seek to equalize reimbursement rates between  
12 providers. In addition, the department shall identify  
13 incentives to reward efficient, effective, and quality  
14 care.""

15 2. By renumbering as necessary.

By MAGGIE TINSMAN

JIM LIND

JIM RIORDAN

BEVERLY HANNON

S-5673 FILED APRIL 14, 1992

ADOPTED (p. 1395)

## SENATE FILE 2355

S-5661

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 15, line 40, by inserting after the word  
5 "acupuncture" the following: "in accordance with  
6 rules defining the scope of practice adopted by the  
7 board".

8 2. Page 16, by striking lines 11 through 16 and  
9 inserting the following:

10 "b. Presents evidence of the successful completion  
11 of a certification and examination process approved by  
12 the board.

13 c. Presents evidence of the successful completion  
14 of a training program approved by the board."

15 3. Page 16, by inserting after line 20, the  
16 following:

17 "3. The board may establish necessary achievement  
18 levels on all examinations for a passing grade and may  
19 adopt rules relating to examinations."

20 4. Page 17, by inserting after line 27 the  
21 following:

22 "7. Any other acts or offenses in violation of  
23 rules of the board."

By ELAINE SZYMONIAK

S-5661 FILED APRIL 14, 1992

ADOPTED (p. 1314)

## SENATE FILE 2355

S-5665

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 14, line 38, by striking the words  
5 "Notwithstanding any other".

6 2. Page 14, by striking lines 39 through 43.

7 3. Page 14, line 44, by striking the figure  
8 "8.31."

By MARK R. HAGERLA

S-5665 FILED APRIL 14, 1992

ADOPTED (p. 1315)

## SENATE FILE 2355

S-5667

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 15 through 33.

5 2. Page 19, by striking line 9.

6 3. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5667 FILED APRIL 14, 1992

ADOPTED (p. 1333)

SENATE FILE 2355

S-5674

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

B 4 1. Page 2, by striking lines 31 through 33 and  
5 inserting the following:

6 " . The department shall develop program  
7 standards, admission criteria, and reimbursement rates  
8 which are consistent with the day treatment needs of  
9 children and adolescents with".

10 2. Page 3, by striking lines 19 and 20.

A 11 3. Page 4, by striking line 26 and inserting the  
12 following:

13 "..... \$ 47,584,778".

B 14 4. Page 4, by striking line 32 and inserting the  
15 following: "1,405. The department may adopt  
16 emergency rules in order to implement the provisions  
17 of this subsection on July 1, 1992."

18 5. Page 5, by striking line 12 and inserting the  
19 following:

20 " . Page 21, line 15, by inserting after the  
21 word "adoption" the following: "and foster care".

22 . Page 21, line 16, by striking the figure  
23 "150,000" and inserting the following: "104,625".

24 6. Page 5, by striking lines 26 and 27 and  
25 inserting the following:

26 " . By striking page 23, line 23, through page  
27 24, line 2 and inserting the following:

28 " . The department shall draw from the  
29 reasonable efforts model court project in continuing  
30 training seminars for child welfare practitioners".

31 " . Page 24, line 16, by striking the figure  
32 "80,000" and inserting the following: "63,160".

33 7. Page 5, by striking lines 30 through 41 and  
34 inserting the following:

35 " . Page 25, by striking lines 1 through 3 and  
36 inserting the following: "may use up to \$110,530 of  
37 the funds appropriated in this section.

38 . The department shall allocate up to  
39 \$1,050,000".

40 8. By striking page 6, line 6, through page 7,  
41 line 4, and inserting the following: "services. The  
42 department may adopt emergency rules to implement the  
43 provisions of this subsection.

44 . Of the funds appropriated in this section,  
45 up".

46 9. Page 7, line 15, by inserting after the word  
47 "age." the following: "The department may adopt  
48 emergency rules to implement the provisions of this  
49 subsection."

50 10. Page 7, line 16, by striking the figure "6"

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Page 2

1 and inserting the following: " ".

A 2 11. Page 9, by inserting after line 33 the  
3 following:

4 "The department may adopt emergency rules relating  
5 to eligibility, services, and reimbursement rates in  
6 implementing the provisions of this section."

7 12. Page 10, line 22, by inserting after the word  
8 "services:" the following: "administrative support  
9 for volunteers, adult day care, adult support, family-  
10 centered services,".

11 13. Page 11, by inserting after line 29 the  
12 following:

13 "k. The county of residence shall pay for services  
14 provided under this subsection. That county may seek  
15 reimbursement from the county of legal settlement in  
16 accordance with applicable law. If a person receiving  
17 services under this subsection has no county of legal  
18 settlement, the state shall pay for the services. The  
19 rate of payment for services provided under this  
20 subsection shall be in accordance with the  
21 department's rules for purchase of services and law  
22 relating to reimbursement of social services  
23 providers."

24 14. Page 11, line 41, by inserting after the word  
25 "disabilities" the following: ", including a brain  
26 injury as defined in section 135.22,".

27 15. Page 12, by striking lines 1 through 7 and  
28 inserting the following:

29 "4. Of the funds appropriated in this section,  
30 \$30,000 shall be used to support the Iowa compass  
31 program providing computerized information and  
32 referral services for Iowans with disabilities and  
33 their families."

34 16. Page 12, line 10, by striking the words  
35 "quarterly reports" and inserting the following: "an  
36 annual report".

37 17. Page 12, lines 31 and 32, by striking the  
38 words "including a brain injury as defined in section  
39 135.22".

40 18. Page 13, by striking line 28 and inserting  
41 the following:

42 "..... \$ 8,718,822".

B 43 19. By striking page 13, line 50 through page 14,  
44 line 2 and inserting the following:

45 "2. Complete a detailed work plan for the full  
46 development, testing, pilot implementation, and full  
47 implementation of the X-PERT system by August 1, 1994.  
48 The work plan shall".

49 20. Page 14, by inserting after line 36 the  
50 following:

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Page 3

1 "\_\_\_\_. Page 52, by striking lines 4 through 21."  
 2 21. By striking page 18, line 49, through page  
 3 19, line 8, and inserting the following:  
 4 "Sec. \_\_\_\_\_. Section 226.7, Code 1991, is amended by  
 5 adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. If the district court  
 7 commits a patient to a state mental health institute  
 8 and a bed for the patient is not available, the  
 9 institute shall assist the court in locating an  
 10 alternative placement for the patient."  
 11 22. By renumbering, relettering, and correcting  
 12 internal references as necessary.

By ELAINE SZYMONIAK

S-5674 FILED APRIL 14, 1992  
DIVISION A-WITHDRAWN, DIVISION B-ADOPTED (p. 1395)

SENATE FILE 2355

S-5676

1 Amend the House amendment, S-5644, to Senate File  
 2 2355, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 2, by striking lines 19 through 30.  
 5 2. Page 4, line 26, by striking the figure  
 6 "42,942,651" and inserting the following:  
 7 "52,947,599".  
 8 3. By striking page 9, line 17, through page 13,  
 9 line 21, and inserting the following:  
 10 "\_\_\_\_. Page 41, by striking lines 13 and 14 and  
 11 inserting the following: "incurred under this  
 12 subsection. However, the state's financial liability  
 13 for the costs of care, which is provided under a  
 14 federally approved home and community-based waiver and  
 15 which would otherwise be approved for provision in an  
 16 intermediate care facility for the mentally retarded,  
 17 is limited to \$2,082,086. When the state's financial  
 18 liability limit for the waiver cost has been reached,  
 19 any amount of the".  
 20 4. Page 13, by striking lines 26 through 29 and  
 21 inserting the following:  
 22 "\_\_\_\_. Page 48, by striking line 4 and inserting  
 23 the following:  
 24 "..... FTEs 355.01".  
 25 5. By renumbering as necessary.

By JIM RIORDAN WILMER RENSINK  
 MAGGIE TINSMAN LARRY MURPHY  
 BEVERLY A. HANNON BERL E. PRIEBE  
 EMIL J. HUSAK

S-5676 FILED APRIL 14, 1992  
ADOPTED (p. 1394)

## SENATE FILE 2355

S-5680

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 2, by striking lines 1 through 3 and  
5 inserting the following:

6 "\_\_\_\_\_. Page 8, by striking lines 5 through 9 and  
7 inserting the following: "licensed physician, the  
8 department shall review the feasibility of providing  
9 medical assistance reimbursement for the diagnostic  
10 services necessary to provide the low back pain  
11 treatment services, as a means of encouraging  
12 utilization of cost-effective treatment and reducing  
13 medical assistance costs.

14 \_\_\_\_\_ . It is the intent of the general assembly".

15 2. By renumbering as necessary.

By RICHARD V. RUNNING  
BEVERLY HANNON

WALLY E. HORN  
JIM KERSTEN

S-5680 FILED APRIL 14, 1992

ADOPTED (S 1375)

## SENATE FILE 2355

S-5681

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

A 4 1. Page 17, by striking lines 37 through 40 and  
5 inserting the following:

6 "This chapter does not apply to a person who is  
7 licensed as a physician as defined in section 135.1 or  
8 as a dentist."

B 9 2. Page 18, by striking lines 1 through 3 and  
10 inserting the following: "by a physician as defined  
11 in section 135.1 or a dentist."

By RICHARD V. RUNNING  
BEVERLY HANNON

WALLY E. HORN  
JIM KERSTEN

S-5681 FILED APRIL 14, 1992

DIVISION A-ADOPTED, DIVISION B-RULED OUT OF ORDER (S 1375)

## SENATE FILE 2355

S-5686

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 5, by inserting after line 6 the  
5 following:

6 "\_\_\_\_. Page 20, by inserting after line 18 the  
7 following:

8 "\_\_\_\_. Of the funds appropriated in this section,  
9 at least \$5,000,000 shall be paid for foster care  
10 placements ordered by the court pursuant to chapter  
11 232. The chief justice of the supreme court shall  
12 allocate the moneys provided in this subsection among  
13 the judicial districts as necessary to best meet the  
14 needs of children for foster care."

15 2. By renumbering as necessary.

By AL STURGEON

S-5686 FILED APRIL 14, 1992

LOST (p 1295)

## SENATE FILE 2355

S-5693

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 14, by striking line 37.

5 2. Page 14, line 38, by striking the words  
6 "'located.'" the following:"

By LEONARD L. BOSWELL  
ELAINE SZYMONIAK

S-5693 FILED APRIL 14, 1992

ADOPTED (p 1342)

## SENATE FILE 2355

## S-5683

- 1 Amend the House amendment, S-5644, to Senate File  
 2 2355, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 37 and 38.  
 5 2. By renumbering as necessary.

By RICHARD RUNNING

WILMER RENSINK  
 GEORGE R. KINLEY  
 BERL E. PRIEBE  
 JIM LIND  
 WILLIAM D. PALMER  
 DERRYL MCLAREN  
 WILLIAM W. DIELEMAN  
 RICHARD VANDE HOEF  
 JOHN W. JENSEN  
 DONALD V. DOYLE  
 JOHN P. KIBBIE  
 JOE J. WELSH

PAUL D. PATE

JOHN A. PETERSON  
 ALVIN V. MILLER  
 ALLEN BORLAUG  
 JACK W. HESTER  
 H. KAY HEDGE  
 DON E. GETTINGS  
 EUGENE S. FRAISE  
 EMIL J. HUSAK  
 MARK R. HAGERLA  
 LARRY MURPHY  
 JAMES B. KERSTEN  
 DALE L. TIEDEN

S-5683 FILED APRIL 14, 1992  
 ADOPTED (p. 1343)

## SENATE FILE 2355

## S-5684

- 1 Amend the House amendment, S-5644, to Senate File  
 2 2355, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 17, lines 46 and 47, by striking the  
 5 words "EVALUATION OF CONDITION" and inserting the  
 6 following: "PRESCRIPTION OR REFERRAL".  
 7 2. Page 17, line 50 through page 18, line 1, by  
 8 striking the words "until the person's condition has  
 9 been evaluated by" and inserting the following:  
 10 "without a prescription or referral from".

By RICHARD VARN

S-5684 FILED APRIL 14, 1992  
 ADOPTED (p. 1296)



SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2355  
R-5910

1 Amend the House amendment, S-5644, to Senate File  
2 2355, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 15 through 33.

5 2. Page 1, by striking lines 37 and 38.

6 3. Page 2, by striking lines 1 through 3 and  
7 inserting the following:

8 "\_\_\_\_\_. Page 8, by striking lines 5 through 9 and  
9 inserting the following: "licensed physician, the  
10 department shall review the feasibility of providing  
11 medical assistance reimbursement for the diagnostic  
12 services necessary to provide the low back pain  
13 treatment services, as a means of encouraging  
14 utilization of cost-effective treatment and reducing  
15 medical assistance costs.

16 \_\_\_\_\_ . It is the intent of the general assembly"."

17 4. Page 2, by striking lines 19 through 30.

18 5. Page 2, by striking lines 31 through 33 and  
19 inserting the following:

20 "\_\_\_\_\_. The department shall develop program  
21 standards, admission criteria, and reimbursement rates  
22 which are consistent with the day treatment needs of  
23 children and adolescents with".

24 6. Page 3, by striking lines 19 and 20.

25 7. Page 4, line 26, by striking the figure  
26 "42,942,651" and inserting the following:  
27 "52,947,599".

28 8. Page 4, by striking line 32 and inserting the  
29 following: "1,405. The department may adopt  
30 emergency rules in order to implement the provisions  
31 of this subsection on July 1, 1992."

32 9. Page 5, by striking line 12 and inserting the  
33 following:

34 "\_\_\_\_\_. Page 21, line 15, by inserting after the  
35 word "adoption" the following: "and foster care".

36 \_\_\_\_\_ . Page 21, line 16, by striking the figure  
37 "150,000" and inserting the following: "104,625"."

38 10. Page 5, by striking lines 26 and 27 and  
39 inserting the following:

40 "\_\_\_\_\_. By striking page 23, line 23, through page  
41 24, line 2 and inserting the following:

42 "\_\_\_\_\_. The department shall draw from the  
43 reasonable efforts model court project in continuing  
44 training seminars for child welfare practitioners".

45 "\_\_\_\_\_. Page 24, line 16, by striking the figure  
46 "80,000" and inserting the following: "63,160"."

47 11. Page 5, by striking lines 30 through 41 and  
48 inserting the following:

49 "\_\_\_\_\_. Page 25, by striking lines 1 through 3 and  
50 inserting the following: "may use up to \$110,530 of

R-5910

H-5910

Page 2

1 the funds appropriated in this section.

2 \_\_\_\_\_ . The department shall allocate up to  
3 \$1,050,000."

4 12. By striking page 6, line 6, through page 7,  
5 line 4, and inserting the following: "services. The  
6 department may adopt emergency rules to implement the  
7 provisions of this subsection.

8 \_\_\_\_\_ . Of the funds appropriated in this section,  
9 up".

10 13. Page 7, line 15, by inserting after the word  
11 "age." the following: "The department may adopt  
12 emergency rules to implement the provisions of this  
13 subsection."

14 14. Page 7, line 16, by striking the figure "6"  
15 and inserting the following: "\_\_\_\_\_".

16 15. By striking page 9, line 17, through page 13,  
17 line 21, and inserting the following:

18 "\_\_\_\_\_. Page 41, by striking lines 13 and 14 and  
19 inserting the following: "incurred under this  
20 subsection. However, the state's financial liability  
21 for the costs of care, which is provided under a  
22 federally approved home and community-based waiver and  
23 which would otherwise be approved for provision in an  
24 intermediate care facility for the mentally retarded,  
25 is limited to \$2,082,086. When the state's financial  
26 liability limit for the waiver cost has been reached,  
27 any amount of the".

28 16. Page 13, by striking lines 26 through 29 and  
29 inserting the following:

30 "\_\_\_\_\_. Page 48, by striking line 4 and inserting  
31 the following:

32 "..... FTEs 355.01".

33 17. By striking page 13, line 50 through page 14,  
34 line 2 and inserting the following:

35 "2. Complete a detailed work plan for the full  
36 development, testing, pilot implementation, and full  
37 implementation of the X-PERT system by August 1, 1994.  
38 The work plan shall".

39 18. Page 14, by striking line 24 and inserting  
40 the following: "federal requirements.

41 \_\_\_\_\_ . The department shall review and utilize small  
42 area analysis to identify differences in utilization  
43 of physician and hospital services. Within funds  
44 appropriated, the department shall seek to revise  
45 reimbursement methodologies for providers and shall  
46 seek to equalize reimbursement rates between  
47 providers. In addition, the department shall identify  
48 incentives to reward efficient, effective, and quality  
49 care."

50 19. Page 14, by inserting after line 36 the

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1 following:

- 2 "\_\_\_\_\_. Page 52, by striking lines 4 through 21."  
3 20. Page 14, by striking line 37.  
4 21. Page 14, line 38, by striking the words  
5 "'located." the following:"  
6 22. Page 14, line 38, by striking the words  
7 "Notwithstanding any other".  
8 23. Page 14, by striking lines 39 through 43.  
9 24. Page 14, line 44, by striking the figure  
10 "8.31."  
11 25. Page 14, line 44, by striking the words "Any  
12 contract providing for a private entity to".  
13 26. By striking page 14, line 45, through page  
14 15, line 1.  
15 27. Page 15, line 40, by inserting after the word  
16 "acupuncture" the following: "in accordance with  
17 rules defining the scope of practice adopted by the  
18 board".  
19 28. Page 16, by striking lines 11 through 16 and  
20 inserting the following:  
21 "b. Presents evidence of the successful completion  
22 of a certification and examination process approved by  
23 the board.  
24 c. Presents evidence of the successful completion  
25 of a training program approved by the board."  
26 29. Page 16, by inserting after line 20, the  
27 following:  
28 "3. The board may establish necessary achievement  
29 levels on all examinations for a passing grade and may  
30 adopt rules relating to examinations."  
31 30. Page 17, by inserting after line 27 the  
32 following:  
33 "7. Any other acts or offenses in violation of  
34 rules of the board."  
35 31. Page 17, by striking lines 37 through 40 and  
36 inserting the following:  
37 "This chapter does not apply to a person who is  
38 licensed as a physician as defined in section 135.1 or  
39 as a dentist."  
40 32. Page 17, lines 46 and 47, by striking the  
41 words "EVALUATION OF CONDITION" and inserting the  
42 following: "PRESCRIPTION OR REFERRAL".  
43 33. Page 17, line 50 through page 18, line 1, by  
44 striking the words "until the person's condition has  
45 been evaluated by" and inserting the following:  
46 "without a prescription or referral from".  
47 34. By striking page 18, line 49, through page  
48 19, line 8, and inserting the following:  
49 "Sec. \_\_\_\_\_. Section 226.7, Code 1991, is amended by  
50 adding the following new unnumbered paragraph:

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1 NEW UNNUMBERED PARAGRAPH. If the district court  
 2 commits a patient to a state mental health institute  
 3 and a bed for the patient is not available, the  
 4 institute shall assist the court in locating an  
 5 alternative placement for the patient."

6 35. Page 19, by striking line 9.

7 36. By renumbering, relettering, or redesignating  
 8 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5910 FILED APRIL 14, 1992

*House refused to concur 4/16 (p. 1584)*  
*Senate insists 4/17 (p. 1474)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2355

To the President of the Senate and Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2355, a bill for an Act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5910.
2. That the House recedes from its amendment, S-5644.

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3. That Senate File 2355, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking line 8 and inserting the following:

"..... \$ 46,470,000".

2. Page 1, line 28, by inserting after the word "the" the following: "Iowa Self-employed Household Incentive Program (ISHIP)".

3. Page 2, by inserting after line 6 the following:

"\_\_\_. Notwithstanding section 239.6, the department is not required to reconsider eligibility of aid to dependent children recipients every six months if a federal waiver is granted."

4. Page 3, by striking line 5 and inserting the following:

"..... \$276,670,000".

5. Page 6, line 7, by inserting after the word "employment" the following: "or be required to significantly reduce hours of employment".

6. Page 7, lines 20 and 21, by striking the words "the medically needy program" and inserting the following: "who are eligible for the medically needy program without a spend down requirement".

7. Page 7, by inserting after line 24, the following:

"\_\_\_. The department of human services shall work cooperatively with the department of elder affairs and the area agencies on aging to expedite and improve the assessment and eligibility determination process used for the medical assistance home and community-based waiver program for the elderly."

8. By striking page 7, line 25 through page 8, line 9 and inserting the following:

"\_\_\_. It is the intent of the general assembly that copayments shall not be charged to recipients for services which are mandatory under federal requirements for the medical assistance program.

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\_\_\_ . The department shall actively pursue the potential to fund child welfare services under the early and periodic screening, diagnosis, and treatment (EPSDT) option of the medical assistance program. If the funding is implemented, the department may transfer moneys appropriated in this Act for foster care or home-based services as necessary to pay the nonfederal costs of services reimbursed under EPSDT which are provided to children who would otherwise receive services paid under those appropriations. The department may adopt emergency rules to implement the provisions of this subsection.

\_\_\_ . Except as otherwise provided in the appropriation made in this Act for mental health, mental retardation, and developmental disabilities services provided under medical assistance, if a medical assistance recipient is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

\_\_\_ . The department shall develop program standards, admission criteria, and reimbursement rates which are consistent with the day treatment needs of children and adolescents with severe psychiatric and behavioral disorders. The department may adopt emergency rules to implement the provisions of this subsection."

9. Page 8, by inserting before line 10 the following:

"\_\_\_ . Administrative rules adopted by the department establishing intermediate care facility for the mentally retarded (ICFMR) standards relating to family scale and size, location, and community inclusion, including, but not limited to, rules adopted pursuant to 1991 Iowa Acts, chapter 267, section 103, subsection 5, and Senate File 2311, as enacted by

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the Seventy-fourth General Assembly, 1992 Session, shall not prohibit any ICFMR with eight beds or less."

10. Page 8, by striking line 16 and inserting the following:

"..... \$ 4,830,000".

11. Page 8, by striking line 26 and inserting the following:

"..... \$ 19,040,000".

12. Page 9, line 15, by inserting after the word "income." the following: "The department shall adopt emergency rules to implement the provisions of this subsection."

13. Page 9, by inserting after line 15, the following:

"\_\_\_. In determining the amount of state supplementary assistance provided to a resident of a licensed residential care facility which has a "Section 8" program contract with the United States department of housing and urban development, the moneys which the resident must pay under the "Section 8" program shall not be considered as income."

14. Page 10, by striking line 1 and inserting the following:

"..... \$ 7,460,000".

15. Page 10, line 6, by striking the figure "2,294,060" and inserting the following: "2,293,412".

16. Page 11, line 27, by inserting after the word "centers." the following: "However, any reimbursement increase provided under this subsection shall not cause the provider's reimbursement rate to exceed the provider's actual and allowable cost plus the inflationary increase authorized in the section of this Act relating to provider reimbursement. The department may adopt emergency rules to implement the provisions of this subsection."

17. Page 12, line 14, by inserting after the word "home" the following: "or adult day care".



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18. Page 12, by striking line 29 and inserting the following:

"..... \$ 4,960,000".

19. Page 12, line 30, by striking the figure "4,076,896" and inserting the following: "4,050,701".

20. Page 13, line 18, by striking the words "may be used either" and inserting the following: "shall be used".

21. Page 13, line 24, by striking the word "renew" and inserting the following: "increase".

22. Page 13, line 25, by striking the words "an annual" and inserting the following: "the fiscal year 1991-1992".

23. Page 14, by striking line 9 and inserting the following:

"..... \$ 3,750,000".

24. Page 14, by striking lines 17 through 25 and inserting the following: "employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds additional employees, the".

25. Page 15, line 6, by inserting after the word "bureau." the following: "If a statute enacted by the Seventy-fourth General Assembly, 1992 Session, authorizes the department to charge an annual cost recovery fee to nonpublic assistance users of child support recovery services, the fee may be deducted from support paid in fiscal year 1992-1993, unless the user elects to pay the fee directly. The department shall continue to provide child support recovery services to persons who were notified during fiscal year 1991-1992 that services would not be continued if an annual cost recovery fee was not paid."

26. Page 16, by striking line 7 and inserting the following:

"..... \$ 11,810,000".

27. Page 16, by striking line 12 and inserting the following:

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"..... \$ 4,340,000".

28. Page 16, by striking line 17 and inserting the following:

"..... \$ 7,470,000".

29. Page 18, by striking lines 12 through 15 and inserting the following:

"\_\_\_. Monitor the efforts of the regional out-of-state placement committees, as established in House File 2480, if enacted by the Seventy-fourth General Assembly, 1992 Session, to reduce out-of-state placements by 25 percent by June 30, 1994."

30. Page 18, by inserting before line 16 the following:

"\_\_\_. Investigate the efforts used by other states to return children who have been placed out-of-state, including any training programs.

\_\_\_. Investigate the potential of using funding currently expended for children placed out-of-state as matching funding for services in this state in order to retain those children in this state.

\_\_\_. Investigate the potential of using medical assistance funding available under section 1915a of the federal Social Security Act in decategorization counties as a model for developing a flexible financing system."

31. Page 18, lines 18 and 19 by striking the words "children, youth, and families" and inserting the following: "adult, children, and family services".

32. Page 18, by striking lines 23 through 27 and inserting the following:

"\_\_\_. A juvenile court judge or referee appointed by the chief justice.

\_\_\_. A juvenile court officer appointed by the chief justice."

33. Page 19, by inserting after line 8 the following:

"\_\_\_. A member of the general assembly appointed by the legislative council."

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34. Page 20, by striking line 4 and inserting the following:

"..... \$ 47,520,000

\_\_\_ a. For fiscal year 1992-1993, the statewide target, as provided for in section 232.143, if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session, for the average number of children placed in group foster care in any day of the fiscal year which are a charge upon or are paid for by the state, shall be 1,405. The department may adopt emergency rules in order to implement the provisions of this subsection on July 1, 1992.

b. If section 232.143 is enacted, in each quarter of the fiscal year, the department shall compare the actual number of group foster care placements in a region and the targets allocated to the region for that quarter. The department shall develop a methodology to provide, within the funds allocated in this subsection, fiscal incentives to regions which have reduced the number or length of group foster care placements below the targeted levels. The fiscal incentives shall be used by a region to maintain or further the region's reduction in the number or length of group foster care placements.

c. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to limit the number of group foster care placements in accordance with the regional plan established pursuant to section 232.143.

d. It is the intent of the general assembly that the average reimbursement rates paid for placement of children out-of-state shall not exceed the maximum reimbursement rate paid to providers in this state."

35. Page 20, line 11, by striking the word and figures "October 1, 1992" and inserting the following: "April 1, 1993".

36. Page 20, by striking lines 23 through 33.

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37. Page 21, line 8, by inserting after the figure "1991-1992." the following: "The department may adopt emergency rules relating to program standards for therapeutic foster care."

38. Page 21, line 15, by inserting after the word "adoption" the following: "and foster care".

39. Page 21, line 16, by striking the figure "150,000" and inserting the following: "104,625".

40. Page 22, line 11, by striking the words "services and notwithstanding" and inserting the following: "services. Notwithstanding".

41. Page 23, line 6, by striking the words "due to" and inserting the following: "in excess of the amount budgeted for".

42. Page 23, line 10, by inserting after the figure "7." the following: "Notwithstanding any provision of law to the contrary, any state funding identified as saved in excess of the amount budgeted for the federal financial participation shall be considered encumbered, for the purposes of this subsection, at the time of identification."

43. By striking page 23, line 11, through page 24, line 2 and inserting the following:

"\_\_\_ . The department shall draw from the reasonable efforts model court project in continuing training seminars for child welfare practitioners".

44. Page 24, line 16, by striking the figure "80,000" and inserting the following: "63,160".

45. Page 24, line 29, by striking the word "system" and inserting the following: "department".

46. Page 25, by striking lines 1 through 3 and inserting the following: "may use up to \$110,530 of the funds appropriated in this section.

\_\_\_ . The department shall allocate up to \$1,050,000 of the funds appropriated in this section among the department's regions to be used for wrap-around services. The moneys shall

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be used by each region to reduce the number or length of group foster care placements ordered by that region. For the purposes of this subsection, "wrap-around services" means coordinated, highly individualized, and community-based services directed to the basic human needs of a child and child's family which are developed and approved by an interdisciplinary team and focused upon the strengths of the child and the child's family. The department may transfer funds allocated in this subsection in addition to other funds appropriated in this Act that are used to provide wrap-around services. The department may adopt emergency rules to implement the provisions of this subsection.

\_\_\_\_\_. Of the funds appropriated in this section, up to \$1,000,000 is allocated for continued foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 4, paragraph "c", if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session. The department shall distribute the moneys allocated in this subsection to the departmental regions based on each region's proportion of the total number of children placed in foster care on March 31, 1992, who, during the fiscal year beginning July 1, 1992, would no longer be eligible for foster care due to age. The department may adopt emergency rules to implement the provisions of this subsection.

\_\_\_\_\_. The provisions of this section constitute a significant change in state policy involving child welfare. In order to determine whether the change in policy has the intended effect and to provide information for future decision making, adequate information is required. During the fiscal period of this appropriation, the department shall track those out-of-home placements of children in which the state or a county is financially involved. The department, in coordination with the legislative fiscal bureau and the judicial department, shall develop a system for providing the

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tracking information. The tracking information shall be provided in a manner by which it can be determined whether the limitations on group foster care enacted by the Seventy-fourth General Assembly, 1992 Session, have resulted in increased use of out-of-home placements of children other than group foster care. The tracking information shall be submitted quarterly to the governor, the chairpersons and ranking members of the joint human services appropriations subcommittee, and the legislative fiscal bureau and shall include all of the following information for each departmental region:

a. The number of placements of children within each of the following age ranges: 0 through 5; 6 through 10; 11 through 15; and 16 through 21.

b. The number of children placed in each of the following: family foster care, residential foster care, state training school, Iowa juvenile home, psychiatric medical institutions for children (PMICs), residential substance abuse treatment programs, hospitals for acute psychiatric care, state mental health institutes, shelter care, juvenile detention, adult correctional facilities, state hospital-schools, intermediate care facilities for the mentally retarded (ICF/MR), residential care facilities for the mentally retarded (RCF/MR).

\_\_\_ . Notwithstanding section 232.142, subsection 3, the financial aid paid by the state shall be limited to 0.5 percent of the total cost of the establishment, improvements, operation, and maintenance of a county or multicounty juvenile detention home."

47. Page 25, line 10, by striking the words "The contractor must be" and inserting the following: "In selecting a vendor, the department shall give preference to a vendor who is".

48. Page 25, line 16, by inserting after the word "benefits." the following: "Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of

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law to the contrary, the custodian of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible."

49. Page 26, line 23, by inserting after the word "section." the following: "The department may adopt emergency rules to implement the provisions of this paragraph.

\_\_\_\_. Of the funds appropriated in this section, up to \$3,027,717 shall be used for family-centered services for families with children with mental retardation or other developmental disability who would otherwise be placed in group foster care or are currently placed in group foster care. The department may adopt emergency rules to implement the provisions of this subsection."

50. Page 25, by striking line 28 and inserting the following:

"..... \$ 22,530,000".

51. Page 26, line 29, by inserting after the word "programs," the following: "on the condition that family planning services are funded,".

52. Page 26, by striking line 32 and inserting the following:

"..... \$ 1,620,000".

53. Page 29, by striking line 15 and inserting the following:

"..... \$ 3,990,000".

54. Page 29, line 26, by inserting after the word "law." the following: "Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group."

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55. Page 32, by striking line 25 and inserting the following:

"..... \$ 26,510,000".

56. Page 33, line 7, by inserting after the word "may" the following: "expend the excess amounts to".

57. Page 33, line 14, by striking the words "appropriated in this section" and inserting the following: "reimbursed to the Iowa veterans home pursuant to paragraph "a"".

58. Page 33, by inserting after line 19 the following:

"c. The first \$2,372,481 of reimbursements received from a source other than the state, as a result of the Iowa veterans home reclassifying 147 beds under the medical assistance program and opening previously closed beds, shall be retained by the home and used for costs associated with the reclassification and reopening of the beds. The moneys retained by the home pursuant to this paragraph are in addition to state funds appropriated to the home in this section."

59. Page 33, by striking line 29 and inserting the following:

"..... \$ 41,860,000".

60. Page 33, by striking line 34 and inserting the following:

"..... \$ 14,690,000".

61. Page 34, by striking line 2 and inserting the following:

"..... \$ 5,660,000".

62. Page 34, by striking line 5 and inserting the following:

"..... \$ 16,500,000".

63. Page 34, by striking line 8 and inserting the following:

"..... \$ 5,010,000".

64. Page 34, by inserting after line 19 the following:



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"\_\_\_\_. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state."

65. Page 34, by striking line 28 and inserting the following:

"..... \$ 64,260,000".

66. Page 34, by striking line 33 and inserting the following:

"..... \$ 34,680,000".

67. Page 35, by striking line 1 and inserting the following:

"..... \$ 29,580,000".

68. Page 36, by striking line 20 and inserting the following:

"..... \$ 1,000,000".

69. By striking page 37, line 6 through page 38, line 6, and inserting the following:

"Sec. \_\_\_\_ . MH/MR/DD STATE CASES -- NON-MH/MR/DD LOCAL PURCHASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purchase of local mental health, mental retardation, and developmental disabilities services where the client has no established county of legal settlement and for allocation to the various counties for the purchase of local services not related to mental health, mental retardation, or developmental disabilities:

..... \$ 4,980,000".

70. Page 38, line 8, by inserting after the word "DISABILITIES" the following: "-- BRAIN INJURY --".

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71. Page 38, lines 14 and 15, by striking the words "and developmental disabilities" and inserting the following: "developmental disabilities, and brain injury".

72. Page 38, by striking line 17 and inserting the following:

"..... \$ 27,280,000".

73. Page 38, line 18, by striking the figure "10,336,168" and inserting the following: "12,278,889".

74. Page 38, lines 20 and 21, by striking the words "and developmental disabilities" and inserting the following: "developmental disabilities, and brain injury".

75. By striking page 38, line 29 through page 39, line 1, and inserting the following:

"A county shall utilize the funding the county receives pursuant to this subsection for services provided to persons with mental illness, mental retardation, developmental disability, or brain injury. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations."

76. Page 39, line 5, by striking the word "or".

77. Page 39, line 6, by striking the word "illness" and inserting the following: "disability, or brain injury".

78. Page 39, line 22, by striking the word "residents" and inserting the following: "individuals".

79. Page 39, line 24, by striking the words "residents and residents'" and inserting the following: "individuals and individuals'".

80. Page 39, line 24, by striking the word "a" and inserting the following: "an".

81. Page 39, by striking line 25 and inserting the following: "individual is living with the individual's family. The support".

82. Page 39, line 27, by striking the words "a resident" and inserting the following: "an individual".

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83. Page 39, line 33, by striking the word "residents" and inserting the following: "individuals".

84. Page 39, line 35, by striking the word "resident's" and inserting the following: "individual's".

85. Page 40, by inserting after line 13 the following:

"4. a. Provision of funding under subsection i is contingent upon counties establishing mental illness, mental retardation, developmental disabilities, and brain injury (MI/MR/DD/BI) planning councils. The counties shall meet in consultation with service providers, consumers, and advocates, the department, and other interested parties in establishing the planning councils. A planning council's planning area shall, to the extent possible, utilize the borders of the county clusters as established pursuant to section 217.42, if enacted in Senate File 2342, and shall include a population of at least 40,000 and include counties with a historical pattern of cooperation in providing MI/MR/DD/BI services. The councils shall be established on or before September 1, 1992.

b. The membership of a planning council shall include a member of the county board of supervisors of each county comprising the planning council and a sufficient number of MI/MR/DD/BI service providers and service consumers or family members of service consumers to provide for adequate representation of the providers and consumers or family members. The board of supervisors of the counties comprising the planning council shall determine the size and membership of the planning council.

c. If a county does not establish a planning council arrangement by September 1, 1992, in accordance with the criteria provided in paragraph "b", the department shall assign that county to a planning council.

d. A planning council shall develop plans for the provision of services in the fiscal year beginning July 1, 1993, to persons with MI/MR/DD/BI in the county or counties comprising the planning council. The plans shall be submitted to the department on or before December 1, 1992.

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5. Of the funds appropriated in this section, \$20,000, or so much thereof as is necessary, shall be transferred to the legislative service bureau and used to contract for the consultant and facilitator required for the task force established in section 100 of this Act.

6. Of the funds appropriated in this section, \$1,912,335, or so much thereof as is necessary, is allocated to reimburse eligible counties for their expenditures for services provided to persons with mental retardation, a developmental disability, or chronic mental illness during the fiscal year beginning July 1, 1991, and ending June 30, 1992, in accordance with the provisions of section 27, subsection 5 of this Act.

7. a. Of the funds appropriated in this section, \$13,038,776 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlining general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services: community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the

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department serving the individual's county of residence. The case plan shall be developed in accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase services under the federal social services block grant in the fiscal year beginning July 1, 1991.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

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i. Moneys allocated to a county pursuant to paragraph "f" shall be provided to the county as claims are submitted to the state.

j. The moneys provided under this subsection do not establish an entitlement to the services funded under this subsection.

Sec. 100. TASK FORCE ESTABLISHED.

1. For the fiscal year beginning July 1, 1992, there is established a task force to develop a plan for restructuring the service delivery system for persons with mental illness, mental retardation and other developmental disabilities, and brain injury. The task force shall consist of individuals appointed by all of the following entities:

- a. Iowa state association of counties.
- b. Iowa association of rehabilitation and residential facilities.
- c. Alliance for the mentally ill of Iowa.
- d. Association for retarded citizens of Iowa.
- e. Community mental health centers association of Iowa.
- f. Iowa governor's planning council for persons with developmental disabilities.
- g. Iowa farm bureau federation.
- h. Iowa federation of labor.
- i. Iowa association of business and industry.
- j. Iowa citizen action network.
- k. Iowa psychiatric society.
- l. Iowa hospital association.
- m. Department of human services.
- n. Iowa coalition.
- o. Iowa protection and advocacy service.
- p. Coalition for persons with disabilities.
- q. Prevention of disabilities policy council.
- r. Iowa head-injury association.
- s. Department of management.
- t. Governor.

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u. A member of the senate appointed by the legislative council.

v. A member of the house of representatives appointed by the legislative council.

2. The task force shall present a plan to the legislative council, the department of human services, and the governor, by December 1, 1992, which will implement a restructuring of the mental health, mental retardation, and developmental disabilities service system to be effective July 1, 1993. However, the funding portion of the plan referred to in paragraph "b" of this subsection is to be effective July 1, 1994. The plan shall address, but not be limited to, all of the following:

a. Multi-county structures for planning.

b. The funding responsibilities and the funding relationship between the state and counties, including but not limited to, the per diem reimbursement paid at the state mental health institutes.

c. The structure for service delivery.

d. Targeting services for state funding which are aimed at implementing the service quality standards in section 225C.28A and rights in section 225C.28B.

The task force shall be assisted by a consultant and facilitator in carrying out its responsibilities under this section.

3. It is the intent of the general assembly that the plan developed by the task force created in this section shall be considered for enactment during the 1994 Legislative Session."

86. Page 40, line 22, by striking the words "counties, including" and inserting the following: "counties:".

87. Page 40, by striking lines 23 through 25 and inserting the following:

"..... \$ 2,860,000".

88. Page 41, line 5, by inserting after the word "and" the following: "100 percent of the nonfederal share".

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89. Page 41, by striking lines 11 through 16 and inserting the following: "illness. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the cost of case management provided to adults, day treatment, partial hospitalization, and the home and community-based waiver services."

90. Page 44, line 8, by striking the word "division" and inserting the following: "Act".

91. Page 45, by striking lines 16 and 17 and inserting the following:

"..... \$ 37,840,000  
 ..... FTEs 2,180.50".

92. Page 48, by striking lines 3 and 4 and inserting the following:

"..... \$ 8,710,000  
 ..... FTEs 359.01".

93. Page 49, by inserting after line 33 the following:

"The department shall complete all of the following requirements relating to implementation of the X-PERT system:

1. Complete an assessment of the relative appropriateness and cost-effectiveness of the various options for developing the X-PERT system. The assessment shall include an evaluation of the relative merits of using various computer hardware platforms including, but not limited to, mainframe computers, distributed processing, and personal microcomputers. The department shall utilize experts and resources from the private sector and shall ensure that the assessment is independent of influence from potential system vendors. The department shall report to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau no later than October 1, 1992.



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2. Complete a detailed work plan for the development, testing, pilot implementation, and full implementation of the X-PERT system by August 1, 1994. The work plan shall contain an assessment of the fiscal and staff resources required to meet this time frame and the availability of these resources. The work plan shall be completed on or before September 1, 1992.

3. Develop, in cooperation with the legislative fiscal bureau, a methodology for measuring costs and savings resulting from the development and implementation of the X-PERT system. The methodology shall provide for separate measurement of both actual reductions in expenditures and avoidance of increased expenditures. The department shall implement the methodology during the development of the system and shall report quarterly regarding implementation of the methodology to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau."

94. Page 51, by inserting after line 6 the following:

"\_\_\_. Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

\_\_\_. The department shall review and utilize small area analysis to identify differences in utilization of physician and hospital services. Within funds appropriated, the department shall seek to revise reimbursement methodologies for providers and shall seek to equalize reimbursement rates between providers. In addition, the department shall identify incentives to reward efficient, effective, and quality care."

95. Page 52, by inserting after line 3 the following:

"\_\_\_. For the fiscal year beginning July 1, 1992, the maximum reimbursement rates for social service providers other than child day care providers shall be the same as the rates in effect on June 30, 1991, except under any of the following circumstances:

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a. If a new service was added after June 30, 1991, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

\_\_\_\_. The department may adopt emergency rules to implement the provisions of this section."

96. Page 52, by striking lines 4 through 21.

97. Page 53, by inserting after line 12 the following:

"Sec. \_\_\_\_ . MEDICAL ASSISTANCE STUDY. The department of management shall utilize a task force to perform a study of the medical assistance program. The study parameters shall include but are not limited to reimbursement rates, accuracy and improvement of fiscal projections, scope of covered services, cost containment provisions, relative growth of the program, and the relationship with other health coverages. The task force membership shall include consumers, service providers, affected governmental agencies, and four legislators appointed by the majority and minority leader of the senate and the speaker and minority leader of the house of representatives. The study findings and recommendations shall be submitted to the governor and the general assembly on or before January 1, 1993.

Sec. \_\_\_\_ . HEALTH DATA COMMISSION STUDY. The health data commission shall study the feasibility of creating an electronic network to transmit all claims payable to third-party payors and the feasibility of using this data transmission network to establish a statewide health data repository. The commission shall submit a report of the findings of the study to the general assembly by January 1, 1993."

98. Page 54, by inserting after line 4, the following:

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"Sec. 201. FAMILY PLANNING -- REPRODUCTIVE HEALTH SERVICES INTEGRATION WITH SUBSTANCE ABUSE PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of family planning services to eligible women as specified in this subsection:

..... \$ 350,000

To be eligible for family planning services under this subsection, the following criteria apply: the woman has an income which is equal to or less than 185 percent of the federal poverty level as defined by the most recently published guidelines issued by the United States department of health and human services; the woman was receiving medical assistance at the time the child was born; the woman is no longer eligible for medical assistance; and the woman is not covered by health insurance for family planning services. The family planning services shall be provided for not more than 12 months from the date of expiration of an eligible woman's postpartum medical assistance coverage. The department shall include information concerning the availability of the family planning services at the time the department notifies a recipient that her 60 days of postpartum medical assistance coverage will expire. The department may adopt emergency rules to implement the provisions of this subsection.

2. For the use of the Iowa department of public health, division of substance abuse and health promotion, for the integration of reproductive health services with substance abuse programs:

..... \$ 100,000

To be eligible for funding under this subsection, a program shall be a residential treatment provider which provides services to a large number of women of childbearing age.

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3. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for services in accordance with the provisions of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

Sec. 202. MEDICAL ASSISTANCE -- ENHANCED SERVICES FOR HIGH-RISK PREGNANCIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

1. For provider costs to perform risk assessments for pregnant women eligible for medical assistance:  
..... \$ 71,000

2. For medical assistance costs to provide enhanced services for high-risk pregnancies in accordance with this section:  
..... \$ 72,000

The department of human services and the Iowa department of public health shall jointly develop risk assessment criteria which shall be applied to all pregnant women eligible for medical assistance. If a pregnant woman is determined to have a high-risk pregnancy by use of the risk assessment, enhanced services shall be made available to the woman. Enhanced services shall include care coordination, health education, social services, nutrition education, and a postpartum home visit. The department of human services may adopt emergency rules to implement the provisions of this section.

Sec. 203. INFANT MORTALITY AND MORBIDITY PREVENTION PILOT PROJECT. The Iowa department of public health shall award grants to establish an infant mortality and morbidity prevention pilot project beginning October 1, 1992, and ending June 30, 1995, in the designated areas of Polk, Scott, and

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Woodbury counties. The recipient of a grant shall establish a resource mothers program or coordinate existing resource mothers programs in the targeted areas and shall do all of the following:

1. Identify barriers to positive birth outcomes and encourage cooperation in the targeted area to reduce infant mortality and morbidity.
2. Develop an inventory of existing community resources, including both public and private organizations, which are designed to reduce infant mortality.
3. Collaborate with local chambers of commerce, businesses, and civic organizations, including both public and private organizations, to establish a coupon bonus program for pregnant women residing in the targeted area to encourage the pregnant women to seek prenatal care and to encourage mothers of children through one year of age to utilize the early and periodic screening, diagnosis, and treatment program. The coupon bonus program shall provide for the validation of coupons by health care providers, following the provision of prenatal care or care provided to a child through one year of age, which may be exchanged for the provision of goods or services by sponsors within the community.

Sec. 204. PRENATAL TO PRESCHOOL FAMILY AND CHILD PROTECTION SERVICES PROGRAM.

1. The Iowa department of public health shall develop a program for the awarding of a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992, and ending October 1, 1995, in at least three urban and three rural counties, three of which shall be coordinated with the existing infant mortality and morbidity programs in Polk, Scott, and Woodbury counties, and all of which shall be implemented through the use of existing nonprofit home health programs. The department shall make a request for proposals

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application available to any organization requesting an application by August 1, 1992, and shall require the completed application to be returned to the department by September 1, 1992.

2. The department shall adopt rules which establish the criteria for the awarding of a grant to an applicant. The criteria shall include but are not limited to the required match of one dollar provided by the organization for each two dollars provided by the state.

3. A grant recipient shall do all of the following:

a. Implement the proposed program by October 1, 1992.

b. Coordinate the program with the infant mortality and morbidity prevention programs in existence in Polk, Scott, and Woodbury counties.

c. To the maximum extent possible, utilize existing programs and services necessary for implementation of the program.

d. Utilize nonprofit home health programs in the development and implementation of the program.

4. The Iowa department of public health shall submit an evaluation of the program, by January 15, annually, to the governor and the general assembly.

Sec. 205. APPROPRIATION -- INFANT MORTALITY AND MORBIDITY --HEALTHY FAMILY PROGRAM. There is appropriated from the general fund of the state to the Iowa department of public health, for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 665,000

1. Of the moneys appropriated in this section, not more than \$165,000 shall be used to award grants to establish infant mortality and morbidity prevention pilot projects in Polk, Scott, and Woodbury counties in the areas designated by the Iowa department of public health as areas with the highest infant mortality rates. Of the amount appropriated, not more than 15 percent shall be used for administrative expenses.

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2. Of the moneys appropriated in this section, not more than \$335,000 shall be used to award a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992.

3. Of the moneys appropriated in this section, not more than \$25,000 shall be used for departmental staff support of a multidisciplinary team conducting research concerning the causes of individual infant deaths in the state. Funding of the multidisciplinary team concerning an individual case shall be used solely for research purposes.

4. Of the moneys appropriated under this section, not more than \$140,000 shall be used to increase the use of mid-level practitioners to improve access to prenatal health care. The funds shall be used to issue three grants in equal amounts to hospitals, public health programs, or maternal health clinics to develop programs to provide services to pregnant women, utilizing nurse midwives with hospital privileges and physician support, in areas of the state with insufficient availability of obstetrical services.

Sec. 206. IOWA CENTER FOR HEALTH ISSUES -- ESTABLISHED. There is appropriated from moneys collected by the division of insurance pursuant to section 505.7, subsection 3, from the amount collected in excess of \$310,815, to the division of insurance for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For the awarding of a grant, by the division, to a private institution to establish a center for use as a forum for the purposes of community discussion and consensus building, public education, and research in the area of health care and health-related issues, particularly in the area of ethical decision making:

..... \$ 75,000

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Criteria for the awarding of a grant includes but is not limited to:

1. That the recipient be a private institution which is centrally located in the state, which does not directly provide medical or health services, and which has developed credibility among the health care and business community.
2. That the institution is able to draw from a variety of disciplines including but not limited to the health services, law, sociology, insurance, economics, education, and public administration in carrying out the purpose of the center.
3. That the institution provide physical space for the holding of meetings, forums, and other activities of the center, and that the institution be capable of holding meetings, forums, and other activities throughout the state.
4. That the institution provide or develop independent funding, in an amount which is one dollar for every state dollar provided, from sources including but not limited to private contributions or federal funding.

The grant recipient shall cooperate with the division in establishing the center. The division shall perform ongoing evaluation of the activities of the center and shall make recommendations to the grant recipient regarding improved effectiveness of the activities of the center.

Sec. 207. VERIFICATION OF SPENDING REDUCTIONS. The department of human services, the Iowa department of public health, and the commissioner of insurance, shall submit reports to the governor and the general assembly by January 15, 1993, regarding the effectiveness or proposed effectiveness of the initiatives established in sections 201 through 206 and 208 of this Act in reducing health care costs.

Sec. 208. NEW SECTION. 135.106 IOWA HEALTHY FAMILY PROGRAM -- ESTABLISHED.

1. The Iowa department of public health shall establish an Iowa healthy family program to provide services to families and children during the prenatal through preschool years. The



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program shall be designed to promote optimal child development, improve family coping skills and functioning, and promote positive parenting skills and intrafamilial interaction, with the goal of prevention of child abuse and neglect.

2. The program shall include the following components which shall be developed and implemented to provide for coordination of services to the greatest extent possible:

- a. An infant mortality and morbidity prevention program.
- b. A prenatal to preschool family and child protection services program.

3. The infant mortality and morbidity prevention program shall include, but is not limited to, the following components:

- a. The establishment of pilot projects, through the awarding of grants, in three counties of the state which have areas with the state's highest infant mortality rates, to identify barriers to positive birth outcomes, to encourage collaboration and cooperation among providers of health care, social services, and other services to pregnant women and infants, and to encourage pregnant women and women of childbearing years to seek health care and other services which result in positive birth outcomes.

- b. The establishment of a resource mothers program to provide pregnant and postpartum women with individual guidance, information, and access to health care. As used in this section, "resource mothers program" means a community outreach program which provides for home visits by women who have experience as mothers and who have knowledge of health care services, social services, or related fields of services and who provide pregnant and postpartum women with information and access to health care and other services necessary for positive birth outcomes.

4. The prenatal to preschool family and child protection services program shall be developed and implemented by the

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recipient of a grant awarded by the department and shall include but is not limited to all of the following components:

a. Systematic hospital-based screening for the highest percent of high-risk families of newborns in specific geographic areas. The systematic hospital-based screening component shall provide that a resource mother identifies hospital admissions data for childbirths to determine high-risk families, based upon risk indicators developed by rule of the department. The woman who is a member of a family which is identified to be at high-risk shall be interviewed by the resource mother to encourage the woman to accept services including but not limited to home visits, support services, and instruction in child care and development.

b. Community-based home visiting family support services. Following identification of a family as high-risk and acceptance of a family of services under the program, the resource mother shall initiate home visits to assess the needs of the family and to refer the family to appropriate services.

c. Individualization of the intensity of services based upon the family's need and level of risk. The resource mother shall assess the specific needs of the participating family to ensure appropriate access to services and necessary frequency of services.

d. Linkage to a "medical home". The resource mother shall assist participating families in the selection of a primary care provider in order to promote preventive health care and positive child development. The resource mother assigned to a family shall track the scheduling and completion of and the provision of transportation to health care visits. The resource mother shall also review the results of health care visits and coordinate future visits or referrals to necessary services.

e. Coordination of a range of health and social services for at-risk families, including the provision of the appropriate levels or types of immunizations to children participating in the program.

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f. Continuous follow-up with the family until the identified child reaches age three, except in the case of high-risk families in which case the follow-up shall continue to age four.

g. A structured training program in the dynamics of abuse and neglect. The grant recipient shall provide a training program to establish uniform standards for service delivery.

h. Provision of crisis child care through utilization of existing child care services to participants in the program.

i. Evaluation of the program, including an evaluation of the effects on the reduction in risk factors for the participants, an evaluation of the services provided, and recommendations for changes in or expansion of the program.

j. To the extent possible, private party, third party, and medical assistance including the early and periodic screening, diagnosis, and treatment (EPSDT) program, shall be utilized as a reimbursement to defray the costs of services provided.

5. The department shall adopt rules to establish and implement the healthy family program which address all of the following:

a. The entering of an interagency agreement with the department of human services by which the department may refer a family at high-risk, based upon reports to the department of human services, of the need for services.

b. The criteria for the awarding of a grant for the development and implementation of the infant mortality and morbidity prevention pilot program and for the development and implementation of the prenatal to preschool family and child protection services program.

c. The components required of a grant applicant for inclusion in an infant mortality and morbidity prevention pilot program proposal and in a prenatal to preschool family and child protection services program proposal.

d. Establishment of risk indicators to be used in the systematic hospital-based screening component of the prenatal to preschool family and child protection services program.

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e. Designation of the areas of the counties selected for implementation of the infant mortality and morbidity prevention pilot program which have the highest infant mortality rate based on census tracts.

f. Designation, in cooperation with the grant recipient, of the counties of the state for implementation of the prenatal to preschool family and child protection services program.

Sec. \_\_\_\_ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1991, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local housing-codes requirements and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2. Local housing-codes requirements shall not be more restrictive than the rules adopted for the special classification by the state fire marshal and the state building code requirements for single or multiple-family housing."

99. Page 54, by inserting after line 4, the following:

"Sec. \_\_\_\_ . NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means promoting, maintaining, or restoring health based on traditional oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:

a. Inserting acupuncture needles.

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b. Moxibustion.

c. Applying manual, conductive thermal, or electrical stimulation through use of acupuncture needles or any other secondary therapeutic technique except for use of other electromagnetic or ultrasound energy sources.

2. "Acupuncturist" means a person who is engaged in the practice of acupuncture.

3. "Board" means the board of medical examiners established in chapter 147.

4. "Department" means the Iowa department of public health.

Sec. \_\_\_\_ . NEW SECTION. 148E.2 REGISTRATION AND RENEWAL REQUIRED.

A person shall not engage in the practice of acupuncture unless the person has registered with the board and received a certificate of registration pursuant to this chapter. Registration shall be renewed annually. The board shall charge a fee for renewal.

Sec. \_\_\_\_ . NEW SECTION. 148E.3 REGISTRATION REQUIREMENTS AND RECIPROCAL AGREEMENTS.

1. A person shall be registered as an acupuncturist and issued a certificate of registration by the board, if the person does all of the following:

a. Submits a completed application form as provided by the board and the application fee as required by the board.

b. Successfully completes and passes the certification and examination process of the national commission for the certification of acupuncture.

c. Successfully completes a training program which conforms to standards established by the national commission for the certification of acupuncture.

2. The board may register a person as an acupuncturist and issue a certificate of registration based upon a reciprocal agreement pursuant to chapter 147.

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Sec. \_\_\_\_ . NEW SECTION. 148E.4 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

An acupuncturist shall display the certificate of registration issued pursuant to section 148E.3 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form:

1. The name, business address, and business phone number of the acupuncturist.
2. A fee schedule.
3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience.
4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency.
5. A statement that the acupuncturist is complying with rules adopted by the department or the board, including a statement that only presterilized, disposable needles are used by the acupuncturist.
6. A statement indicating that the practice of acupuncture is regulated by the department.

Sec. \_\_\_\_ . NEW SECTION. 148E.5 USE AND DISPOSAL OF NEEDLES.

An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate disposal of used needles.

Sec. \_\_\_\_ . NEW SECTION. 148E.6 REVOCATION OR SUSPENSION OF CERTIFICATE AND REGISTRATION.

In addition to the grounds for revocation or suspension referred to in section 147.55, the registration and certificate of registration to practice acupuncture shall be

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revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses:

1. Failure to provide information as required in section 148E.4 or provision of false information to patients.
2. Acceptance of remuneration for referral of a patient to other health professionals.
3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services.
4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147.
5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact.
6. Disclosure of confidential information regarding the patient.

Sec. \_\_\_\_ . NEW SECTION. 148E.7 ACCIDENT AND HEALTH INSURANCE COVERAGE.

This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy.

Sec. \_\_\_\_ . NEW SECTION. 148E.8 SCOPE OF CHAPTER.

This chapter does not apply to a person who is licensed as a physician, as defined in section 135.1, or as a dentist.

Sec. \_\_\_\_ . NEW SECTION. 148E.9 STANDARD OF CARE.

A person registered under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery.

Sec. \_\_\_\_ . NEW SECTION. 148E.10 EVALUATION OF CONDITION REQUIRED.

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A person registered under this chapter shall not engage in the performance of acupuncture upon another person until the person's condition has been evaluated by a physician, as defined in section 135.1, or by a dentist.

Sec. \_\_\_\_ . Section 147.1, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, ~~or social worker~~, or acupuncurist means a person licensed or certified under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, social work, ~~or dietetics~~, or acupuncture.

Sec. \_\_\_\_ . Section 147.13, subsection 1, Code Supplement 1991, is amended to read as follows:

1. For medicine and surgery, ~~and osteopathy, and osteopathic medicine and surgery~~, and acupuncture, medical examiners.

Sec. \_\_\_\_ . Section 147.74, Code Supplement 1991, is amended by adding the following new subsection after subsection 16 and renumbering the remaining subsection:

NEW SUBSECTION. 17. An acupuncturist registered under chapter 148E may use the words "registered acupuncturist" after the person's name.



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Sec. \_\_\_\_ . Section 147.80, Code Supplement 1991, is amended by adding the following new subsection after subsection 23 and renumbering the remaining subsections:

NEW SUBSECTION. 24. Registration to practice acupuncture, registration to practice acupuncture under a reciprocal agreement, or renewal of registration to practice acupuncture."

100. Page 54, by inserting after line 4 the following:

"Sec. \_\_\_\_ . Section 225C.25, Code 1991, is amended to read as follows:

225C.25 SHORT TITLE.

Sections 225C.25 through ~~225E-28~~ 225C.28B shall be known as "the bill of rights and service quality standards of persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness".

Sec. \_\_\_\_ . Section 225C.26, Code 1991, is amended to read as follows:

225C.26 SCOPE.

These rights and service quality standards apply to any person with mental retardation, a developmental disability, brain injury, or chronic mental illness who receives services which are funded in whole or in part by public funds or services which are permitted under Iowa law.

Sec. \_\_\_\_ . Section 225C.27, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Sections 225C.25 through ~~225E-28~~ 225C.28B shall be liberally construed and applied to promote their purposes and the stated rights and service quality standards. The division, in coordination with appropriate agencies, shall adopt rules to implement the purposes of ~~sections-225E-25 through-225E-28~~ section 225C.28B, subsections 3 and 4, which include, but are not limited to the following:

Sec. \_\_\_\_ . NEW SECTION. 225C.28A SERVICE QUALITY STANDARDS.

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As the state participates more fully in funding services to persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness, it is the intent of the general assembly that the state shall seek to attain the following quality standards in the provision of the services:

1. Provide comprehensive evaluation and diagnosis adapted to the cultural background, primary language, and ethnic origin of the person.
2. Provide an individual treatment, habilitation, and program plan.
3. Provide individualized treatment, habilitation, and program services as appropriate.
4. Provide periodic review of the individual plan.
5. Provide for the least restrictive environment and age-appropriate services.
6. Provide appropriate training and employment opportunities so that the person's ability to contribute to and participate in the community is maximized.

Sec. \_\_\_\_ . NEW SECTION. 225C.28B RIGHTS OF PERSONS WITH MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS.

All of the following rights shall apply to a person with mental retardation, a developmental disability, brain injury, or chronic mental illness:

1. Wage protection. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness engaged in work programs shall be paid wages commensurate with the going rate for comparable work and productivity.
2. Insurance protection. Pursuant to section 507B.4, subsection 7, a person or designated group of persons shall not be denied insurance coverage by reason of mental retardation, a developmental disability, brain injury, or chronic mental illness.

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3. Due process. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness retains the right to citizenship in accordance with the laws of the state.

4. Participation in planning activities. If an individual treatment, habilitation, and program plan is developed for a person with mental retardation, a developmental disability, brain injury, or chronic mental illness, the person has the right to participate in the formulation of the plan.

Sec. \_\_\_\_ . Section 225C.29, Code 1991, is amended to read as follows:

225C.29 COMPLIANCE.

Except for a violation of section ~~225C.287-subsection-9~~ 225C.28B, subsection 2, the sole remedy for violation of a rule adopted by the division to enforce or implement this Act sections 225C.25 through 225C.28B shall be by a proceeding for compliance initiated by request to the division pursuant to chapter 17A. Any decision of the division shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the division or a party in interest may apply to the Iowa district court for an order to enforce the decision of the division. ~~Neither this Act nor any~~ Any rules adopted by the division to implement sections 225C.25 through 225C.28B do not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against ~~a municipality as defined in chapter 613A~~ the state or a political subdivision of the state or for which ~~such municipality~~ the state or a political subdivision of the state would be responsible. Any violation of section ~~225C.287-subsection-9~~ 225C.28B, subsection 2, shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 7.

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Sec. \_\_\_\_ . Section 226.7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the district court commits a patient to a state mental health institute and a bed for the patient is not available, the institute shall assist the court in locating an alternative placement for the patient.

Sec. \_\_\_\_ . Section 230A.14, Code 1991, is amended to read as follows:

230A.14 SUPPORT OF CENTER -- FEDERAL FUNDS.

The board of supervisors of any county served by a community mental health center established or continued in operation as authorized by section 230A.1 may expend money from county funds, ~~federal revenue sharing funds,~~ or other federal matching funds designated by the board of supervisors for that purpose, without a vote of the electorate of the county, to pay the cost of any services described in section 230A.2 which are provided by the center or by an affiliate under contract with the center, or to pay the cost of or grant funds for establishing, reconstructing, remodeling, or improving any facility required for the center. ~~However, the county board shall not expend money from that fund, except for designated revenue sharing or other federal matching funds, for mental health treatment obtained outside a state institution in an amount exceeding eight dollars per capita in any county having less than forty thousand population."~~

101. Page 54, by inserting after line 25 the following:

"Sec. \_\_\_\_ . Section 249A.25, subsection 4, paragraph i, Code Supplement 1991, is amended by striking the paragraph.

Sec. \_\_\_\_ . Section 249A.25, subsection 4, paragraph j, Code Supplement 1991, is amended to read as follows:

j. Issue a final advisory decision regarding any issue of disagreement between a county and the department relating to expenditures for candidate services ~~or the county's maintenance of effort.~~

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Sec. \_\_\_\_ . Section 249A.26, subsection 3, Code Supplement 1991, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 331.438, Code 1991, is amended to read as follows:

331.438 COUNTY MENTAL HEALTH SERVICES EXPENDITURES FROZEN.

In the event the Seventy-fourth General Assembly does not enact legislation to implement a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services which takes effect in the fiscal year beginning July 1, 1992 1996, the mental health, mental retardation, and developmental disabilities services expenditures of counties shall be frozen in the amount the counties expended for those services in the fiscal year beginning July 1, ~~1991~~ 1995. The expenses in excess of the frozen amount shall be paid for by the state in a timely manner that is not disruptive to persons providing or receiving services.

Sec. \_\_\_\_ . 1992 Iowa Act, Senate File 2366, section 9, subsection 3, paragraphs c and e, if enacted by the Seventy-fourth General Assembly, 1992 Session, are amended to read as follows:

c. Foster care:

.....	\$ 4,257,392
.....	<u>14,262,340</u>

e. Local administrative costs and other local services:

.....	\$ <del>17,142,810</del>
.....	<u>1,137,862</u>

Sec. \_\_\_\_ . 1992 Iowa Acts, Senate File 2366, section 50, subsection 60, if enacted by the Seventy-fourth General Assembly, 1992 Session, is amended to read as follows:

60. For ~~block-grant-supplementation~~ foster care, grant number 13667:

.....	\$ 10,004,948".
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102. Page 55, by inserting after line 5 the following:

"Sec. \_\_\_\_ . REPEAL. Section 225C.28 is repealed."

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103. Title page, line 3, by inserting before the word "providing" the following: "including other provisions and appropriations involving health care and".

104. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

ELAINE SZYMONIAK, Chairperson  
LARRY MURPHY  
MAGGIE TINSMAN

JOHNIE HAMMOND, Chairperson  
JOEL BROWN  
MARK HAVERLAND

CCS-2355.1 FILED APRIL 28, 1992  
ADOPTED APRIL 28, 1992

*Adopted 4/28/92 (p. 1892)*



TERRY E. BRANSTAD  
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

June 3, 1992

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2355, an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving health care and providing for effective and applicability dates.

Senate File 2355 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3, in its entirety. This provision appropriates \$276 million for medical assistance programs. It is imperative that the State of Iowa address the issue of escalating costs for medical services. Without adequate cost containment, we will be unable to bring the state budget under control.

I am unable to approve the item designated as Section 5, subsection 4, in its entirety. This provision would require the state to pay an additional \$940,000 annually to residential care facilities for residents under the supplementary assistance program. Because this funding requirement has not been incorporated into the appropriation for state supplementary assistance, this item cannot be approved.

I am unable to approve the item designated as Section 25, subsection 5, in its entirety. This subsection transfers \$20,000 from the appropriation for mental health/mental retardation/development disabilities/brain injury community services to the Legislative Service Bureau to develop a plan to restructure the MH/MR/DD system. Because the Legislative Service Bureau is one

The Honorable Elaine Baxter  
June 3, 1992  
Page 2

of the few remaining agencies which have a standing unlimited appropriation, funding for this purpose should come from that agency's budget. By disapproving this item, the Department of Human Services will revert \$20,000 to the general fund of the state at the end of fiscal year 1993.

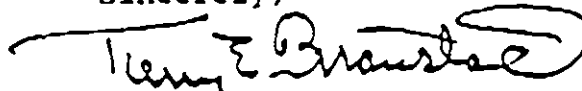
I am unable to approve the item designated as Section 33, subsection 4, paragraph a, in its entirety. This provides for future increases in reimbursement payments to foster parents. Because House File 2480, as amended by House File 2486, provides for an increase in reimbursement payments, I am unable to approve this section.

I am unable to approve the items designated as Sections 40 through 47, in their entirety. Given current financial constraints, I am unable to approve the expenditure of \$1.3 million for the new programs established by these sections.

I am unable to approve the items designated as Sections 49 through 62, in their entirety. These sections provide for registration, licensing and certification of acupuncturists. This issue requires additional study and cannot be approved.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2355 are hereby approved as of this date.

Sincerely,



Terry E. Branstad  
Governor

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House



SENATE FILE 2355

AN ACT

RELATING TO APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES AND THE PREVENTION OF DISABILITIES POLICY COUNCIL AND INCLUDING OTHER PROVISIONS AND APPROPRIATIONS INVOLVING HEALTH CARE AND PROVIDING FOR EFFECTIVE AND APPLICABILITY DATES.

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

Section 1. AID TO FAMILIES WITH DEPENDENT CHILDREN. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For aid to families with dependent children:
..... \$ 46,470,000

1. The department may fund the employee portion of the cash bonus program from unspent funds under the appropriation made in this section.

2. The department shall continue to contract for services in developing and monitoring a demonstration waiver program to facilitate providing assistance in self-employment investment to aid to dependent children families. The demonstration waiver program shall be provided for the fiscal period beginning July 1, 1992, and ending June 30, 1993, or for as long as federal approval of the program continues. Of the funds appropriated in this section, up to \$99,400 shall be used to provide technical assistance for aid to dependent children families seeking self-employment. The technical assistance may be provided through the department or through a contract with the division of job training of the Iowa department of economic development.

3. The department shall apply the self-employment investment demonstration waiver project statewide during the fiscal period delineated in the federal waiver submitted to operate the Iowa Self-employed Household Incentive Program (ISHIP) waiver project statewide, provided training is available to a recipient through a recognized self-employment training program.

4. The department shall continue the special needs program under the aid to families with dependent children program.

5. The department shall contract with the corporation for enterprise development for Iowa's second year of participation in the two-year study phase of a "state human investment policy" demonstration project. Of the funds appropriated in this section, up to \$75,000 shall be used for costs associated with Iowa's participation in the project. The department shall make efforts to obtain additional private and federal funding for the project, and shall submit reports on the status of the project to the legislative fiscal bureau.

6. Notwithstanding section 239.6, the department is not required to reconsider eligibility of aid to dependent children recipients every six months if a federal waiver is granted.

Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For emergency assistance to families with dependent children under Title IV-A of the federal Social Security Act to match federal funding for homeless prevention programs:
..... \$ 833,750

The emergency assistance provided for in this section shall be available beginning October 1, 1992, and shall be provided only if all other publicly funded resources have been exhausted. The emergency assistance includes, but is not

limited to, assisting people who face eviction, potential eviction, or foreclosure, utility shutoff or fuel shortage, loss of heating energy supply or equipment, homelessness, utility or rental deposits, or other specified crisis which threatens family or living arrangements. The emergency assistance shall be available to migrant families who would otherwise meet eligibility criteria. The department shall report quarterly, beginning October 1, 1992, and continuing through the period that emergency assistance funding is provided, to the legislative fiscal committee concerning the emergency assistance.

Sec. 3. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$276,670,000

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

- a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

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

2. Of the funds appropriated in this section, \$100,000 is allocated until January 31, 1993, for contingency assistance for the federal nutrition program for women, infants, and children and shall be transferred to the Iowa department of public health as necessary in order to fully utilize funding available for the program. Any moneys allocated in this subsection which are unexpended or unobligated on January 31, 1993, shall be available during the remainder of the fiscal year to the department of human services for the purposes of this section.

3. Notwithstanding section 8.39, the department may transfer funds appropriated in this section to a separate account established in the department's case management unit for expenditures required to provide case management services pursuant to the appropriation made in this Act for mental health, mental retardation, and developmental disabilities services under medical assistance which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were appropriated in this section.

4. If implementing a procedure of purchase and distribution of vaccines to physicians participating in the medical assistance program is determined by the department of human services to be cost-effective for the department, the department of human services may use moneys appropriated in this section to contract with the Iowa department of public health for this purpose. In implementing the procedure, the department shall adopt rules requiring physicians to obtain vaccines from the Iowa department of public health for immunization of medical assistance recipients. The department

may adopt emergency rules to implement the provisions of this subsection.

5. The department shall seek federal approval of a medical assistance waiver in order to expand the availability of the MediPASS program to an additional 27,000 enrollees. If federal approval is granted, the department may adopt emergency rules to implement the provisions of this subsection.

6. Of the funds appropriated in this section, \$60,000 shall be used by the department for the fiscal year 1992-1993 costs to establish and operate an HIV and AIDS insurance continuation assistance pilot program. The pilot program shall be administered by the medical services division to provide insurance continuation assistance to persons with AIDS or HIV-related illnesses who are unable to maintain health insurance premium payments due to illness. The pilot program shall operate for a two-year period beginning October 1, 1992. The funds shall be made available in a manner that provides the assistance, as needed, to recipients at any time until the end of the pilot program or until the appropriated funding is exhausted.

a. The department shall publicize the program for enrollment of potential participants through provision of information through the Iowa department of public health, the regional AIDS coalitions funded by the Iowa department of public health, physicians, hospitals, social workers, and social service providers, and other groups identified by the coalitions.

b. The program shall provide all of the following:

(1) That an applicant is eligible for participation in the program if all of the following conditions are met:

(a) The applicant is a resident of the state.

(b) The applicant suffers from AIDS or an HIV-related illness.

(c) The applicant has an income of not more than 300 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services and cash assets of not more than \$10,000.

(d) The applicant is enrolled in an individual or group private health insurance plan.

(e) The applicant is or will be unable, due to AIDS or the HIV-related illness, to continue employment in the applicant's current position or the applicant must significantly reduce hours of employment.

(f) Enrollment in the program is the most cost-effective, available means of providing the applicant with health insurance coverage.

(2) That an applicant is required to provide the following to verify eligibility for participation in the program:

(a) Documentation of income and assets, as required by rule of the department.

(b) Documentation through submission of a statement by the applicant's physician that the applicant suffers from AIDS or an HIV-related illness and that the applicant is, or will within a period of six months be, unable to continue employment or be required to significantly reduce hours of employment.

(3) An expedited eligibility determination process to ensure that an eligible applicant is not denied coverage under the applicant's existing policy due to nonpayment of premiums during the determination process period. This may include but is not limited to accepting preapplications from any HIV-infected person or the making of payments based on preliminary determinations.

(4) A requirement that following enrollment in the program, a person must apply for medical assistance, if the department determines that the person is likely to be eligible for payment of premiums under the medical assistance program.

(5) That all information relating to an applicant is confidential information and the provisions of chapter 141 are applicable to the information.

(6) Insurance premiums and medical expenses for which the applicant has no coverage, which are incurred in the month of application, shall be deducted from the applicant's gross income for the purpose of determining eligibility for the program.

c. The department shall provide a preliminary report to the general assembly by January 1, 1993, and a final report to the general assembly by January 1, 1994, regarding the cost-effectiveness of the pilot program, the impact of the requirements of federal law on the pilot program, and the current and projected costs to the state for payment of medical assistance for the health care costs of persons with AIDS or HIV-related illnesses.

d. For the purposes of this subsection, "AIDS" and "HIV" mean "AIDS" and "HIV" as defined in section 141.21.

e. For the purposes of this subsection, "health insurance plan" includes nonprofit health service corporation contracts regulated under chapter 514 and health maintenance organization evidences of coverage regulated under chapter 514B.

f. Of the funds allocated in this subsection, the department may transfer not more than \$10,000 to the appropriation made in this Act for general administration to be used for administrative costs associated with this program. The department is authorized a 0.5 FTE position in addition to the positions authorized in the appropriation made in this Act for general administration in order to administer the program.

g. The program shall start by October 1, 1992, and the department is authorized to adopt emergency rules to implement the provisions of this section by that date.

7. The department shall take action to provide for the continuing medical assistance eligibility without a spend down

requirement for those persons whose eligibility is related to federal supplemental security income eligibility and who are eligible for the medically needy program without a spend down requirement. If providing for the continuing eligibility is permitted under federal requirements, the department may adopt emergency rules to implement the eligibility.

8. The department of human services shall work cooperatively with the department of elder affairs and the area agencies on aging to expedite and improve the assessment and eligibility determination process used for the medical assistance home and community-based waiver program for the elderly.

9. It is the intent of the general assembly that copayments shall not be charged to recipients for services which are mandatory under federal requirements for the medical assistance program.

10. The department shall actively pursue the potential to fund child welfare services under the early and periodic screening, diagnosis, and treatment (EPSDT) option of the medical assistance program. If the funding is implemented, the department may transfer moneys appropriated in this Act for foster care or home-based services as necessary to pay the nonfederal costs of services reimbursed under EPSDT which are provided to children who would otherwise receive services paid under those appropriations. The department may adopt emergency rules to implement the provisions of this subsection.

11. Except as otherwise provided in the appropriation made in this Act for mental health, mental retardation, and developmental disabilities services provided under medical assistance, if a medical assistance recipient is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement

shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

12. The department shall develop program standards, admission criteria, and reimbursement rates which are consistent with the day treatment needs of children and adolescents with severe psychiatric and behavioral disorders. The department may adopt emergency rules to implement the provisions of this subsection.

13. Administrative rules adopted by the department establishing intermediate care facility for the mentally retarded (ICFMR) standards relating to family scale and size, location, and community inclusion, including, but not limited to, rules adopted pursuant to 1991 Iowa Acts, chapter 267, section 103, subsection 5, and Senate File 2311, as enacted by the Seventy-fourth General Assembly, 1992 Session, shall not prohibit any ICFMR with eight beds or less.

Sec. 4. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:  
..... \$ 4,830,000

The department shall continue to contract for drug utilization review under the medical assistance program.

Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state supplementary assistance:  
..... \$ 19,040,000

1. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement the provisions of this subsection.

2. The department shall report to the members of the joint human services appropriations subcommittee concerning the actions taken by the department to implement uniform reporting of maintenance and service costs for the financial reports used by service providers for reimbursement under the state supplementary assistance program and for reimbursement of purchase of service contracts under the social services block grant. The actions may include but are not limited to the development of uniform rules and consolidated cost reports. This report shall be submitted on or before October 1, 1992.

3. In determining an individual's eligibility or the amount of assistance provided under the state supplementary assistance program or the federal social services block grant, the department shall not consider moneys received by that individual under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income-Related Work Expense (IRWE) program to be income. The department shall adopt emergency rules to implement the provisions of this subsection.

4. In determining the amount of state supplementary assistance provided to a resident of a licensed residential care facility which has a "Section 8" program contract with the United States department of housing and urban development, the moneys which the resident must pay under the "Section 8" program shall not be considered as income.

Sec. 6. AID TO NATIVE AMERICANS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and

ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For aid to Native Americans under section 252.43:

..... \$ 36,765

The tribal council shall not use more than 5 percent of the funds for administration purposes. The department shall report quarterly to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau concerning aid to Native Americans and in addition shall submit an annual report.

Sec. 7. CHILD DAY CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For protective child day care assistance and state child care assistance:

..... \$ 7,460,000

1. It is the intent of the general assembly that \$3,107,695 of the funds appropriated in this section be used for protective child day care assistance.

2. It is the intent of the general assembly that \$2,293,412 of the funds appropriated in this section be used for state child care assistance.

3. a. The funds allocated in this section for protective and state child care assistance shall be allocated to the department of human services regions and each region shall distribute the allocation to the counties within the region. If a region determines that a specified portion of the funds provided to a county in that region is sufficient to meet the county's current demand and projected growth, the region may transfer the excess amount of funds to another county in that region. If the region determines that a specified portion of the funds provided to the region is sufficient to meet the region's current demand and projected growth for the remainder

of the fiscal year, the excess amount may be transferred for use in another region.

b. For state child care assistance, eligibility shall be limited to children whose family income is equal to or less than 155 percent of the federal office of management and budget poverty guidelines. However, on or after October 1, 1992, the department may increase the income eligibility limit to be equal to or less than 75 percent of the Iowa median family income. Every effort shall be made to provide assistance for the entire fiscal year to families remaining eligible before providing assistance to eligible families who have not received assistance previously. For the entire fiscal year, the department shall utilize the priority ranking of requirements for families who receive assistance developed pursuant to 1991 Iowa Acts, chapter 267, section 109, subsection 3, paragraph "b", with special priority given to foster care families within the income guidelines.

c. The department may adopt emergency rules necessary to qualify to receive funding from the federal child care development block grant and the federal at-risk child care program. If required as a condition of receiving these funds, the rules may provide for eligibility, health and safety requirements, parental access to children, reimbursement rates, types of service provided, licensing standards, complaint registration procedures, or other rules necessary to establish a simplified or consolidated child day care policy.

d. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the requirements of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

4. Of the funds appropriated in this section, \$633,931 is allocated for the fiscal year beginning July 1, 1992, for the

statewide program for child day care resource and referral services under section 237A.26.

5. The department may use any of the funds appropriated in this section as a match to obtain federal grants for use in expanding child day care assistance and related programs.

6. Of the funds appropriated in this section, \$866,265 shall be used to increase the reimbursement rate paid for child day care provided by child care centers in order to enhance the quality of child care centers. However, any reimbursement increase provided under this subsection shall not cause the provider's reimbursement rate to exceed the provider's actual and allowable cost plus the inflationary increase authorized in the section of this Act relating to provider reimbursement. The department may adopt emergency rules to implement the provisions of this subsection.

7. Of the funds appropriated in this section, the department shall use \$233,735, or so much thereof as is necessary, to increase the department's staff in order to meet federal requirements.

8. a. It is the intent of the general assembly that \$324,962 of the funds appropriated in this section shall be used for transitional child care assistance.

b. Notwithstanding section 239.21, the department of human services shall provide the transitional child care assistance in accordance with the federal Family Support Act of 1988, Pub. L. No. 100-485, § 302, and applicable federal regulations. Reimbursement for services shall be limited to registered or licensed child day care providers and programs providing care, supervision, or guidance of a child which is not included under the definition of "child day care" pursuant to section 237A.1, subsection 4.

9. The department shall consider the feasibility of establishing a school-age child care pilot program involving regular contact between children and elder Iowans who are nursing home residents. The areas of consideration may

include but are not limited to identifying potential nursing home or adult day care sites, school-age child day care providers, and transportation, safety, program, staff, and facility requirements. The department shall report to the governor and the general assembly on or before January 15, 1993, concerning the feasibility of establishing a pilot program during the 1993-1994 fiscal year.

Sec. 8. JOBS PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the federal-state job opportunities and basic skills (JOBS) program, food stamp employment and training program, and family development and self-sufficiency grants, in accordance with this section:

..... \$ 4,960,000

1. Of the funds appropriated in this section, \$4,050,701 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$129,985 is allocated for the food stamp employment and training program.

3. The department shall work with family development and self-sufficiency grantees and the state's community action agencies to develop an administrative process for initiatives which raise local funds to match federal funds under the JOBS program in order to expand or to develop additional family development program initiatives.

4. Of the funds appropriated in this section, \$779,314 is allocated to the family development and self-sufficiency grant program as provided under section 217.12.

a. Not more than 5 percent of the funds allocated in this subsection shall be used for the administration of the grant program.

b. Federal funding matched by state, county, or other funding which is not appropriated in this section shall be

deposited in the department's JOBS account. If the match funding is generated by a family development and self-sufficiency grantee, the federal funding received shall be used to expand the family development and self-sufficiency grant program. If the match funding is generated by another source, the federal funding received shall be used to expand the grant program or the JOBS program. The department may adopt emergency rules to implement the provisions of this paragraph.

c. Of the funding allocated in this subsection, the family development and self-sufficiency council may use up to \$200,000 to increase existing grants in an amount which does not exceed 110 percent of the fiscal year 1991-1992 grant amount and to award not more than two new grants. The council shall award new grants in a manner to expand the program into areas which document a strong commitment to family development and self-sufficiency and are not currently receiving a grant. The expansion grants shall be awarded on or before January 1, 1993, for a period ending June 30, 1993.

d. Based upon the annual evaluation report concerning each grantee funded by this allocation, the family development and self-sufficiency council may use funds allocated to renew grants.

Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	3,750,000
.....	FTEs	255.49

1. The director of human services, within the limitations of the funds appropriated in this section, or funds

transferred from the aid to families with dependent children program for this purpose, shall establish new positions and add additional employees to the child support recovery unit if the director determines that both the current and additional employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds additional employees, the department shall demonstrate the cost-effectiveness of the current and additional employees by reporting to the joint human services appropriations subcommittee the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recovered.

2. Notwithstanding section 252B.4, nonpublic assistance application and user fees received by the child support recovery program are appropriated and shall be used for the purposes of the child support recovery program. The director of human services may exceed the full-time equivalent position limit authorized in this section if fees collected relating to the new positions are sufficient to pay the salaries and support for the positions. The director shall report any new positions added pursuant to this subsection to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau. If a statute enacted by the Seventy-fourth General Assembly, 1992 Session, authorizes the department to charge an annual cost recovery fee to nonpublic assistance users of child support recovery services, the fee may be deducted from support paid in fiscal year 1992-1993, unless the user elects to pay the fee directly. The department shall continue to provide child support recovery services to persons who were notified during fiscal year 1991-1992 that services would not be continued if an annual cost recovery fee was not paid. The department may adopt emergency rules as necessary to implement the provisions of this subsection.



3. The director of human services, in consultation with the department of management and the legislative fiscal committee, is authorized to receive and deposit state child support incentive earnings in the manner specified under applicable federal requirements.

4. The director of human services may establish new positions and add additional state employees to the child support recovery unit if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support recovery incentives exceeds the cost of the positions, the positions are necessary to ensure continued federal funding of the program, or the new positions can reasonably be expected to recover more than twice the amount of money to pay the salaries and support for the new positions.

5. Funding is provided within the appropriation made in this section for the department's expenses relating to a child support public awareness campaign. The department shall cooperate with the attorney general as necessary for implementation of the campaign.

Sec. 10. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of the state training school and the Iowa juvenile home, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

For the state juvenile institutions:  
..... \$ 11,810,000  
..... FTEs 327.69

1. The following amount of the funds appropriated and FTEs authorized in this section are allocated for the Iowa juvenile home at Toledo:

..... \$ 4,340,000  
..... FTEs 119.47

2. The following amount of the funds appropriated and full-time equivalent positions authorized in this section are allocated for the state training school at Eldora:

..... \$ 7,470,000  
..... FTEs 208.22

3. It is the intent of the general assembly that during the fiscal year beginning July 1, 1992, the population levels at the state juvenile institutions shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21. It is also the intent of the general assembly that each state juvenile institution shall apply for an adolescent pregnancy prevention grant for the fiscal year beginning July 1, 1992.

4. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in this appropriation.

5. The department shall report to the legislative fiscal bureau, on or before the twentieth day of each month, the department's current expenditures for the institutions receiving allocations under this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

Sec. 11. CHILD WELFARE TASK FORCE.

1. DUTIES. An interdisciplinary child welfare task force is established to present recommendations to the governor and the general assembly relating to the design of a financing system for child welfare, juvenile justice, and mental health services for children which provides a family-centered, community-based, and prevention-oriented response to families

with children currently served in out-of-home placements. The task force shall complete its duties on or before June 30, 1994. The task force shall do all of the following:

- a. Develop a more flexible state financing system for child welfare that allows funding which is currently available only for out-of-home placements to be used for alternative services that can prevent the need for out-of-home placements.
- b. Develop a flexible financing system within the range of options available for out-of-home placements which provide sufficient support to maintain children, who currently are generally placed in remote and institutional settings, in more community-based and family-like settings.
- c. Recommend ways to redirect existing expenditures in order to meet the best interests of children, preserve families, and employ the least restrictive placements.
- d. Outline the long-term needs of Iowa for the following services: family-centered; family preservation; day treatment; protective day care and crisis nursery; family foster care emphasizing reunification; family foster care supporting children with special health care needs; family foster care providing therapeutic support to troubled and troubling children; adoption; subsidized adoption; independent living; residential treatment; enhanced residential treatment; psychiatric medical institution for children; state psychiatric hospitalization; state training school; Iowa juvenile home; private psychiatric hospitalization; shelter care; detention; residential juvenile substance abuse treatment; and nonresidential juvenile substance abuse treatment. In developing this outline, attention should be given to reducing the overall needs for institutional care through greater development of alternatives to that care.
- e. Identify financing options that can make use of greater federal financial participation in the development of alternatives to institutional placement.

f. Develop a financial process to reward counties involved in the demonstration program to decategorize child welfare funding for their efforts to reduce the number of children placed in state institutions.

g. Monitor the efforts of the regional out-of-state placement committees, as established in House File 2480, if enacted by the Seventy-fourth General Assembly, 1992 Session, to reduce out-of-state placements by 25 percent by June 30, 1994.

h. Investigate the efforts used by other states to return children who have been placed out-of-state, including any training programs.

i. Investigate the potential of using funding currently expended for children placed out-of-state as matching funding for services in this state in order to retain those children in this state.

j. Investigate the potential of using medical assistance funding available under section 1915a of the federal Social Security Act in decategorization counties as a model for developing a flexible financing system.

2. MEMBERSHIP. The interdisciplinary task force membership shall include the following persons:

a. The administrator of the division of adult, children, and family services of the department of human services.

b. The administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services.

c. A juvenile court judge or referee appointed by the chief justice.

d. A juvenile court officer appointed by the chief justice.

e. Two members of county boards of supervisors appointed by the Iowa state association of counties.

f. A county attorney appointed by the Iowa county attorney's association.

g. A protective service investigator, a protective service treatment worker, a family preservation worker, and a foster care worker, appointed by the director of human services.

h. A director of a community mental health center appointed by the community mental health centers association of Iowa.

i. Two providers offering both residential and nonresidential services to families appointed by the coalition for children and family services.

j. A director of a rehabilitation or residential facility appointed by the Iowa association of rehabilitation and residential facilities.

k. A member of the general assembly appointed by the legislative council.

1. Representatives from other state agencies, and from business, legal services, and child advocacy interests approved by the task force.

The appointing organizations shall be responsible for providing any per diem and travel and meal expenses for the members of the task force.

3. ORGANIZATION. The task force may establish subcommittees and work groups as deemed necessary to perform its duties. The task force may expand its membership or utilize other interested persons on its subcommittees and work groups, as deemed appropriate. The department of human services shall seek outside support from foundations and other organizations to provide technical assistance and to carry out the management of the task force. The task force shall hold an initial meeting no later than July 30, 1992.

4. REPORTS. The task force shall issue an initial report by December 15, 1992, which shall include preliminary recommendations regarding the establishment of a more flexible financing system for child welfare services in the state and the identification of the types of services to serve children and families that will be needed in the long-term. The report

shall include additional recommendations and a work plan. The task force shall complete an additional report by September 15, 1993.

Sec. 12. FOSTER CARE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For foster care:  
..... \$ 47,520,000

1. a. For fiscal year 1992-1993, the statewide target, as provided for in section 232.143, if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session, for the average number of children placed in group foster care in any day of the fiscal year which are a charge upon or are paid for by the state, shall be 1,405. The department may adopt emergency rules in order to implement the provisions of this subsection on July 1, 1992.

b. If section 232.143 is enacted, in each quarter of the fiscal year, the department shall compare the actual number of group foster care placements in a region and the targets allocated to the region for that quarter. The department shall develop a methodology to provide, within the funds allocated in this subsection, fiscal incentives to regions which have reduced the number or length of group foster care placements below the targeted levels. The fiscal incentives shall be used by a region to maintain or further the region's reduction in the number or length of group foster care placements.

c. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to limit the number of group foster care placements in accordance with the regional plan established pursuant to section 232.143.

d. It is the intent of the general assembly that the average reimbursement rates paid for placement of children out-of-state shall not exceed the maximum reimbursement rate paid to providers in this state.

2. The department may transfer a portion of the funds appropriated in this section to provide subsidized adoption services, purchase adoption services, or to provide less restrictive treatment programs than foster care, if funds allocated under the appropriation in this Act for home-based services are insufficient.

3. On or before April 1, 1993, the department and state court administrator shall enter into a chapter 28E agreement which enables the state to receive funding for eligible cases under the federal Social Security Act, Title IV-E. The agreement shall provide for adequate compensation to the court for any additional administrative costs necessary to secure the funding and shall not limit the discretion of the court in making determinations in the best interests of a child.

4. Not more than 25 percent of the children placed in foster care funded under the federal Social Security Act, Title IV-E, shall be placed in foster care for a period of more than 24 months.

5. The department may use up to \$828,000 of the funds appropriated in this section to develop additional therapeutic foster care programs in the state. The programs shall provide respite and special support services to foster parents to enable them to serve in an active treatment capacity with the children under their care. Funding allocated in this subsection shall also be used to reimburse foster parents for their services. The funding is intended to serve at least 60 more children than were served in therapeutic foster care in fiscal year 1991-1992. The department may adopt emergency rules relating to program standards for therapeutic foster care.

6. Of the funds appropriated in this section, up to \$987,393 may be used to develop and maintain the state's implementation of the national adoption and foster care information system pursuant to the requirements of Pub. L. No. 99-509. In developing the system the department shall involve representatives of the court, service providers, advocates, and other persons interested in the adoption and foster care process.

7. Of the funds appropriated in this section, \$104,625 may be used to contract to develop a statewide system for recruiting, retaining, and supporting foster care families consistent with the recommendation of the department's family foster care advisory committee. The department shall involve the family foster care advisory committee in developing a request for proposals for the contract. The committee shall also be involved in reviewing proposals, overseeing the work of the contractor, and further defining needs in the system. The department shall also involve the committee in seeking new financial support for enhancing the family foster care system, including government and foundation grants.

8. The department shall continue the demonstration program to decategorize child welfare services in the five counties in which the program has commenced. The department may approve additional applications from a county or cluster of counties to initiate a demonstration program provided the department, the boards of supervisors in the counties, and the affected judicial districts agree to implement the program. The schedule for implementing the demonstration program in additional counties shall provide that the program be implemented on or after January 1, 1993. The department shall establish for the demonstration program counties a child welfare fund composed of all or part of the amount that would otherwise be expected to be used for residents of the counties for foster care, family-centered services, subsidized adoption, child day care, local purchase of services, state

juvenile institution care, mental health institute care, state hospital-school care, juvenile detention, department-direct services, and court-ordered evaluation and treatment of juvenile services. Notwithstanding any other provision of law, the fund shall be considered encumbered. Notwithstanding other service funding provisions in law, the department shall establish the fund by transferring funds from the budgets affected, except for the funds appropriated for the state mental health institutes, the state hospital-schools, the state training school, and the Iowa juvenile home which shall remain on account for the county at these institutions. By June 15, 1992, the department shall inform each demonstration program county of the estimated amount that will be available in the county's child welfare fund and on account at the institutions for that county during the ensuing fiscal year. The department shall confirm each county's budgeted amount by October 1, 1992. A limited amount of the fund may be used to support services and reimbursement rates not allowable within historical program or service categories and administrative rules. In addition, a limited amount of the child welfare fund may be used for emergency family assistance to provide resources for a family to remain together or to be unified. It is the intent of the general assembly that the demonstration program be designed to operate in a county for a three-year period. The three-year time period for a decategorization project in Dubuque, Linn, Polk, Pottawattamie, or Scott county shall be considered to begin on January 1 in the first year following the year in which the county's decategorization project was approved by the department.

9. The department shall implement changes in group foster care maintenance and service definitions to be consistent with the definitions under Title IV-E of the federal Social Security Act. State funding saved in excess of the amount budgeted for federal financial participation provided under

Title IV-2 which is received as a result of the definition changes, shall be used to implement the system changes recommended by the family foster care advisory committee pursuant to subsection 7. Notwithstanding any provision of law to the contrary, any state funding identified as saved in excess of the amount budgeted for the federal financial participation shall be considered encumbered, for the purposes of this subsection, at the time of identification.

10. The department shall draw from the reasonable efforts model court project in continuing training seminars for child welfare practitioners throughout the state on the use of reasonable efforts to prevent or eliminate the need for removal of a child from the child's home. In addition, the department shall draw upon the reasonable efforts model court project in working with the supreme court to provide ongoing instruction and technical assistance in selected counties in the state concerning application of reasonable efforts. Counties shall be selected by targeting those with a high rate of placing children outside the children's homes. The recipients of technical assistance shall include court officials, department of human services referral workers, and child welfare service providers. Trainers shall include respected peers and colleagues of the training recipients. The department shall use up to \$63,160 of the funds appropriated in this section for the contract. The department shall seek assistance from the national conference of state legislatures and private foundations in implementing the provisions of this subsection.

11. The department shall incorporate family-centered approaches to serving families into the department's general child welfare training for all child welfare workers. The training shall include an introduction to family preservation and family-centered services and these services' usages as alternatives to out-of-home care. In addition, the department shall develop specific training concerning these services for

those workers who are involved with referrals of children to foster care. The department shall work with the judicial department in order to make the training applicable and available to court officers involved with referrals of children to foster care. In developing the training, the department shall seek assistance from the child welfare league of America and the national association of family-based services and shall draw from successful initiatives used in other states. In implementing the provisions of this subsection, the department may use up to \$110,530 of the funds appropriated in this section.

12. The department shall allocate up to \$1,050,000 of the funds appropriated in this section among the department's regions to be used for wrap-around services. The moneys shall be used by each region to reduce the number or length of group foster care placements ordered by that region. For the purposes of this subsection, "wrap-around services" means coordinated, highly individualized, and community-based services directed to the basic human needs of a child and child's family which are developed and approved by an interdisciplinary team and focused upon the strengths of the child and the child's family. The department may transfer funds allocated in this subsection in addition to other funds appropriated in this Act that are used to provide wrap-around services. The department may adopt emergency rules to implement the provisions of this subsection.

13. Of the funds appropriated in this section, up to \$1,000,000 is allocated for continued foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 4, paragraph "c", if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session. The department shall distribute the moneys allocated in this subsection to the departmental regions based on each region's proportion of the total number of children placed in foster care on March 31, 1992, who,

during the fiscal year beginning July 1, 1992, would no longer be eligible for foster care due to age. The department may adopt emergency rules to implement the provisions of this subsection.

14. The provisions of this section constitute a significant change in state policy involving child welfare. In order to determine whether the change in policy has the intended effect and to provide information for future decision making, adequate information is required. During the fiscal period of this appropriation, the department shall track those out-of-home placements of children in which the state or a county is financially involved. The department, in coordination with the legislative fiscal bureau and the judicial department, shall develop a system for providing the tracking information. The tracking information shall be provided in a manner by which it can be determined whether the limitations on group foster care enacted by the Seventy-fourth General Assembly, 1992 Session, have resulted in increased use of out-of-home placements of children other than group foster care. The tracking information shall be submitted quarterly to the governor, the chairpersons and ranking members of the joint human services appropriations subcommittee, and the legislative fiscal bureau and shall include all of the following information for each departmental region

a. The number of placements of children within each of the following age ranges: 0 through 5; 6 through 10; 11 through 15; and 16 through 21.

b. The number of children placed in each of the following: family foster care, residential foster care, state training school, Iowa juvenile home, psychiatric medical institutions for children (PMICs), residential substance abuse treatment programs, hospitals for acute psychiatric care, state mental health institutes, shelter care, juvenile detention, adult correctional facilities, state hospital-schools, intermediate care facilities for the mentally retarded (ICF/MR),

residential care facilities for the mentally retarded (RCF/MR).

15. Notwithstanding section 232.142, subsection 3, the financial aid paid by the state shall be limited to 0.5 percent of the total cost of the establishment, improvements, operation, and maintenance of a county or multicounty juvenile detention home.

Sec. 13. FOSTER CARE SSI DETERMINATIONS. The amount of the appropriation in this Act for foster care is based upon expansion of the number of children in foster care who are eligible for federal supplemental security income (SSI). The department may use up to \$500,000 of that appropriation to enter into a performance-based contract to secure SSI benefits for children placed in foster care. In selecting a vendor, the department shall give preference to a vendor who is capable of beginning services on July 1, 1992. The contract shall include provisions for training of department of human services and juvenile court staff, completion of applications, tracking of application results, and representation during the appeals process whenever an appeal is necessary to secure SSI benefits. Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of law to the contrary, the custodian of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible. The provisions of this section shall take effect upon enactment.

Sec. 14. HOME-BASED SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For home-based services on the condition that family planning services are funded, provided that if the department changes any allocation to a program funded under this section, the department shall promptly notify the legislative fiscal bureau of the change:

..... \$ 22,530,000

1. Of the funds appropriated in this section, \$30,000 shall be used by the department to contract with universities to provide ongoing research and evaluation assistance to programs and initiatives of the department involving family-centered services and foster care. The contracts shall make maximum use of any matching resources available from the universities with which the department contracts.

2. a. Of the funds appropriated in this section, \$5,565,972 shall be used for family preservation and reunification services and training. A limited amount of the funds may be used for emergency family assistance to provide other resources required for a family participating in a project to stay together or to be reunified. The payment system for the project shall not be based upon units of time, but may be based upon the cost to serve a family, including adjustments according to the provider's performance and the outcome of the services provided to each family. The department shall use the statewide family preservation and decategorization committee to assist in selecting additional projects. In addition, a portion of the funds appropriated in this section shall be used for the jurisdictions receiving reasonable efforts training pursuant to the requirements provided in the appropriation in this Act for foster care.

b. The department shall seek federal financial participation for family preservation under Title IV-A of the federal Social Security Act. The nonfederal share of the costs shall be paid from funds appropriated in this section. Any federal funds received pursuant to this paragraph are appropriated for the purposes for which the funds are

appropriated in this section. The department may adopt emergency rules to implement the provisions of this paragraph.

3. Of the funds appropriated in this section, up to \$3,027,717 shall be used for family-centered services for families with children with mental retardation or other developmental disability who would otherwise be placed in group foster care or are currently placed in group foster care. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 15. COMMUNITY-BASED PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For community-based programs, on the condition that family planning services are funded, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:	
.....	\$ 1,620,000
..... FTEs	1.0

1. Of the funds appropriated in this section, \$438,713 shall be used for adolescent pregnancy prevention grants. At least 75 percent of the funds shall be used for programs which incorporate family planning and pregnancy prevention services as the major component of the program. The department shall not expend more than 8 percent of the funds for administrative costs. A grant may be awarded to a public school corporation, a maternal and child health center, an adolescent services provider, a project involving the state juvenile institutions, or a nonprofit organization which is involved in adolescent issues. Grants shall be awarded for a one-year period and shall be based on the demonstrated need for adolescent pregnancy prevention and adolescent parent services. Preference in awarding grants shall be given to each of the projects for children placed at a state juvenile institution

and projects which utilize a variety of community resources and agencies.

a. As used in this subsection, "adolescent" means a person who is less than 18 years of age or a person who is attending an accredited high school or pursuing a course of study which will lead to a high school diploma or its equivalent. The department shall establish guidelines which permit a grant recipient to continue providing services to a person who receives services under the grant as an adolescent and becomes 18 years of age or older.

b. A grant shall only be awarded to a project which provides one or more of the following services:

(1) Workshops and information programs for adolescents and parents of adolescents to improve communication between children and parents regarding human sexuality issues.

(2) Development and distribution of informational material designed to discourage adolescent sexual activity, to provide information regarding acquired immune deficiency syndrome and sexually transmitted diseases, and to encourage male and female adolescents to assume responsibility for their sexual activity and parenting.

(3) Early pregnancy detection, prenatal services including chlamydia testing, and counseling regarding decision-making options for pregnant adolescents.

(4) Case management and child care services provided to male and female adolescent parents.

c. Additional services may be offered by a grantee pursuant to a purchase of service contract with the department including child day care services; child development and parenting instruction; services to support high school completion, job training, and job placement; prevention of additional pregnancies during adolescence; and other personal services.

2. Of the funds appropriated in this section, at least \$209,512 shall be used to provide grants administered in



accordance with the provisions for adolescent pregnancy prevention grants, except for requirements to target certain specific geographic areas of the state. The grants shall be awarded to fund any of the following purposes:

a. Programs targeted to children. A program shall include the following: components for parental involvement; parental education, including techniques for encouraging sexual abstinence; outreach services for recruiting parents and children into the program; and the provision of transportation to program staff and participants necessary for recruiting and encouraging program participation.

b. Programs intended to prevent an additional pregnancy by a parent who is less than 19 years of age. Preference in grant awards shall be given to programs which provide financial incentives to clients for their program participation and success in avoiding an additional pregnancy.

c. Providing additional pregnancy prevention grants. Preference in grant awards shall be given to programs which, in addition to other services, provide counseling to mixed gender groups of adolescents.

d. Programs intended to educate adolescents concerning the risks associated with alcohol and other drug use during pregnancy, including health, financial, emotional, and other potential long-term effects for mother and child.

3. Of the funds appropriated in this section, \$532,789 shall be used by the department for child abuse prevention grants.

Sec. 16. COURT-ORDERED SERVICES PROVIDED TO JUVENILES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4:

..... \$ 3,990,000

1. Notwithstanding section 232.141 or any other provision of law, the funds appropriated in this section shall be allocated to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination on the allocations on or before June 15, 1992.

2. Each judicial district shall continue the planning group for the court-ordered services for juveniles provided in that district which was established pursuant to 1991 Iowa Acts, chapter 267, section 119. A planning group shall continue to perform its duties as specified in that law. Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group.

Each district planning group shall submit an annual report in January 1993 to the state court administrator and the department of human services. The report shall cover the preceding fiscal year and shall include a preliminary report on the current fiscal year. The administrator and the department shall compile these reports and submit the reports to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau.

3. The department of human services shall develop policies and procedures to ensure that the funds appropriated in this section are spent only after all other reasonable actions have been taken to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under chapter 232:

a. Maximize the utilization of funds which may be available from the medical assistance program including usage of the early and periodic screening, diagnosis, and treatment (EPSDT) program.

b. Recover payments from any third-party insurance carrier which is liable for coverage of the services, including health insurance coverage.

c. Pursue development of agreements with regularly utilized out-of-state service providers which are intended to reduce per diem costs paid to those providers.

4. The department of human services, in consultation with the state court administrator and the judicial district planning groups, shall compile a monthly report describing spending in the districts for court-ordered services for juveniles, including the utilization of the medical assistance program. The reports shall be submitted on or before the twentieth day of each month to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau.

5. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court in a department of human services district shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district allocation to pay for the service. The chief juvenile court officer shall work with the judicial district planning group to encourage use of the funds appropriated in this section such that there are sufficient funds to pay for all court-related services during the entire year. The eight chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the allocations and shall cooperatively request the state court administrator to transfer funds between the districts' allocations as prudent.

6. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

7. Of the funds appropriated in this section, up to \$200,000 may be used by the judicial department for administration of the requirements under this section and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

Sec. 17. CHILD PROTECTIVE SYSTEM IMPROVEMENTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For improvements in the state system for child protection:  
..... \$ 543,251

The funding appropriated in this section shall be used as determined by the department for any of the following purposes:

1. For general administration of the department to improve staff training efforts.

2. For oversight of termination of parental rights and permanency planning efforts on a statewide basis on the condition that regular reports regarding the statewide program efforts shall be provided to the legislative fiscal bureau.

3. For use by the department in general administration to promote innovative treatment programs, write grants to obtain federal and private funding, and promote public and private efforts to treat and prevent child abuse.

4. For personnel, assigned by the attorney general, to provide additional services relating to termination of parental rights and child in need of assistance cases.

5. For funding of the state multidisciplinary team to assist with difficult cases within the child abuse and foster care system and with respect to child protective investigation and initial case planning and to develop and coordinate local multidisciplinary teams.

6. For use by the department in conducting outcome-oriented evaluations of child protection, prevention, and treatment programs.

7. For specialized foster care permanency planning field operations staff.

Sec. 18. IOWA VETERANS HOME. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For operation of the Iowa veterans home, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 16,510,000
..... FTEs	700.61

1. The department may use the gifts accepted by the director of human services pursuant to section 218.96 and other resources available to the department for use at the Iowa veterans home for purposes identified by the department.

2. The department shall consider implementing a policy limiting the amount of subsidy to a patient to the subsidy that would be provided to that patient in a comparable facility receiving medical assistance reimbursement.

3. a. The department may adopt emergency rules to provide for medical assistance reimbursement for the care and treatment of medical assistance-eligible individuals admitted to the Iowa veterans home. If the rules result in medical assistance reimbursement to the Iowa veterans home which exceeds the amount budgeted for that purpose in the fiscal year beginning July 1, 1992, and ending June 30, 1993, the department may expend the excess amounts to exceed the number of full-time equivalent positions authorized in this section for the purpose of meeting related certification requirements or to provide additional beds.

b. An amount equal to the nonfederal share of the cost to determine the medical assistance eligibility for individuals pursuant to this subsection shall be transferred from moneys reimbursed to the Iowa veterans home pursuant to paragraph "a" and used in addition to moneys appropriated in this Act for field operations. The department may exceed the number of full-time equivalent positions authorized in the field operations appropriation for the purpose of providing medical assistance eligibility determinations pursuant to this subsection.

c. The first \$2,372,481 of reimbursements received from a source other than the state, as a result of the Iowa veterans home reclassifying 147 beds under the medical assistance program and opening previously closed beds, shall be retained by the home and used for costs associated with the reclassification and reopening of the beds. The moneys retained by the home pursuant to this paragraph are in addition to state funds appropriated to the home in this section.

Sec. 19. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the state mental health institutes for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 41,860,000
.....FTEs	1,058.13

1. The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

- a. State mental health institute at Cherokee:
 

.....	\$ 14,690,000
..... FTEs	181.41
- b. State mental health institute at Clarinda:

..... \$ 5,660,000  
 ..... FTEs 138.11  
 c. State mental health institute at Independence:  
 ..... \$ 16,500,000  
 ..... FTEs 435.61  
 d. State mental health institute at Mount Pleasant:  
 ..... \$ 5,010,000  
 ..... FTEs 103.00

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in this appropriation.

3. The department shall report to the legislative fiscal bureau, on or before the twentieth day of each month, the department's current expenditures for the institutions receiving allocations under this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

4. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state.

Sec. 20. HOSPITAL-SCHOOLS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the state hospital-schools, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:  
 ..... \$ 64,260,000  
 ..... FTEs 1,831.25

1. The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

a. State hospital-school at Glenwood:  
 ..... \$ 34,680,000  
 ..... FTEs 995.00  
 b. State hospital-school at Woodward:  
 ..... \$ 29,580,000  
 ..... FTEs 836.25

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in this appropriation.

3. The department shall report to the legislative fiscal bureau, on or before the twentieth day of each month, the department's current expenditures for the institutions receiving allocations under this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

Sec. 21. MENTAL HEALTH -- MENTAL RETARDATION -- DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health, mental retardation, and developmental disabilities special services:  
 ..... \$ 370,069

1. The department and the Iowa finance authority shall develop methods to implement the financing for existing community-based facilities and to implement financing for small community-based facilities, including those facilities which may be developed under a federally approved home and community-based waiver for services provided under the medical assistance program. The department shall develop criteria for

these facilities which may include provisions to restrict placements to current state hospital-school clients or to avert the placement of persons in a state hospital-school. The department shall assure that clients are referred to these facilities upon their development.

2. Of the funds appropriated in this section, \$248,862 is allocated to provide supplemental per diems to community-based residential care facilities and community living arrangements. The per diem is restricted to clients placed from the state hospital-schools and persons averted from placement in a state hospital-school who meet the appropriate level of functioning for this type of care.

3. Of the funds appropriated in this section, \$121,207 is allocated to provide funds for construction and start-up costs to develop community living arrangements to provide for persons who are mentally ill and homeless. These funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:  
..... \$ 1,000,000

Sec. 23. SPECIAL NEEDS GRANTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide special needs grants to families with a family member at home who has a developmental disability or to a person with a developmental disability:  
..... \$ 53,212

Grants must be used by a family to defray special costs of caring for the family member to prevent out-of-home placement of the family member or to provide for independent living costs. A grant may provide up to \$5,000 per person for costs associated with an assistive animal. The grants may be administered by a private nonprofit agency which serves people statewide provided that no administrative costs are received by the agency. Regular reports regarding the special needs grants with the family support subsidy program and an annual report concerning the characteristics of the grantees shall be provided to the legislative fiscal bureau.

Sec. 24. MH/MR/DD STATE CASES -- NON-MH/MR/DD LOCAL PURCHASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purchase of local mental health, mental retardation, and developmental disabilities services where the client has no established county of legal settlement and for allocation to the various counties for the purchase of local services not related to mental health, mental retardation, or developmental disabilities:  
..... \$ 4,980,000

Sec. 25. MENTAL HEALTH -- MENTAL RETARDATION -- DEVELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health, mental retardation, developmental disabilities, and brain injury community services in accordance with the provisions of this Act:  
..... \$ 17,280,000

1. Of the funds appropriated in this section, \$12,278,889 shall be allocated to counties for funding of community-based mental health, mental retardation, developmental disabilities, and brain injury services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

A county shall utilize the funding the county receives pursuant to this subsection for services provided to persons with mental illness, mental retardation, developmental disability, or brain injury. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

For the fiscal year beginning July 1, 1992, a county shall use at least 50 percent of the funding the county receives under this subsection for the following contemporary services to persons with mental illness, mental retardation, a developmental disability, or brain injury:

- (1) Case management.
- (2) Supported employment.

(3) Community-based housing, including but not limited to group homes with five beds or less which promote quality support services, appropriate levels of independence, and community inclusion for residents. However, expenditures relating to a group home with more than five beds or a group home which does not comply with the location requirements of section 358A.25, subsection 3, or section 414.22, subsection J, are not eligible for reimbursement. Expenditures for housing provided in intermediate care facilities for the mentally retarded with ten beds or less which received a certificate of need under chapter 135 on or before July 1,

1991, are eligible for payment under this allocation until July 1, 1997.

(4) Individual support services provided to individuals living in community-based housing or an independent living arrangement or to individuals and individuals' families when an individual is living with the individual's family. The support services are any service deemed necessary by a county to support an individual in a community-based housing or other living arrangement described in this lettered paragraph, and include any employment, training, crisis intervention, or educational program. The support services may also include provision of or payment for the costs of food, medical services, clothing, and counseling.

(5) Day programming provided to individuals living in community-based housing, an independent living arrangement, or with the individual's family.

The mental health, mental retardation, and developmental disabilities commission shall adopt rules pursuant to chapter 17A describing the services listed in subparagraphs (1) through (5) of this subsection.

2. Of the funds appropriated in this section \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

3. The department shall submit an annual report concerning each population served and each service funded in this section to the chairpersons and ranking members of the joint human services appropriation subcommittee and the legislative fiscal bureau.

4. a. Provision of funding under subsection 1 is contingent upon counties establishing mental illness, mental retardation, developmental disabilities, and brain injury (MI/MR/DD/BI) planning councils. The counties shall meet in consultation with service providers, consumers, and advocates, the department, and other interested parties in establishing

the planning councils. A planning council's planning area shall, to the extent possible, utilize the borders of the county clusters as established pursuant to section 217.42, if enacted in Senate File 2342, and shall include a population of at least 40,000 and include counties with a historical pattern of cooperation in providing MI/MR/DD/BI services. The councils shall be established on or before September 1, 1992.

b. The membership of a planning council shall include a member of the county board of supervisors of each county comprising the planning council and a sufficient number of MI/MR/DD/BI service providers and service consumers or family members of service consumers to provide for adequate representation of the providers and consumers or family members. The board of supervisors of the counties comprising the planning council shall determine the size and membership of the planning council.

c. If a county does not establish a planning council arrangement by September 1, 1992, in accordance with the criteria provided in paragraph "b", the department shall assign that county to a planning council.

d. A planning council shall develop plans for the provision of services in the fiscal year beginning July 1, 1993, to persons with MI/MR/DD/BI in the county or counties comprising the planning council. The plans shall be submitted to the department on or before December 1, 1992.

5. Of the funds appropriated in this section, \$20,000, or so much thereof as is necessary, shall be transferred to the legislative service bureau and used to contract for the consultant and facilitator required for the task force established in section 26 of this Act.

6. Of the funds appropriated in this section, \$1,912,335, or so much thereof as is necessary, is allocated to reimburse eligible counties for their expenditures for services provided to persons with mental retardation, a developmental disability, or chronic mental illness during the fiscal year

beginning July 1, 1991, and ending June 30, 1992, in accordance with the provisions of section 27, subsection 5 of this Act.

7. a. Of the funds appropriated in this section, \$13,038,776 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlining general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the department serving the individual's county of residence. The case plan shall be developed in accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract

established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase services under the federal social services block grant in the fiscal year beginning July 1, 1991.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

i. Moneys allocated to a county pursuant to paragraph "f" shall be provided to the county as claims are submitted to the state.

j. The moneys provided under this subsection do not establish an entitlement to the services funded under this subsection.

#### Sec. 26. TASK FORCE ESTABLISHED.

1. For the fiscal year beginning July 1, 1992, there is established a task force to develop a plan for restructuring

the service delivery system for persons with mental illness, mental retardation and other developmental disabilities, and brain injury. The task force shall consist of individuals appointed by all of the following entities:

- a. Iowa state association of counties.
- b. Iowa association of rehabilitation and residential facilities.
- c. Alliance for the mentally ill of Iowa.
- d. Association for retarded citizens of Iowa.
- e. Community mental health centers association of Iowa.
- f. Iowa governor's planning council for persons with developmental disabilities.
- g. Iowa farm bureau federation.
- h. Iowa federation of labor.
- i. Iowa association of business and industry.
- j. Iowa citizen action network.
- k. Iowa psychiatric society.
- l. Iowa hospital association.
- m. Department of human services.
- n. Iowa coalition.
- o. Iowa protection and advocacy service.
- p. Coalition for persons with disabilities.
- q. Prevention of disabilities policy council.
- r. Iowa head-injury association.
- s. Department of management.
- t. Governor.
- u. A member of the senate appointed by the legislative council.
- v. A member of the house of representatives appointed by the legislative council.

2. The task force shall present a plan to the legislative council, the department of human services, and the governor, by December 1, 1992, which will implement a restructuring of the mental health, mental retardation, and developmental disabilities service system to be effective July 1, 1993.



However, the funding portion of the plan referred to in paragraph "b" of this subsection is to be effective July 1, 1994. The plan shall address, but not be limited to, all of the following:

- a. Multi-county structures for planning.
- b. The funding responsibilities and the funding relationship between the state and counties, including but not limited to, the per diem reimbursement paid at the state mental health institutes.
- c. The structure for service delivery.
- d. Targeting services for state funding which are aimed at implementing the service quality standards in section 225C.28A and rights in section 225C.28B.

The task force shall be assisted by a consultant and facilitator in carrying out its responsibilities under this section.

3. It is the intent of the general assembly that the plan developed by the task force created in this section shall be considered for enactment during the 1994 Legislative Session.

Sec. 27. MH/MR/DD SERVICES UNDER MEDICAL ASSISTANCE -- JOINT STATE AND COUNTY FUNDING. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health, mental retardation, and developmental disabilities provided under the medical assistance program and jointly funded by the state and counties:

..... \$ 2,860,000

1. The enhanced mental health, mental retardation, and developmental disabilities services plan oversight committee is continued, as established under section 249A.25, for the fiscal year which begins July 1, 1992, and ends June 30, 1993. The oversight committee shall issue a final decision regarding any issue of disagreement between a county and the department

relating to expenditures for candidate services or the county's maintenance of effort.

2. For purposes of this section, "candidate services" means day treatment, partial hospitalization, and case management.

3. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization, and 100 percent of the nonfederal share of the cost of care which is reimbursed under a federally approved home and community-based waiver that would otherwise be approved for provision in an intermediate care facility for the mentally retarded, provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the cost of case management provided to adults, day treatment, partial hospitalization, and the home and community-based waiver services.

b. If the department has contracted with a county or a consortium of counties to be the provider of case management services, the department is responsible for any costs included within the unit rate for case management services which are disallowed for reimbursement pursuant to Title XIX of the federal Social Security Act by the federal health care financing administration. The department shall use funds appropriated under this section to credit a county for the county's share of any amounts overpaid due to the disallowed costs. If certain costs are disallowed due to requirements or preferences of a particular county in the provision of case management services the county shall not receive credit for the amount of the costs.

c. The state shall pay the entire nonfederal share of the costs for case management services provided to persons 18 years of age or younger who are served in a medical assistance home and community-based waiver program for persons with mental retardation.

4. A county is responsible to continue to expend at least the agreed upon amount expended for services in the fiscal year which ended June 30, 1987, for the fiscal year beginning July 1, 1992, for services to persons with mental retardation, a developmental disability, or chronic mental illness. Notwithstanding section 8.33, if a county does not expend the agreed upon amount in the fiscal year, the balance not expended shall not revert to the general fund of the county, but shall be carried over to the next fiscal year to be expended for the provision of services to persons with mental retardation, a developmental disability, or mental illness including, but not limited to, the chronically mentally ill, and shall be used as additional funds. The additional funds shall be used, to the greatest extent possible, to meet unmet needs of persons with mental retardation, a developmental disability, or mental illness. This subsection does not relieve the county from any other funding obligations required by law, including but not limited to the obligations in section 222.60.

5. The department, in conjunction with the oversight committee, and with the agreement of each county, shall establish the actual amount expended for each candidate service for persons with mental retardation, a developmental disability, or chronic mental illness in the fiscal year which ended June 30, 1987, and this amount shall be deemed each county's base year expenditure for the candidate service. A disagreement between the department and a county as to the actual amount expended shall be decided by the oversight committee.

The department, in conjunction with the oversight committee, and with the agreement of each county, shall determine the expenditures in the fiscal year beginning July 1, 1991, by each county for the candidate services, including the amount the county contributes under subsection 3. If the expenditures in the fiscal year beginning July 1, 1991, exceed the base year expenditures for candidate services, then the county shall receive from the funds appropriated under this section the least amount of the following:

a. The difference between the total expenditures for the candidate services in the fiscal year beginning July 1, 1991, and the base year expenditures.

b. The amount expended by the county under subsection 3 for candidate services in the fiscal year beginning July 1, 1991.

c. The amount by which total expenditures for persons with mental retardation, a developmental disability, or chronic mental illness for the fiscal year beginning July 1, 1991, less any carryover amount from the fiscal year which began July 1, 1990, exceed the maintenance of effort expenditures under subsection 4.

The department may utilize a debit-credit approach in order to implement the financial transactions with counties required by this subsection. It is the intent of the general assembly that reimbursement to counties in accordance with the provisions of this subsection shall be discontinued for succeeding fiscal years.

6. Notwithstanding section 225C.20, case management services shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A county or consortium of counties may contract to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The county or consortium of counties may

subcontract for the provision of case management services if the subcontract meets the same standards. A mental health, mental retardation, and developmental disabilities coordinating board may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the coordinating board shall provide written notification of a proposed change to the department on or before August 15 and written notification of an approved change on or before October 15 in the fiscal year which precedes the fiscal year in which the change will take effect.

7. This section does not relieve the county from any other funding obligations required by law, including but not limited to the obligations in section 222.60.

8. Nothing in this Act is intended by the general assembly to be the provision of a fair and equitable funding formula specified in 1985 Iowa Acts, chapter 249, section 9. Nothing in this division shall be construed as, is intended as, or shall imply a claim of entitlement to any programs or services specified in section 225C.28.

9. For the purposes of this section only, persons with mental disorders resulting from Alzheimer's disease or substance abuse shall not be considered chronically mentally ill.

10. Where the department contracts with a county or consortium of counties to provide case management services, the state shall appear and defend the department's employees and agents acting in an official capacity on the department's behalf and the state shall indemnify the employees and agents for acts within the scope of their employment. The state's duties to defend and indemnify shall not apply if the conduct upon which any claim is based constitutes a willful and wanton act or omission or malfeasance in office.

11. Medical assistance funding for case management services for eligible persons 18 years of age and under shall

also be provided to persons residing in counties with decategorization projects, provided these projects have included these persons in their service plan and the decategorization project county is willing to provide the nonfederal share of costs.

12. The department shall explore the feasibility of obtaining federal approval of additional medical assistance home and community-based waivers for services to persons with a developmental disability. The department shall also explore the feasibility of implementing an option under the medical assistance program for rehabilitative services to persons with chronic mental illness. If either item is determined to be feasible, implementation of any new provision shall be deferred until fiscal year 1993-1994.

Sec. 28. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For field operations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 37,840,000
.....	FTEs 2,180.50

1. Staff who are designated as "Title XIX case management staff" are considered to be in addition to the limit for full-time equivalent positions and the funds appropriated for field operations. The department shall report quarterly to the chairpersons and ranking members of the legislative fiscal committee of the legislative council, the members of the joint human services appropriations subcommittee, and the legislative fiscal bureau regarding the total number of Title XIX case management staff positions filled, including the number of positions which were filled by persons who were already employed by the department in another capacity.

2. Upon the request of a county, the department shall work with the county to develop a funding plan for persons with mental retardation, a developmental disability, or chronic mental illness who are not eligible to receive case management provided under the medical assistance program and are receiving service management. With an agreed upon funding plan, the department is authorized to combine state funds that would otherwise be expended on service management with county funds to upgrade services provided to the persons from service management to case management. Staff required to implement this subsection are not subject to the limitations on full-time equivalent positions and funds appropriated for field operations.

3. If the field operations staffing level meets the funded full-time equivalent position limit authorized in this section and a region identifies a critical position vacancy or a position with a caseweight factor greater than 120 percent of the budgeted caseweight factor for the position, the director of human services may exceed the full-time equivalent position limit imposed under this section in the amount necessary to fill the critical position vacancy or to reduce the caseweight factor to the budgeted level. For purposes of this subsection, "critical position vacancy" includes a clerical position in an office limited to a single clerical staff position. The maximum caseweight factor for the fiscal year beginning July 1, 1992, and ending June 30, 1993, is 213 for income maintenance workers and 208 for service workers. If the department is able to increase federal financial participation relating to field operations, the moneys shall be used to reduce the budgeted caseweight factor funded by the appropriation in this section for income maintenance and service workers. In addition, if the field operations staffing level meets the funded full-time equivalent position limit imposed in this section and there is a critical position vacancy in the state or the statewide average caseweight

factor for a particular type of position exceeds 105 percent of the maximum caseweight factor for that type of position, the director of human services may exceed the full-time equivalent position limit imposed in this section in an amount necessary to fill the critical position vacancy or to reduce the caseweight factor to the maximum level. If expenditures remain within the amount appropriated in this section, the department may exceed the full-time equivalent position limit imposed in this section. The department shall report monthly to the chairpersons and ranking members of the joint human services appropriations subcommittee and to the legislative fiscal bureau regarding caseweight factor computations in each region, the statewide average caseweight factor, the existence of a critical position vacancy in any region, and action taken by the department to address any critical position vacancy problem or excess caseweight factor.

4. Notwithstanding the full-time equivalent position limit imposed in this section, a county implementing a decategorization project, consistent with the county's decategorization plan, may modify the staffing level in the county's human services office and the modification shall not affect other county or regional human services staffing levels and shall not be considered to be subject to the full-time equivalent position limit imposed in this section.

5. If the amount of the nonfederal portion of a field operations income maintenance worker's salary, benefits, and support costs are paid to the department by a hospital or health center, the costs associated with that worker and that worker shall be considered to be in addition to the amount appropriated and full-time equivalent positions authorized in this appropriation for field operations.

6. If a county supplements a full or partial full-time equivalent position, the supplemented position is considered to be in addition to the amount appropriated and full-time equivalent positions authorized in this appropriation for field operations.

Sec. 29. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:  
..... \$ 8,710,000  
..... FTEs 359.01

1. Full-time equivalent positions which are funded entirely with federal, public, or private grants are exempt from the limits on the number of full-time equivalent positions provided in this section, but are approved only for the period of time for which the federal funds or grants are available for the position.

2. The department shall continue its activities in applying to the Robert Wood Johnson foundation for a grant to investigate the feasibility of establishing a system with a single state authority and regional subauthorities for the planning, funding, and administration of services for persons with mental illness. The application process shall be coordinated with the requirements of the federal Mental Health Planning Act, Pub. L. No. 99-660, and federal mental health law amendments enacted in 1990. The department shall work with legislators, advocacy groups, county representatives, and service providers as necessary in developing the grant application. The department shall report to the joint human services appropriations subcommittee on or before January 11, 1993.

3. The department, in consultation with the child development coordinating council and the family development and self-sufficiency council, shall consider the feasibility of developing a proposal for submission to the federal family support administration for a state family resource and support

program grant under the federal Claude Pepper Young Americans Act of 1990, Pub. L. No. 101-501 § 933, as codified in 42 U.S.C. § 12339. The department may also apply for a planning grant under that Act. In making application for a grant, the department shall build upon existing effective programs in Iowa provided through the child development coordinating council, the family development and self-sufficiency council, adolescent pregnancy prevention grants, and child abuse prevention grants.

Sec. 30. PREVENTION OF DISABILITIES POLICY COUNCIL. There is appropriated from the general fund of the state to the prevention of disabilities policy council established in section 225B.3 for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For performance of the council's duties in accordance with chapter 225B:  
..... \$ 27,090

Sec. 31. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:  
..... \$ 85,793

Sec. 32. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY DETERMINATION SYSTEM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the first year development costs of the "X-PERT" knowledge-based computer software package for public assistance benefit eligibility determination, including salaries, support, maintenance, miscellaneous purposes, and

for not more than the following full-time equivalent positions:

.....	\$	453,204
.....	FTEs	17.0

The department shall complete all of the following requirements relating to implementation of the X-PERT system:

1. Complete an assessment of the relative appropriateness and cost-effectiveness of the various options for developing the X-PERT system. The assessment shall include an evaluation of the relative merits of using various computer hardware platforms including, but not limited to, mainframe computers, distributed processing, and personal microcomputers. The department shall utilize experts and resources from the private sector and shall ensure that the assessment is independent of influence from potential system vendors. The department shall report to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau no later than October 1, 1992.
2. Complete a detailed work plan for the development, testing, pilot implementation, and full implementation of the X-PERT system by August 1, 1994. The work plan shall contain an assessment of the fiscal and staff resources required to meet this time frame and the availability of these resources. The work plan shall be completed on or before September 1, 1992.
3. Develop, in cooperation with the legislative fiscal bureau, a methodology for measuring costs and savings resulting from the development and implementation of the X-PERT system. The methodology shall provide for separate measurement of both actual reductions in expenditures and avoidance of increased expenditures. The department shall implement the methodology during the development of the system and shall report quarterly regarding implementation of the methodology to the chairpersons and ranking members of the

joint human services appropriations subcommittee and the legislative fiscal bureau.

Sec. 33. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. For the fiscal year beginning July 1, 1992, the department of human services may allocate any increases for durable medical products and supplies so that equipment and supplies which have greater wholesale cost increases may be reimbursed at a higher rate and those which have a lower or no wholesale cost increase may be reimbursed at a lower rate or have no increase.
- b. For the fiscal year beginning July 1, 1992, the following shall have their medical assistance reimbursement rates increased by 10 percent over the rates in effect on June 30, 1992: early and periodic screening, diagnosis, and treatment program providers, providers of obstetric services when provided by physicians or certified nurse-midwives, and pediatric services.
- c. The department shall revise the reimbursement methodology used for clinics, including family planning clinics, from a rate paid per visit based upon cost to a fixed fee schedule.
- d. The dispensing fee for pharmacists shall remain at the rate in effect on June 30, 1992. The reimbursement policy for drug product costs shall be in accordance with federal requirements. Total adjustments to reimbursements for prescription drugs shall remain within funds appropriated
- e. Reimbursement rates for in-patient hospital services shall be increased by 1 percent over the rates in effect on June 30, 1992.
- f. Reimbursement rates for rural health clinics shall be increased in accordance with increases under the federal medicare program.

g. Home health agencies certified for the federal medicare program, hospice services, and acute care mental hospitals shall be reimbursed for their current federal medicare audited costs.

h. The basis for establishing the maximum medical assistance reimbursement rate for nursing facilities shall be the 70th percentile of facility costs as calculated from the June 30, 1992, unaudited compilation of cost and statistical data.

i. The department may revise the fee schedule used for physician reimbursement.

j. Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

k. The department shall review and utilize small area analysis to identify differences in utilization of physician and hospital services. Within funds appropriated, the department shall seek to revise reimbursement methodologies for providers and shall seek to equalize reimbursement rates between providers. In addition, the department shall identify incentives to reward efficient, effective, and quality care.

2. For the fiscal year beginning July 1, 1992, the maximum cost reimbursement rate for residential care facilities reimbursed by the department shall be \$19.62 per day. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall be \$14.03 per day. For the fiscal year beginning July 1, 1992, the maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall be \$390.15 per month.

3. If the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 1991.

4. a. The department of human services shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 6, paragraph "b", or section 234.35. For each of the following fiscal years, the reimbursement rate shall be based upon the indicated percentage of the current United States department of agriculture estimate of the cost to raise a child: 1992-1993, 65 percent; 1993-1994, 75 percent; and 1994-1995, 80 percent. The department may pay an additional stipend for a child with special needs.

b. In the 1992-1993 fiscal year, the basic maintenance rate for children ages 0 through 5 years shall be \$258, the rate for children ages 6 through 11 years shall be \$289, the rate for children ages 12 through 15 years shall be \$328, and the rate for children ages 16 and older shall be \$356. The department shall increase the monthly allowance for children in independent living from \$300 to \$400. The department may adopt emergency rules to implement the provisions of this subsection.

5. For the fiscal year beginning July 1, 1992, the maximum reimbursement rates for social service providers other than child day care providers shall be the same as the rates in effect on June 30, 1991, except under any of the following circumstances:

a. If a new service was added after June 30, 1991, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

6. The department may adopt emergency rules to implement the provisions of this section.

Sec. 34. ASSISTANCE TO GAMBLERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the gamblers assistance program:

..... \$ 250,000

The Iowa lottery board and the state racing and gaming commission shall cooperate with the gamblers assistance program to incorporate information regarding the gamblers assistance program and its toll-free telephone number in printed materials distributed by the board and commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

Sec. 35. FULL-TIME EQUIVALENT LIMIT NOTIFICATION. The Iowa veterans home, the state mental health institutes, and the state hospital-schools may exceed the number of full-time equivalent positions authorized in this Act if the additional positions are specifically related to licensing, certification, or accreditation standards or citations. The department shall notify the co-chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau if the specified number is exceeded. The notification shall include an estimate of the number of full-time equivalent positions added and the fiscal effect of the addition.

Sec. 36. MEDICAL ASSISTANCE STUDY. The department of management shall utilize a task force to perform a study of the medical assistance program. The study parameters shall include but are not limited to reimbursement rates, accuracy and improvement of fiscal projections, scope of covered services, cost containment provisions, relative growth of the program, and the relationship with other health coverages. The task force membership shall include consumers, service providers, affected governmental agencies, and four

legislators appointed by the majority and minority leader of the senate and the speaker and minority leader of the house of representatives. The study findings and recommendations shall be submitted to the governor and the general assembly on or before January 1, 1993.

Sec. 37. HEALTH DATA COMMISSION STUDY. The health data commission shall study the feasibility of creating an electronic network to transmit all claims payable to third-party payors and the feasibility of using this data transmission network to establish a statewide health data repository. The commission shall submit a report of the findings of the study to the general assembly by January 1, 1993.

Sec. 38. COMPUTERIZATION -- ASSESSMENT OF FINANCIAL IMPACT. In order to assess the financial impact of computerizing functions within the department of human services, the department of general services, information services division, shall monitor the utilization of the central processing unit resources maintained by the division, and shall provide quarterly reports to the legislative fiscal committee of the legislative council and the legislative fiscal bureau. The quarterly reports shall contain an analysis of the central processing unit resources utilized by the department of human services by each computerized application within the department. The reports shall also contain information on computerized applications which are under development, and shall project the central processing unit utilization which will occur in 6, 12, 18, and 24 months. The reports shall be designed to enable the legislative fiscal committee and the legislative fiscal bureau to assess the fiscal impact of various computerized applications, with emphasis upon the need for the division to purchase additional computer hardware.

Sec. 39. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS. If a state institution administered by the department of human



services is to be closed or reduced in size, prior to the closing or reduction the department shall initiate and coordinate efforts in cooperation with the Iowa department of economic development to develop new jobs in the area in which the state institution is located.

Sec. 40. FAMILY PLANNING -- REPRODUCTIVE HEALTH SERVICES INTEGRATION WITH SUBSTANCE ABUSE PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the provision of family planning services to eligible women as specified in this subsection:
  - ..... \$ 350,000

To be eligible for family planning services under this subsection, the following criteria apply: the woman has an income which is equal to or less than 185 percent of the federal poverty level as defined by the most recently published guidelines issued by the United States department of health and human services; the woman was receiving medical assistance at the time the child was born; the woman is no longer eligible for medical assistance; and the woman is not covered by health insurance for family planning services. The family planning services shall be provided for not more than 12 months from the date of expiration of an eligible woman's postpartum medical assistance coverage. The department shall include information concerning the availability of the family planning services at the time the department notifies a recipient that her 60 days of postpartum medical assistance coverage will expire. The department may adopt emergency rules to implement the provisions of this subsection.

- 2. For the use of the Iowa department of public health, division of substance abuse and health promotion, for the integration of reproductive health services with substance abuse programs:

..... \$ 100,000

To be eligible for funding under this subsection, a program shall be a residential treatment provider which provides services to a large number of women of childbearing age.

3. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for services in accordance with the provisions of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

Sec. 41. MEDICAL ASSISTANCE -- ENHANCED SERVICES FOR HIGH-RISK PREGNANCIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

- 1. For provider costs to perform risk assessments for pregnant women eligible for medical assistance:
  - ..... \$ 71,000
- 2. For medical assistance costs to provide enhanced services for high-risk pregnancies in accordance with this section:
  - ..... \$ 22,000

The department of human services and the Iowa department of public health shall jointly develop risk assessment criteria which shall be applied to all pregnant women eligible for medical assistance. If a pregnant woman is determined to have a high-risk pregnancy by use of the risk assessment, enhanced services shall be made available to the woman. Enhanced services shall include care coordination, health education, social services, nutrition education, and a postpartum home visit. The department of human services may adopt emergency rules to implement the provisions of this section.

Sec. 42. INFANT MORTALITY AND MORBIDITY PREVENTION PILOT PROJECT. The Iowa department of public health shall award grants to establish an infant mortality and morbidity prevention pilot project beginning October 1, 1992, and ending June 30, 1995, in the designated areas of Polk, Scott, and Woodbury counties. The recipient of a grant shall establish a resource mothers program or coordinate existing resource mothers programs in the targeted areas and shall do all of the following:

1. Identify barriers to positive birth outcomes and encourage cooperation in the targeted area to reduce infant mortality and morbidity.
2. Develop an inventory of existing community resources, including both public and private organizations, which are designed to reduce infant mortality.
3. Collaborate with local chambers of commerce, businesses, and civic organizations, including both public and private organizations, to establish a coupon bonus program for pregnant women residing in the targeted area to encourage the pregnant women to seek prenatal care and to encourage mothers of children through one year of age to utilize the early and periodic screening, diagnosis, and treatment program. The coupon bonus program shall provide for the validation of coupons by health care providers, following the provision of prenatal care or care provided to a child through one year of age, which may be exchanged for the provision of goods or services by sponsors within the community.

Sec. 43. PRENATAL TO PRESCHOOL FAMILY AND CHILD PROTECTION SERVICES PROGRAM.

1. The Iowa department of public health shall develop a program for the awarding of a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992, and ending October 1, 1995, in at least three urban and three

rural counties, three of which shall be coordinated with the existing infant mortality and morbidity programs in Polk, Scott, and Woodbury counties, and all of which shall be implemented through the use of existing nonprofit home health programs. The department shall make a request for proposals application available to any organization requesting an application by August 1, 1992, and shall require the completed application to be returned to the department by September 1, 1992.

2. The department shall adopt rules which establish the criteria for the awarding of a grant to an applicant. The criteria shall include but are not limited to the required match of one dollar provided by the organization for each two dollars provided by the state.
3. A grant recipient shall do all of the following:
  - a. Implement the proposed program by October 1, 1992.
  - b. Coordinate the program with the infant mortality and morbidity prevention programs in existence in Polk, Scott, and Woodbury counties.
  - c. To the maximum extent possible, utilize existing programs and services necessary for implementation of the program.
  - d. Utilize nonprofit home health programs in the development and implementation of the program.
4. The Iowa department of public health shall submit an evaluation of the program, by January 15, annually, to the governor and the general assembly.

Sec. 44. APPROPRIATION -- INFANT MORTALITY AND MORBIDITY - - HEALTHY FAMILY PROGRAM. There is appropriated from the general fund of the state to the Iowa department of public health, for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 665,000

1. Of the moneys appropriated in this section, not more than \$165,000 shall be used to award grants to establish infant mortality and morbidity prevention pilot projects in Polk, Scott, and Woodbury counties in the areas designated by the Iowa department of public health as areas with the highest infant mortality rates. Of the amount appropriated, not more than 15 percent shall be used for administrative expenses.

2. Of the moneys appropriated in this section, not more than \$335,000 shall be used to award a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992.

3. Of the moneys appropriated in this section, not more than \$25,000 shall be used for departmental staff support of a multidisciplinary team conducting research concerning the causes of individual infant deaths in the state. Funding of the multidisciplinary team concerning an individual case shall be used solely for research purposes.

4. Of the moneys appropriated under this section, not more than \$140,000 shall be used to increase the use of mid-level practitioners to improve access to prenatal health care. The funds shall be used to issue three grants in equal amounts to hospitals, public health programs, or maternal health clinics to develop programs to provide services to pregnant women, utilizing nurse midwives with hospital privileges and physician support, in areas of the state with insufficient availability of obstetrical services.

Sec. 45. IOWA CENTER FOR HEALTH ISSUES -- ESTABLISHED. There is appropriated from moneys collected by the division of insurance pursuant to section 505.7, subsection 3, from the amount collected in excess of \$310,915, to the division of insurance for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For the awarding of a grant, by the division, to a private institution to establish a center for use as a forum for the purposes of community discussion and consensus building, public education, and research in the area of health care and health-related issues, particularly in the area of ethical decision making:

..... \$ 75,000

Criteria for the awarding of a grant includes but is not limited to:

1. That the recipient be a private institution which is centrally located in the state, which does not directly provide medical or health services, and which has developed credibility among the health care and business community.
2. That the institution is able to draw from a variety of disciplines including but not limited to the health services, law, sociology, insurance, economics, education, and public administration in carrying out the purpose of the center.
3. That the institution provide physical space for the holding of meetings, forums, and other activities of the center, and that the institution be capable of holding meetings, forums, and other activities throughout the state.
4. That the institution provide or develop independent funding, in an amount which is one dollar for every state dollar provided, from sources including but not limited to private contributions or federal funding.

The grant recipient shall cooperate with the division in establishing the center. The division shall perform ongoing evaluation of the activities of the center and shall make recommendations to the grant recipient regarding improved effectiveness of the activities of the center.

Sec. 46. VERIFICATION OF SPENDING REDUCTIONS. The department of human services, the Iowa department of public health, and the commissioner of insurance, shall submit reports to the governor and the general assembly by January 15, 1993, regarding the effectiveness or proposed

effectiveness of the initiatives established in sections 40 through 45 and 47 of this Act in reducing health care costs.

Sec. 47. NEW SECTION. 135.106 IOWA HEALTHY FAMILY PROGRAM -- ESTABLISHED.

1. The Iowa department of public health shall establish an Iowa healthy family program to provide services to families and children during the prenatal through preschool years. The program shall be designed to promote optimal child development, improve family coping skills and functioning, and promote positive parenting skills and intrafamilial interaction, with the goal of prevention of child abuse and neglect.

2. The program shall include the following components which shall be developed and implemented to provide for coordination of services to the greatest extent possible:

- a. An infant mortality and morbidity prevention program.
- b. A prenatal to preschool family and child protection services program.

3. The infant mortality and morbidity prevention program shall include, but is not limited to, the following components:

a. The establishment of pilot projects, through the awarding of grants, in three counties of the state which have areas with the state's highest infant mortality rates, to identify barriers to positive birth outcomes, to encourage collaboration and cooperation among providers of health care, social services, and other services to pregnant women and infants, and to encourage pregnant women and women of childbearing years to seek health care and other services which result in positive birth outcomes.

b. The establishment of a resource mothers program to provide pregnant and postpartum women with individual guidance, information, and access to health care. As used in this section, "resource mothers program" means a community outreach program which provides for home visits by women who

have experience as mothers and who have knowledge of health care services, social services, or related fields of services and who provide pregnant and postpartum women with information and access to health care and other services necessary for positive birth outcomes.

4. The prenatal to preschool family and child protection services program shall be developed and implemented by the recipient of a grant awarded by the department and shall include but is not limited to all of the following components:

a. Systematic hospital-based screening for the highest percent of high-risk families of newborns in specific geographic areas. The systematic hospital-based screening component shall provide that a resource mother identifies hospital admissions data for childbirths to determine high-risk families, based upon risk indicators developed by rule of the department. The woman who is a member of a family which is identified to be at high-risk shall be interviewed by the resource mother to encourage the woman to accept services including but not limited to home visits, support services, and instruction in child care and development.

b. Community-based home visiting family support services. Following identification of a family as high-risk and acceptance of a family of services under the program, the resource mother shall initiate home visits to assess the needs of the family and to refer the family to appropriate services.

c. Individualization of the intensity of services based upon the family's need and level of risk. The resource mother shall assess the specific needs of the participating family to ensure appropriate access to services and necessary frequency of services.

d. Linkage to a "medical home". The resource mother shall assist participating families in the selection of a primary care provider in order to promote preventive health care and positive child development. The resource mother assigned to a family shall track the scheduling and completion of and the

provision of transportation to health care visits. The resource mother shall also review the results of health care visits and coordinate future visits or referrals to necessary services.

e. Coordination of a range of health and social services for at-risk families, including the provision of the appropriate levels or types of immunizations to children participating in the program.

f. Continuous follow-up with the family until the identified child reaches age three, except in the case of high-risk families in which case the follow-up shall continue to age four.

g. A structured training program in the dynamics of abuse and neglect. The grant recipient shall provide a training program to establish uniform standards for service delivery.

h. Provision of crisis child care through utilization of existing child care services to participants in the program.

i. Evaluation of the program, including an evaluation of the effects on the reduction in risk factors for the participants, an evaluation of the services provided, and recommendations for changes in or expansion of the program.

j. To the extent possible, private party, third party, and medical assistance including the early and periodic screening, diagnosis, and treatment (EPSDT) program, shall be utilized as a reimbursement to defray the costs of services provided.

5. The department shall adopt rules to establish and implement the healthy family program which address all of the following:

a. The entering of an interagency agreement with the department of human services by which the department may refer a family at high-risk, based upon reports to the department of human services, of the need for services.

b. The criteria for the awarding of a grant for the development and implementation of the infant mortality and morbidity prevention pilot program and for the development and

implementation of the prenatal to preschool family and child protection services program.

c. The components required of a grant applicant for inclusion in an infant mortality and morbidity prevention pilot program proposal and in a prenatal to preschool family and child protection services program proposal.

d. Establishment of risk indicators to be used in the systematic hospital-based screening component of the prenatal to preschool family and child protection services program.

e. Designation of the areas of the counties selected for implementation of the infant mortality and morbidity prevention pilot program which have the highest infant mortality rate based on census tracts.

f. Designation, in cooperation with the grant recipient, of the counties of the state for implementation of the prenatal to preschool family and child protection services program.

Sec. 48. Section 135C.2, subsection 5, paragraph b, Code Supplement 1991, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local housing-codes requirements and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2. Local housing-codes requirements shall not be more restrictive than the rules adopted for the special classification by the state fire marshal and the state building code requirements for single or multiple-family housing.

Sec. 49. NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means promoting, maintaining, or restoring health based on traditional oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:

- a. Inserting acupuncture needles.
- b. Moxibustion.
- c. Applying manual, conductive thermal, or electrical stimulation through use of acupuncture needles or any other secondary therapeutic technique except for use of other electromagnetic or ultrasound energy sources.

2. "Acupuncturist" means a person who is engaged in the practice of acupuncture.

3. "Board" means the board of medical examiners established in chapter 147.

4. "Department" means the Iowa department of public health.

Sec. 50. NEW SECTION. 148E.2 REGISTRATION AND RENEWAL REQUIRED.

A person shall not engage in the practice of acupuncture unless the person has registered with the board and received a certificate of registration pursuant to this chapter. Registration shall be renewed annually. The board shall charge a fee for renewal.

Sec. 51. NEW SECTION. 148E.3 REGISTRATION REQUIREMENTS AND RECIPROCAL AGREEMENTS.

1. A person shall be registered as an acupuncturist and issued a certificate of registration by the board, if the person does all of the following:

- a. Submits a completed application form as provided by the board and the application fee as required by the board.
- b. Successfully completes and passes the certification and examination process of the national commission for the certification of acupuncture.

c. Successfully completes a training program which conforms to standards established by the national commission for the certification of acupuncture.

2. The board may register a person as an acupuncturist and issue a certificate of registration based upon a reciprocal agreement pursuant to chapter 147.

Sec. 52. NEW SECTION. 148E.4 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

An acupuncturist shall display the certificate of registration issued pursuant to section 148E.3 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form:

1. The name, business address, and business phone number of the acupuncturist.
2. A fee schedule.
3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience.

4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency.

5. A statement that the acupuncturist is complying with rules adopted by the department or the board, including a statement that only presterilized, disposable needles are used by the acupuncturist.

6. A statement indicating that the practice of acupuncture is regulated by the department.

Sec. 53. NEW SECTION. 148E.5 USE AND DISPOSAL OF NEEDLES.

An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate disposal of used needles.

Sec. 54. NEW SECTION. 148E.6 REVOCATION OR SUSPENSION OF CERTIFICATE AND REGISTRATION.

In addition to the grounds for revocation or suspension referred to in section 147.55, the registration and certificate of registration to practice acupuncture shall be revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses:

1. Failure to provide information as required in section 148E.4 or provision of false information to patients.
2. Acceptance of remuneration for referral of a patient to other health professionals.
3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services.
4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147.
5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact.
6. Disclosure of confidential information regarding the patient.

Sec. 55. NEW SECTION. 148E.7 ACCIDENT AND HEALTH INSURANCE COVERAGE.

This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy.

Sec. 56. NEW SECTION. 148E.8 SCOPE OF CHAPTER.

This chapter does not apply to a person who is licensed as a physician, as defined in section 135.1, or as a dentist.

Sec. 57. NEW SECTION. 148E.9 STANDARD OF CARE.

A person registered under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery.

Sec. 58. NEW SECTION. 148E.10 EVALUATION OF CONDITION REQUIRED.

A person registered under this chapter shall not engage in the performance of acupuncture upon another person until the person's condition has been evaluated by a physician, as defined in section 135.1, or by a dentist.

Sec. 59. Section 147.1, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker, or acupuncturist means a person licensed or certified under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics, or acupuncture.

Sec. 60. Section 147.13, subsection 1, Code Supplement 1991, is amended to read as follows.

1. For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, and acupuncture, medical examiners

Sec. 61. Section 147.74, Code Supplement 1991, is amended by adding the following new subsection after subsection 16 and renumbering the remaining subsection:

NEW SUBSECTION. 17. An acupuncturist registered under chapter 148E may use the words "registered acupuncturist" after the person's name.

Sec. 62. Section 147.80, Code Supplement 1991, is amended by adding the following new subsection after subsection 23 and renumbering the remaining subsections:

NEW SUBSECTION. 24. Registration to practice acupuncture, registration to practice acupuncture under a reciprocal agreement, or renewal of registration to practice acupuncture.

Sec. 63. Section 225C.25, Code 1991, is amended to read as follows:

225C.25 SHORT TITLE.

Sections 225C.25 through ~~225E+20~~ 225C.28B shall be known as "the bill of rights and service quality standards of persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness".

Sec. 64. Section 225C.26, Code 1991, is amended to read as follows:

225C.26 SCOPE.

These rights and service quality standards apply to any person with mental retardation, a developmental disability, brain injury, or chronic mental illness who receives services which are funded in whole or in part by public funds or services which are permitted under Iowa law.

Sec. 65. Section 225C.27, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Sections 225C.25 through ~~225E+20~~ 225C.28B shall be liberally construed and applied to promote their purposes and the stated rights and service quality standards. The division, in coordination with appropriate agencies, shall adopt rules to implement the purposes of ~~sections 225E+25 through 225E+20~~ section 225C.28B, subsections 3 and 4, which include, but are not limited to the following:

Sec. 66. NEW SECTION. 225C.28A SERVICE QUALITY STANDARDS.

As the state participates more fully in funding services to persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness, it is the intent of the general assembly that the state shall seek to attain the following quality standards in the provision of the services:

1. Provide comprehensive evaluation and diagnosis adapted to the cultural background, primary language, and ethnic origin of the person.
2. Provide an individual treatment, habilitation, and program plan.
3. Provide individualized treatment, habilitation, and program services as appropriate.
4. Provide periodic review of the individual plan.
5. Provide for the least restrictive environment and age-appropriate services.
6. Provide appropriate training and employment opportunities so that the person's ability to contribute to and participate in the community is maximized.

Sec. 67. NEW SECTION. 225C.28B RIGHTS OF PERSONS WITH MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS.

All of the following rights shall apply to a person with mental retardation, a developmental disability, brain injury, or chronic mental illness:

1. Wage protection. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness engaged in work programs shall be paid wages commensurate with the going rate for comparable work and productivity.
2. Insurance protection. Pursuant to section 507B.4, subsection 7, a person or designated group of persons shall not be denied insurance coverage by reason of mental retardation, a developmental disability, brain injury, or chronic mental illness.



3. Due process. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness retains the right to citizenship in accordance with the laws of the state.

4. Participation in planning activities. If an individual treatment, habilitation, and program plan is developed for a person with mental retardation, a developmental disability, brain injury, or chronic mental illness, the person has the right to participate in the formulation of the plan.

Sec. 68. Section 225C.29, Code 1991, is amended to read as follows:

225C.29 COMPLIANCE.

Except for a violation of ~~section 225E.287-subsection-9~~ 225C.28B, subsection 2, the sole remedy for violation of a rule adopted by the division to enforce or implement this Act ~~sections 225C.25 through 225C.28B~~ shall be by a proceeding for compliance initiated by request to the division pursuant to chapter 17A. Any decision of the division shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the division or a party in interest may apply to the Iowa district court for an order to enforce the decision of the division. ~~Neither this Act nor any Any rules adopted by the division to implement sections 225C.25 through 225C.28B do not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against a municipality as defined in chapter 613A the state or a political subdivision of the state or for which each municipality the state or a political subdivision of the state would be responsible.~~ Any violation of ~~section 225E.287-subsection-9; 225C.28B, subsection 2,~~ shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 7.

Sec. 69. Section 226.7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the district court commits a patient to a state mental health institute and a bed for the patient is not available, the institute shall assist the court in locating an alternative placement for the patient.

Sec. 70. Section 230A.14, Code 1991, is amended to read as follows:

230A.14 SUPPORT OF CENTER -- FEDERAL FUNDS.

The board of supervisors of any county served by a community mental health center established or continued in operation as authorized by section 230A.1 may expend money from county funds, federal revenue sharing funds, or other federal matching funds designated by the board of supervisors for that purpose, without a vote of the electorate of the county, to pay the cost of any services described in section 230A.2 which are provided by the center or by an affiliate under contract with the center, or to pay the cost of or grant funds for establishing, reconstructing, remodeling, or improving any facility required for the center. ~~However, the county board shall not expend money from that fund, except for designated revenue sharing or other federal matching funds, for mental health treatment obtained outside a state institution in an amount exceeding eight dollars per capita in any county having less than forty thousand population.~~

Sec. 71. Section 234.40, Code 1991, is amended to read as follows:

234.40 CORPORAL PUNISHMENT.

The department of human services shall not adopt or enforce any rule or policy rules prohibiting limited corporal punishment of foster children by foster parents licensed by the department. ~~This paragraph shall not prevent promulgation of rules prohibiting malicious, willful and wanton conduct by a foster parent which causes injury or damage to a foster child, or exposes the foster child to danger of such injury or~~

damage: The rules shall allow foster parents to use reasonable physical force to restrain a foster child in order to prevent injury to the foster child, injury to others, the destruction of property, or extremely disruptive behavior. For the purposes of this section, "corporal punishment" means the intentional physical punishment of a foster child. A foster parent's physical contact with the body of a foster child shall not be considered corporal punishment if the contact is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the foster parent uses reasonable force, as defined under section 704.1.

Sec. 72. Section 249A.25, subsection 4, paragraph i, Code Supplement 1991, is amended by striking the paragraph.

Sec. 73. Section 249A.25, subsection 4, paragraph j, Code Supplement 1991, is amended to read as follows:

j). Issue a final advisory decision regarding any issue of disagreement between a county and the department relating to expenditures for candidate services or the county's maintenance-of-effort.

Sec. 74. Section 249A.26, subsection 3, Code Supplement 1991, is amended by striking the subsection.

Sec. 75. Section 331.438, Code 1991, is amended to read as follows:

**331.438 COUNTY MENTAL HEALTH SERVICES EXPENDITURES FROZEN.**

In the event the Seventy-fourth General Assembly does not enact legislation to implement a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services which takes effect in the fiscal year beginning July 1, 1992 1996, the mental health, mental retardation, and developmental disabilities services expenditures of counties shall be frozen in the amount the counties expended for those services in the fiscal year beginning July 1, 1991 1995. The expenses in excess of the frozen amount shall be paid for by the state in a timely manner that is not disruptive to persons providing or receiving services.

Sec. 76. 1992 Iowa Act, Senate File 2366, section 9, subsection J, paragraphs c and e, if enacted by the Seventy-fourth General Assembly, 1992 Session, are amended to read as follows:

c. Foster care:

..... \$ 4,257,992  
..... 14,262,340

e. Local administrative costs and other local services:

..... \$ 3,142,810  
..... 1,137,862

Sec. 77. 1992 Iowa Acts, Senate File 2366, section 50, subsection 60, if enacted by the Seventy-fourth General Assembly, 1992 Session, is amended to read as follows:

60. For block-grant-supplementation foster care, grant number 13667:

..... \$ 10,004,948

Sec. 78. EMERGENCY RULES. If specifically authorized by a provision of this Act, the department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. In addition, the department may adopt administrative rules in accordance with the provisions of this section as necessary to comply with federal requirements or to adjust to a change in the level of federal funding which affect refugee programs during the fiscal period beginning July 1, 1992, and ending June 30, 1993. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 79. REPEAL. Section 225C.28 is repealed.

Sec. 80. EFFECTIVE DATE. Section 12, subsection 8, relating to the demonstration program to decategorize child welfare services, section 13 of this Act, relating to foster

care SSI eligibility determinations, and section 16, subsection 1, relating to a determination of allocations by the state court administrator, being deemed of immediate importance, take effect upon enactment.

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MICHAEL E. GRONSTAL  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2355, Seventy-fourth General Assembly.

*John F. Dwyer*  
Approved June 3, 1992

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JOHN F. DWYER  
Secretary of the Senate

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TERRY E. BRANSTAD  
Governor

**SF 2355**