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## CHAPTER 1132

### SOCIAL SERVICES

#### S. F. 1314

AN ACT relating to and making appropriations to the department of social services to fund current programs under the jurisdiction of the department.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1976-1977

Fiscal Year

1. GENERAL ADMINISTRATION

For the administration of district and local offices including salaries and support......\$ 10,000,000

It is the intent of the general assembly in appropriating funds in this subsection that not less than five hundred thousand dollars thereof shall be used, beginning at the earliest practicable time, to employ additional persons at the social worker II level, at the income maintenance worker I level, and as clerical workers, who shall fill either existing vacancies or new positions as client contact personnel at the local level and their necessary supporting clerical personnel and who shall be in addition to the total number of such personnel actually employed by the department of social services on the effective date of this Act.

2. STATE ADMINISTRATION

a. For salaries, support, maintenance and miscellaneous purposes

Not more than ten percent of the funds appropriated by this subsection and received by a county board of supervisors shall be used for the purposes listed in section fourteen (14) of this Act.

- 5. The department of social services with the approval of the governor and the state comptroller may transfer funds appropriated by this section from any subsection of this section for a purpose specified by any other subsection of this section.
- SEC. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

5 1976-1977 6 Fiscal Year DIVISION OF COMMUNITY SERVICES 8 For the operation of the following institutions: 1. State juvenile home at Toledo ......\$ 1,535,900 9 2. Boy's training school at Eldora 2,925,000
3. Girl's training school at Mitchellville 1,057,000
4. Iowa veterans home at Marshalltown 5,000,000 10 11 12 5. For the governor's youth opportunity program ..... 13 750,000 14 6. Community Based Juvenile Corrections Program

155,000

6,750,000

4,750,000

700,000

900,000

2,200,000

15 a. For contracting with local public or private nonprofit organizations for community based juvenile corrections programs and juvenile 16 17 interim detention facilities and shelter care facilities ...... 160,000 18 b. Funds appropriated by paragraph a of this subsection shall be allocated with 19 consideration being given to providing geographical areas based upon judicial districts the means for implementing community based juvenile corrections programs. Not more than five percent (5%) of such funds may be used by the 20 21 22 state youth coordinator to administer this program and prepare and submit the 23 report required by paragraph e of this subsection. 24 c. The person designated as the state youth coordinator for the governor's 25 youth opportunity program shall be primarily responsible for administration of 26 the community based juvenile corrections program. The department of social 27 services shall cooperate with the state youth coordinator in administering this 28 29 d. Contracts executed under the community based juvenile corrections program 30 shall provide that local public or private nonprofit organizations shall contribute at least one-half of the cost of the local program. This local match may be in the 31 32 form of cash, including local or federal funds, or in-kind contributions, or a 33 combination of such funds and in-kind contributions. The state youth coordinator 34 shall be responsible for determining the value of in-kind contributions and 35 determining the total value of the local organization's contribution. 36 e. The state youth coordinator shall submit a report to the joint committees on 37 appropriations of the general assembly not later than January 24, 1977 outlining the manner of expenditure of funds appropriated by this subsection and 38 containing such other information as will be useful in determining the value of 39 40 the community based juvenile corrections program. 41 7. The department of social services with the approval of the governor and the 42 state comptroller may transfer funds appropriated by this section from any 43 subsection of this section for a purpose specified by any other subsection of this 44 section. 1 SEC. 3. There is appropriated from the general fund of the state for the fiscal 2 year beginning July 1, 1976 and ending June 30, 1977 to the department of social 3 services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated: 5 1976-1977 6 Fiscal Year 7 DIVISION OF ADULT CORRECTIONS INSTITUTIONS 8 1. For community based correctional programs and services: a. To provide assistance in the establishment, and operation of 10 community based correctional programs and services ......\$ 11 b. It is the intent of the general assembly in making the appropriation in 12 paragraph a of this subsection that community based programs throughout the 13 state should be locally controlled and coordinated to generate community support 14 and resources for an effective program. As far as is practicable, the department of 15 social services shall promote local community control of programs within the 16 guidelines of a contractual relationship with the department of social services. 17 2. Adult Corrections Services—For personnel and operation of the following 18 institutions:

a. Luster Heights camp at McGregor .....\$

b. Iowa state penitentiary at Fort Madison .....

c. Men's reformatory at Anamosa ......

d. Women's reformatory at Rockwell City.....

e. Iowa security medical facility at Oakdale .....

f. Riverview release center at Newton .....

governor and the state comptroller may transfer funds appropriated

3. The department of social services with the approval of the

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by this section from any subsection of this section for a purpose 27 28 specified by any other subsection of this section.

SEC. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purpose designated:

	1976-1977
	Fiscal Year
DIVISION OF MENTAL HEALTH RESOURCES INSTITUTIONS	
1. For the mental health institute at Cherokee	5,800,000
2. For the mental health institute at Clarinda	4,780,000
3. For the mental health institute at Independence	5,850,000
4. For the mental health institute at Mount Pleasant	4,700,000
5. For the Glenwood state hospital-school	9,000,000
6. For the Woodward state hospital-school	9,100,000

7. The state mental health institutes daily per diem as determined pursuant to section two hundred thirty point twenty (230.20) of the Code shall be billed at eighty percent for the fiscal year. This subsection shall be of no force and effect if House File one hundred eighty-seven (187) of the Sixty-sixth General Assembly becomes law prior to or during the period for which this Act is in effect.

8. Hospital-school charges to counties.

a. The state hospital-schools' per-patient-per-day cost as determined pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code shall be billed at eighty percent for the fiscal year, except as otherwise provided by this subsection.

b. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

c. If House File one hundred eighty-seven (187) of the Sixty-sixth General Assembly becomes law prior to or during the period for which this Act is in effect, paragraph a of this subsection shall be of no force and effect but the provisions of paragraph b shall take precedence over any conflicting provision of House File one hundred eighty-seven (187).

9. The department of social services with the approval of the governor and the state comptroller may transfer funds appropriated by this section from any subsection of this section for a purpose specified by any other subsection of this section.

SEC. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1976-1977 Fiscal Year SPECIAL PROGRAMS DIVISION 1. For aid to the blind ......\$ 40,000 2. For aid to the dependent children ..... 41,000,000 It is the intent of the general assembly in appropriating funds in this subsection that, notwithstanding the provisions of section two hundred thirty-nine point eighteen (239.18), of the Code, the department of social services shall not reduce the standard of payment for recipients in the aid to dependent children program or establish eligibility criteria for recipients in the aid to dependent children program which are more restrictive than federal regulations.

16	3. For aid to Indians residing on a settlement	48,000	
17	4. For medical assistance	50,000,000	
18	It is the intent of the general assembly in appropriating funds in this	subsection	
19	that, notwithstanding the provisions of section two hundred forty-nine A point		
20	four (249A.4), subsection one (1), of the Code, the department of soc		
21	shall not reduce the level of services provided to nor restrict eligibility criteria for		
22	clients in the medical assistance program until the department has received such		
23	instructions from the joint appropriations subcommittee on human resources of		
24	the committees on appropriations, pursuant to the study mandated by	Senate File	
25	1124 as enacted by the 1976 Session of the Sixty-sixth General Assembl	y.	
26	It is the intent of the general assembly that the joint subcon		
27	consultation with the consultants employed for the study, make		
28	recommendations for the program content and the funding level of t		
29	assistance program during the 1976 legislative interim in accordance		
30	intent of Senate File 1124 of the Sixty-sixth General Assembly. It is		
31	intent of the general assembly that the governor be encouraged to transfer funds		
32	to supplement the appropriation made for the medical assistance progr	am by this	
33	subsection, should such transfer of funds become necessary.		
34	5. For contractual services-medical carrier	950,000	
35	6. For foster care:		
36	a. Foster care and group homes	7,000,000	
37	b. For increased level of payments for foster family care	920,000	
38	7. For subsidized adoptions	150,000	
39	8. For work and training programs	420,000	
40	9. For adult and children services	1,300,000	
41	10. For homemaker services	350,000	
42	11. For state supplementary assistance	4,000,000	
43	12. For state supplementary assistance for the blind	275,000	
44	13. The department of social services with the approval of the governor and the		
45	state comptroller may transfer funds appropriated by this section from any		
46	subsection of this section for a purpose specified by any other subsection	tion of this	
47	section.		

14. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter nine (9), section one (1), subsection six (6), paragraphs d and k, and any supplemental appropriation for medical assistance and state supplementation to supplemental security income remaining on June 30, 1976 shall be available for expenditure during the fiscal year beginning July 1, 1976 and the unencumbered or unobligated funds remaining on June 30, 1977 shall revert to the general fund of the state on September 30, 1977.

- 15. It is the intent of the general assembly that funds appropriated by this section may be used to fund services to a child in his or her own home when such service may be an alternative to placement in a foster care home.
- SEC. 6. Section two hundred seventeen point three (217.3), subsection two (2), Code 1975, is amended to read as follows:
- 2. Adopt and establish policy for the operation and conduct of the department of social services, subject to any guidelines which may be adopted by the general assembly, and the implementation of all services and programs thereunder.
- SEC. 7. Section two hundred seventeen point four (217.4), Code 1975, is amended to read as follows:
- 217.4 Meetings of council. The council shall meet at least four times a year monthly. Special Additional meetings shall be called by the chairman chairperson or upon written request of any three members thereof as necessary to carry out the duties of the council. The chairman chairperson shall preside at all meetings or in his the absence of the chairperson the vice chairman chairperson shall preside. The

members of the council shall be paid a per diem of forty dollars per day while in session, and their reasonable and necessary expenses while attending such meetings. The amount of per diem any one member may receive in any fiscal year beginning with the date of employment shall not exceed eight hundred dollars.

SEC. 8. Section two hundred nineteen point fourteen (219.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

219.14 Contributing to own support. Every member of the home who receives a pension, compensation or gratuity from the United States government, or income from any source of more than twenty dollars per month, shall contribute to his or her own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the director, but the amount shall in no case exceed the actual cost of keeping and maintaining such a person in the home. The director may require any member of the home to render such assistance in the care of the home and its grounds as his or her psychosocial and physical condition will permit, as a phase of that member's rehabilitation program. The director shall compensate each member who furnishes such assistance at rates established by the director in accordance with the provisions of section seventeen (17) of the United States fair labor standards Act (52 Stat 1068, 29 USC 214), as amended to January 1, 1976.

SEC. 9. Section two hundred thirty point twenty (230.20), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

230.20 Statement of charges to counties. The superintendent of each state hospital for the mentally ill established by section two hundred twenty-six point one (226.1) of the Code, or his designee, shall on the tenth day of July, October, January and April of each year, compute the amounts which are due the state from each county for services rendered by the hospital to patients chargeable to those counties. Each hospital's charges for services rendered in a particular quarter shall be based on that hospital's expenditures during the immediately preceding quarter, and shall be computed as follows:

1. The expenditures of the hospital during the preceding calendar quarter shall be separately computed by program in accordance with generally accepted accounting procedures. In so doing, the superintendent or his designee shall not include any of the following:

a. The costs of food, lodging and other maintenance provided to persons not patients of the hospital.

b. The costs of certain direct medical services, which shall be charged directly against the patient who received the services. The direct medical services to which this paragraph is applicable shall be specifically identified in rules adopted by the department of social services in accordance with chapter seventeen A (17A) of the Code, and may include but need not be limited to x-ray, laboratory and dental services.

c. The cost of outpatient and state placement services, which shall be charged directly against the patient who received the services at a rate to be established by the state director on the basis of the actual cost of the services.

2. The total patient days of service provided during the preceding calendar quarter shall be identified and accumulated for each program for which expenditures are separately computed under subsection one (1) of this section.

3. The total expenditure during the preceding calendar quarter computed for each program pursuant to subsection one (1) of this section shall be divided by the total patient days of service provided during the calendar quarter by that program, determined pursuant to subsection two (2) of this section, to derive the average daily patient cost for each program.

4. Each county shall be charged an amount computed as follows:

a. The charges attributable to each inpatient chargeable to that county, calculated by multiplying the average daily patient cost for each program under which the patient was served by the number of days the patient was so served

during the calendar quarter, and adding the cost of direct medical services received by the patient during the calendar quarter; and

- b. The charges attributable to each outpatient chargeable to that county who was served by the hospital during the calendar quarter, calculated at the cost established under subsection one (1), paragraph c of this section.
- 5. An individual statement shall be prepared for any patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections two hundred twenty-four A point two (224A.2) and two hundred twenty-four A point three (224A.3) of the Code, the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for one hundred percent of the stated charge for each patient, unless otherwise specified in the current appropriation for support of the state hospitals. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.
- 6. All or any reasonable portion of the charges incurred for services rendered to any patient, to the most recent date for which the charges have been computed, may be paid at any time by the patient or by any other person on the patient's behalf. Any payment so made shall be credited against the patient's account and, if the charges so paid have previously been billed to a county, reflected in the hospital's next general statement to that county.
- SEC. 10. Section two hundred thirty point twenty-one (230.21), Code 1975, is amended to read as follows:
  - **230.21** Duty of county auditor and treasurer. The county auditor, upon receipt of such certificate the duplicate statement required by section nine (9) of this Act, shall thereupon enter the same to the credit of the state in his ledger of state accounts, and at once issue a notice to his county treasurer, authorizing him to transfer the amount billed to the county by the statement from the county mental health and institutions fund to the general state revenue, which notice shall be filed by the treasurer as his authority for making such transfer; and. The auditor shall include promptly remit\* the amount so transferred in his next remittance of state taxes to the treasurer of state, designating the fund to which it belongs.
  - SEC. 11. Section two hundred thirty point twenty-two (230.22), Code 1975, is amended to read as follows:
  - 230.22 Penalty. Should any county fail to pay these bills the amount billed by a statement submitted pursuant to section nine (9) of this Act within sixty days from the date of eertificate from the statement is certified by the superintendent, the state comptroller shall charge the delinquent county the penalty of one percent per month on and after sixty days from the date of eertificate the statement is certified until paid. Provided, however, that the penalty shall not be imposed if the county has notified the comptroller of error or questionable items in the billing, in which event, the comptroller may suspend penalty only during the period of negotiation.
- 1 Sec. 12. Section two hundred thirty point twenty-three (230.23), Code 1975, is 2 amended to read as follows:
- 230.23 Cost paid from institution mental health and institutions fund. All expenses required to be paid by counties for the care, admission, commitment, and transportation of mentally ill patients in state hospitals shall be paid by the board of supervisors from the state institution county mental health and institutions fund.

<sup>\*</sup>See also Chapter 1104, §10 for conflicting provision

- SEC. 13. The sections of this Act amending sections two hundred thirty point twenty (230.20), two hundred thirty point twenty-one (230.21), two hundred thirty point twenty-two (230.22), and two hundred thirty point twenty-three (230.23), Code 1975, shall take effect July 1, 1977.
  - SEC. 14. Section two hundred thirty-seven A point sixteen (237A.16), Code 1975, is amended by adding the following new subsection:
- New Subsection. To purchase assistance to child care centers for program development and staff development in meeting standards for child care centers established under this chapter.
  - SEC. 15. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section two (2), subsection two (2), is amended to read as follows:
  - 2. The hospital schools revolving fund shall be composed of moneys appropriated by the general assembly for capital expenditures at the hospital schools and moneys which become available to the hospital schools from the federal government for such purposes pursuant to Title nineteen (XIX) of the United States Social Security Act. Moneys in the revolving fund may be expended without regard to order of deposit or source of funds.
  - .. SEC. 16.
    - 1. Unless otherwise provided in this Act, all institutional receipts of the department of social services shall be deposited in the general fund except rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair.
    - SEC. 17. Each hospital-school shall, upon receipt of any payment made under chapter two hundred forty-nine A (249A) of the Code for the care of any patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services.
    - SEC. 18. Chapter two hundred forty-nine A (249A), Code 1975, is amended by adding the following new section:
    - New Section. Assistance to mentally retarded residents of county care facilities or certain other licensed facilities.
    - 1. Assistance may be furnished under this chapter, in accordance with subsection two (2) of this section, to a mentally retarded person who is otherwise eligible for such assistance, to pay all or a portion of the cost of maintaining that person as a resident of:
    - a. A county care facility, or portion thereof, which is licensed in accordance with the provisions of chapter one hundred thirty-five C (135C) of the Code, and is certified as an intermediate care facility for the mentally retarded in accordance with federal and state standards governing the medical assistance program.
    - b. Another intermediate care facility for the mentally retarded that is so licensed and certified, when the mentally retarded person eligible for assistance is residing in the facility with approval of the county board of supervisors of the county in which that person resided prior to entering the facility.
  - 2. Assistance may be furnished under this section only in cases where the county board of supervisors or the operator of the alternative intermediate care facility for the mentally retarded has entered into an agreement with the department to provide services that are in accordance with the department's appropriate district plan for delivery of services to mentally retarded and
- developmentally disabled citizens, and to upgrade and maintain the facility, or portion thereof, in accordance with the provisions of the technical plan of
- 24 correction that has been approved for the facility. Assistance shall be furnished
- 25 only when it is determined that adequate funding is available.

- Each county board entering into an agreement with the department under this 26 subsection shall agree to reimburse the department from the county poor fund or 27 the county mental health and institutions fund, on a monthly basis, for that 28 portion of the cost of assistance furnished under this section which is not paid 29 from federal funds. The department shall place all such reimbursements from 30 counties in the appropriation for medical assistance, and may use the reimbursed 31 funds for any purpose for which the funds so appropriated by the general 32 33 assembly may lawfully be used. Any county-reimbursed funds remaining unexpended shall revert to the general fund of the state in the same manner as 34 35 the original appropriation.
  - SEC. 19. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts except the veterans per diem payable for veterans at the veterans home shall be deposited in the general fund.
  - SEC. 20. Funds appropriated by this Act shall not be used for capital improvements, except funds appropriated in section one (1), subsection four (4) of this Act.

Approved June 28, 1976

# CHAPTER 1133

## THE IOWA ANNIE WITTENMYER HOME

H. F. 1460

AN ACT striking references to the Iowa Annie Wittenmyer Home.

Be It Enacted by the General Assembly of the State of Iowa:

- SECTION 1. Section two hundred eighteen point one (218.1), Code 1975, is amended by striking subsection eleven (11).
- 1 SEC. 2. Section two hundred eighteen point three (218.3), subsection one (1), 2 Code 1975, is amended to read as follows:
- 1. The director of the division of child and family services of the department of social services shall have primary authority and responsibility relative to the following said institutions: Soldiers Home, Training School for Boys, Training School for Girls, Juvenile Home and The Annie Wittenmyer Home Iowa veteran's
- home, the training school for girls, the training school for boys and the Iowa juvenile home.
- SEC. 3. Section two hundred eighteen point thirty-four (218.34), Code 1975, is amended to read as follows:
- 218.34 State agents. A sufficient number of persons shall be appointed as state agents for the soldier's orphans home, the two training schools, the *Iowa* juvenile home, and the women's reformatory.
- 1 Sec. 4. Section two hundred forty-four point one (244.1), Code 1975, is amended to read as follows:
- 244.1 Definitions—objects. For the purpose of this chapter the words director", unless the context otherwise requires:
- 5 1. "Director" or "state director" shall mean means the director of the division of 6 child and family services of the department of social services.