

CHAPTER 5

FUNDING OF HEALTH, SUBSTANCE ABUSE, CIVIL RIGHTS, PAROLE, VETERANS, MINORITY, ELDERLY AND DISADVANTAGED PERSONS PROGRAMS

H. F. 851

AN ACT relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations.

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

Section 1. There is appropriated from the general fund of the state to the commission on aging for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than twenty-nine point twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 180,561	\$ 188,900
2. For the administration of area agencies on aging .....	\$ 112,190	\$ 117,600
3. For the senior citizen employment program .....	\$ 103,032	\$ 108,000
4. For the older Iowans legislature .....	\$ 13,356	\$ 14,000
5. For elderly services programs .....	\$ 763,200	\$ 800,000

All funds appropriated under this subsection shall be received and disbursed by the commission in accordance with sections 249B.15 through 249B.21, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty-five years of age for chore, telephone reassurance, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations, 45 CFR 1321.77, as amended by 45 Federal Register p. 21155 (March 31, 1980).

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
<b>1. IOWA STATE CIVIL RIGHTS COMMISSION</b>		
For salaries and support of not more than twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes ...	\$ 584,924	\$ 612,183
<b>2. SPANISH-SPEAKING PEOPLES COMMISSION</b>		
For salaries and support of not more than one full-time equivalent position annually, expenses of the commission, maintenance, and miscellaneous purposes .....	\$ 31,606	\$ 33,130
<b>3. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED</b>		
For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 108,554	\$ 113,788
<b>4. BOARD OF PAROLE</b>		
For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 311,247	\$ 324,440
Thirty-two thousand four hundred (32,400) dollars of the funds appropriated under this subsection for each fiscal year of the biennium shall be available to the board of parole only for the purpose of providing salaries and support for two additional members of the board of parole if the two additional members are approved by the general assembly for each fiscal year of the biennium.		
<b>5. COMMISSION ON THE STATUS OF WOMEN</b>		
For salaries and support of not more than three full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 89,275	\$ 93,178
Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:		
	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
<b>1. BOARD OF MEDICAL EXAMINERS</b>		
For salaries and support of not more than eleven full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 364,682	\$ 354,111
<b>2. BOARD OF NURSE EXAMINERS</b>		
For salaries and support of not more than fourteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 446,395	\$ 471,463
<b>3. BOARD OF PHARMACY EXAMINERS</b>		
For salaries and support of not more than eight full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 291,757	\$ 291,942

The research program for the medicinal use of marijuana shall remain in effect for the fiscal biennium.

Sec. 4. There is appropriated from the general fund of the state to the state department of health for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
<b>1. ADMINISTRATION</b>		
For salaries and support of not more than sixty-eight point twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 833,143	\$ 873,870
<b>2. HEALTH FACILITIES DIVISION</b>		
For salaries and support of not more than fifty-nine point seventy-five full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 530,994	\$ 557,732
<b>3. HEALTH PLANNING AND DEVELOPMENT DIVISION</b>		
For salaries and support of not more than twenty-two point five full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 236,365	\$ 248,907
<b>4. DISEASE PREVENTION DIVISION</b>		
For salaries and support of not more than fifty-two full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 840,474	\$ 881,833
The department may employ an environmental specialist I for the radiation program with federal funds.		
<b>5. LICENSING AND CERTIFICATION DIVISION</b>		
For salaries and support of not more than sixteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 525,068	\$ 542,648
The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.		
<b>6. PERSONAL AND FAMILY HEALTH SERVICES</b>		
For salaries and support of not more than fifty-two point four full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 605,691	\$ 634,613
The position of physical fitness coordinator is disapproved by the general assembly. The department may employ a dietary consultant for the women's,		

infants', and children's program with federal funds. The department shall allocate from the funds appropriated under this subsection at least forty-five thousand (45,000) dollars for each fiscal year of the biennium for the perinatal program and at least four hundred forty-four thousand (444,000) dollars for each fiscal year of the biennium for the birth defects and genetic counseling program.

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than forty-eight point forty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes ..... \$ 1,445,824      \$ 1,484,092

Thirty thousand (30,000) dollars of the funds appropriated under this lettered paragraph for the fiscal year beginning July 1, 1981, shall be available to the division only for the purpose of maintaining the positions of four regional supervisory nurses through September 30, 1981, in the event that federal 314-D funds for the regional supervisory nurses are rescinded.

The department shall allocate from the funds appropriated under this lettered paragraph eight hundred sixty-two thousand six hundred forty-four (862,644) dollars for the fiscal year beginning July 1, 1981, and nine hundred thirty thousand nine hundred twelve (930,912) dollars for the fiscal year beginning July 1, 1982, for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

b. Sexual abuse investigations.

For medical procedures required by section 709.10 ..... \$    40,500      \$    40,500

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 339.7 ..... \$    25,200      \$    25,200

d. In-home health care grants.

For grants to local boards of health for the following programs to maintain or expand the availability of in-home health care to low-income and elderly persons in the state:

- (1) Homemaker-home health aide program ..... \$ 1,562,207      \$ 1,621,862
- (2) Public health nursing program ..... \$ 1,640,019      \$ 1,719,098

Funds appropriated under this lettered paragraph shall be used to maintain and expand existing in-home health care services for low-income and elderly persons with the objective of preventing or reducing the inappropriate

institutionalization of low-income and elderly persons. The funds shall not be used for any other purpose. As used in this lettered paragraph, "elderly person" means a person who is sixty years of age or older, and "low-income person" means a person eligible for adult protective services whose income and resources are above the guidelines established by the department of social services.

The department may retain not more than one percent of the amounts appropriated under this lettered paragraph, to be used to pay the costs of administering the in-home health care programs. The remainder of the amounts appropriated shall be allocated for use in the several counties of the state. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of low-income and elderly persons living in that county in relation to the total number of low-income and elderly persons living in the state.

In order to receive allocations under this lettered paragraph, the local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded in-home health care to low-income and elderly persons in the jurisdiction. The proposal shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to expand or maintain in-home health care services. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30 of each year of the biennium the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this lettered paragraph an unallocated pool. The department shall prior to December 31 of each fiscal year of the biennium reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this lettered paragraph. The reallocation shall be made to those counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of each fiscal year of the biennium.

The department shall adopt rules defining eligibility for in-home health care services paid for from funds appropriated by this lettered paragraph. The rules shall impose a sliding fee scale for those persons able to pay for a portion of the cost of the services.

The department shall annually evaluate the success of the in-home health care grant program. The evaluation shall include the extent to which the

program reduced or prevented the inappropriate institutionalization of low-income and elderly persons, the extent to which the program increased the availability of in-home health care to low-income and elderly persons, and the extent of in-home health care provided to low-income and elderly persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

The state department of health, the department of social services, and the commission on the aging shall study jointly and make recommendations to the general assembly by January 15, 1982 for an integrated state homemaker-home health aid program. In preparing the study the three state agencies shall include representatives of interested outside groups, including the Iowa council for homemaker-home health aid services, in the discussion and planning stages. The three state agencies, during the study and the preparation of the report, shall coordinate their respective homemaker programs, with the goal of developing a homemaker system as uniform and integrated as is practicable, using as guidelines a minimum of administrative overhead, a minimum of state control consistent with proper monitoring of local programs, and a maximum of client services provided.

e. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state ..... \$ 202,248 \$ 212,000

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of veterans affairs for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 100,900	\$ 102,135
2. For the war orphans educational aid fund .	\$ 28,000	\$ 32,000

Sec. 6. There is appropriated from the general fund of the state to the Iowa department of substance abuse for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 142,967	\$ 0
2. For program grants .....	\$ 2,361,150	\$ 0

3. The Iowa department of substance abuse shall prepare an alternative plan to chapter 125 for the administration and regulation of substance abuse programs, which shall include recommendations to:

- a. Make county boards of supervisors responsible to the Iowa department of substance abuse for the state funds allocated to the boards and for

maintaining county programs within the guidelines developed by the Iowa department of substance abuse.

b. Provide criteria for the operation of local substance abuse programs for prevention, education, referral, and post-treatment services.

c. Provide that those duties performed by regional satellite corporations be allocated to county-controlled local programs and terminate support for the satellite corporations when local programs are in place.

d. Establish a system of allocation for state substance abuse funds to county boards of supervisors to distribute twenty-five percent of the total state funds evenly between all counties of the state and to distribute the remaining seventy-five percent of the total state funds to counties on a per capita basis. If possible, the state funds shall be matched by local funds for local programs.

e. License and regulate treatment facilities by the Iowa department of substance abuse and obtain the seventy-five percent state payment and twenty-five percent county payment of the cost of treatment of those individuals unable to pay for their own treatment.

The alternative plan for the administration and regulation of substance abuse programs shall be presented to the general assembly by November 1, 1981. The plan shall be evaluated by the program evaluation division of the legislative fiscal bureau as a part of the division's study of the administration, structure and funding of the Iowa department of substance abuse.

Sec. 7. The director of general services shall charge the following agencies a fee for the rental of space provided by the department of general services for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, in the following amounts:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS .....	\$ 14,000	\$ 14,000
2. BOARD OF NURSE EXAMINERS .....	\$ 19,200	\$ 19,200
3. BOARD OF PHARMACY EXAMINERS .....	\$ 9,600	\$ 9,600
4. LICENSING AND CERTIFICATION DIVISION OF THE STATE DEPARTMENT OF HEALTH .....	\$ 16,000	\$ 16,000

The state department of health shall prorate the rental charges under this subsection among the examining boards within the licensing and certification division. The proration shall be based on the number of licensees under each examining board and the actual number of staff members assigned to each examining board.

Sec. 8. Section 18.12, Code 1981, is amended by adding the following new subsection:

**\*NEW SUBSECTION.** Establish rental fees for space owned by the state and provided by the department to a state agency to which the general assembly has specifically appropriated funds to pay the rental fees.

The director shall notify each state agency provided space by the department to which an appropriation for the rental of that space has been made of the rental fee for the space. The fee shall be based on the cost of the space, services provided to the agency by the division of buildings and

\*See also ch 6, §10 for identical provisions

grounds, maintenance, utilities, administration, and other property management costs. The state agency shall pay the fee to the department in the same manner as other expenses of the state agency are paid. Fees collected shall be deposited in the general fund of the state.

Sec. 9. The licensing boards for which general fund appropriations have been provided for in section 3, subsection 1, 2, or 3 and section 4, subsection 5 of this Act may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in section 3, subsection 1, 2, or 3 and section 4, subsection 5 of this Act expends or encumbers an amount in excess of the funds budgeted for examinations, the state comptroller shall approve the expenditure or encumbrance. Before approval is given, the state comptroller shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid. Upon approval of the state comptroller the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 10. Section 147.81, Code 1981, is repealed. An individual who has failed an initial examination for a license required under chapter 147 before the effective date of this Act may take a second examination within fourteen months after the first examination without further fee.

Sec. 11. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position.

Approved June 19, 1981