

chapter 17. Members of the public may obtain the annual report upon payment of cost as set by the commissioner.

Approved June 15, 1981

CHAPTER 7

CERTAIN SOCIAL SERVICES PROGRAMS FINANCED

S. F. 566

AN ACT relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983.

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 each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 7,000,000	\$ 7,000,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for the division of field operations, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary, provided that the department of social services provides a county and district reorganization plan to the joint social services appropriations subcommittee by February 1, 1982. The plan is required in order to reduce expenses while maintaining the current level of delivery of local services. While reducing expenses the department shall give priority to the retention of caseworkers at the local level. The department shall establish an office in each county. The office shall be headed by a county director appointed by the commissioner of social services and approved by the county board of supervisors. Current county directors shall retain their positions.

For administrative purposes and to adapt to varying economic and social conditions, the department shall establish urban county offices in counties having a population of forty thousand or more persons as autonomous offices under the direct supervision of the department.

The department shall establish six to nine district offices to supervise rural county offices in those counties having a population of less than forty thousand persons. The district offices shall be under the direct supervision

of the department. The district offices shall be located strategically in order that each district office supervises a nearly equal number of rural county offices. The district offices shall be limited to the following staff: one district administrator; one income maintenance specialist; one service specialist; one purchase of service project manager; and two clerical workers.

The department shall employ central office staff to carry out the functions of field staff specialists, auditors, child abuse and child support recovery workers, and adoption workers. The department shall co-locate individuals in these positions in various urban county offices, district offices, or rural county offices to most efficiently carry out the functions of the individual positions.

The reorganization required by this subsection becomes effective on July 1, 1982, unless the joint social services appropriations subcommittee recommends an alternative plan to the general assembly during the 1982 session of the general assembly. If the department determines that an alternative reorganization plan would best serve its clients, the department shall report the alternative plan to the joint social services appropriations subcommittee by February 1, 1982:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 15,779,000	\$ 15,779,000

1. Beginning July 1, 1981, the department of social services, shall by rule phase out direct homemaker services and shall move to provide those services entirely through purchase of service contracts.

2. The department of social services, the state department of health, 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.

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

SPECIAL PROGRAMS

1. For aid to families with dependent children \$ 55,327,000 \$ 55,327,000

a. The department of social services shall provide that the effective date of assistance provided under chapter 239 shall be no earlier than seven

days after the date of application for assistance, unless that effective date of assistance is precluded by a change in the federal regulations relating to the aid to families with dependent children program.

b. The department of social services shall by rule provide that special payments to foster children returning home on a temporary basis under the aid to families with dependent children program shall not be made and that services under the special needs program of the aid to families with dependent children program, except for the individual education and training program, the school expenses program, and the conservatorship program, shall not be provided. The department of social services shall by rule implement cost-saving measures in the individual education and training plan program of the special needs program of the aid to families with dependent children program. The department of social services shall by rule limit expenditures, under the school expenses portion of the special needs program of the aid to families with dependent children program, to specific charges made by a school or in accordance with school requirements in connection with a course in the regular school curriculum which is not considered an extracurricular activity. In addition, the department shall only make expenditures for such school expenses upon a co-payment of twenty percent made privately on behalf of the student who incurs the school expenses.

c. Notwithstanding chapter 239, the department of social services shall not provide unemployed parent benefits under the aid to families with dependent children program.

d. The department of social services shall not provide unborn child grants under the aid to families with dependent children program.

e. The department of social services shall adopt administrative rules to return to the stepparent liability policy, under the aid to families with dependent children program, which was in effect on and prior to October 31, 1978. If federal law or regulations regarding stepparent liability, under the aid to families with dependent children program, require a change in departmental rules, the department shall implement the required changes immediately by administrative rule.

2. 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. 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 forty-five 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 one hundred fifty 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 \$101,235,000 \$100,206,000

Medical assistance shall be made available, beginning July 1, 1981, and ending March 31, 1982, to children under twenty-one years of age who meet all eligible criteria of the aid to families with dependent children program except that the children are not deprived of parental support.

Medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility, or intermediate care facility, who meets the criteria of medical necessity under the standards established by the medicare program in title XVIII of the federal Social Security Act or as determined by a professional services review organization, and who is eligible for federal supplemental security income in all respects except income, and whose income does not exceed three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplemental security income program as defined in section 249.1, subsection 1.

Payments under the medical assistance program shall continue to be made under the limitations established in the Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 76, relating to laxative drugs, dental work and dentures, eyeglasses and eyeglass frames, hearing aids, and co-payments for optional services, prescription drugs, and insulin.

Beginning July 1, 1981, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the June 30, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to May 1, 1981. If the department of social services determines that adequate funding is available, the department may, on January 1, 1982, establish the maximum reimbursement rate for intermediate care facilities at the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, 1981.

The department of social services shall pay a reasonable professional fee per prescription to pharmacists under the medical assistance program. The department shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to establish the maximum medical assistance reimbursement rate for professional fees at the seventy-fifth percentile of the usual and customary professional fee charges of pharmacies in this state, effective September 1, 1981.

Pharmacists in this state who reduce the charges of prescription drugs to persons participating in private, third-party payor prescription drug insurance or benefit plans or to the insurance or benefit plans shall also reduce by the same amount the charges to persons participating in the medical assistance program or to the program. The board of pharmacy examiners shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to insure that pharmacists reduce charges by the same amount to both third-party payors and the medical assistance program. The rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

3. For contractual services-medical carrier	\$ 1,318,000	\$ 1,318,000
4. For work and training programs	\$ 62,000	\$ 62,000
5. For child support recoveries, including salary and support, maintenance, and miscellaneous purposes	\$ 607,000	\$ 607,000
6. For state supplementary assistance, including state supplementary assistance for the blind	\$ 6,731,000	\$ 6,731,000

The department of social services shall increase the personal needs allowance for eligible persons residing in residential care facilities at the same percentage and at the same time that cost of living increases are implemented for federal social security and supplemental security income benefits.

The department of social services shall increase the maximum cost-related reimbursement rate for residential care facility services to fifteen dollars per day and the flat rate to ten dollars per day.

7. For aid to Indians residing on a settlement	\$ 34,000	\$ 34,000
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The tribal council of the settlement located in Tama county shall administer the funds appropriated under this subsection but shall not use more than ten percent of the funds for administrative expenses. The tribal council shall submit a report annually to the department of social services delineating program expenditures.

8. For home-based services as allocated in paragraph a of this subsection	\$ 7,351,000	\$ 7,351,000
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a. Of the funds appropriated for home-based services by this subsection, four million seven hundred sixty-six thousand (4,766,000) dollars is appropriated for chore and homemaker services for each fiscal year of the biennium. The department of social services shall not provide homemaker services during the biennium to clients who are above the income and resource guidelines established by the department for adult protective services.

b. The department shall by rule define the homemaker and chore services to be delivered, the eligibility for services, and the providers delivering the services. The department shall explore with homemaker agencies the possibility of expanding purchase of service contracts to include the provision of chore services. The decision to purchase chore services should be based on the ability of an agency to provide the continuum of services at rates commensurate with the levels of service to be provided.

c. The department shall by rule develop a fee schedule, effective July 1, 1981, for chore services made available to clients who meet adult protective services criteria and who are above the income and resource guidelines for chore services.

9. For foster care \$ 17,558,000 \$ 17,558,000

a. Beginning July 1, 1981, the maximum foster residential care reimbursements shall be increased from fifty-eight to sixty dollars per day and the maximum foster group home reimbursements shall be increased from forty-six to forty-eight dollars per day.

b. The department of social services, based on the recommendation of each district administrator of the department, shall use a portion of the funds appropriated by this subsection for the provision of in-home services designed to prevent placement of children outside their own homes or to reunite children who have been placed in foster care with their families.

10. For community-based services \$ 1,508,000 \$ 1,508,000

a. Of the funds appropriated for the community-based services by this subsection, one hundred five thousand (105,000) dollars, or so much thereof as is necessary, is appropriated for each fiscal year of the biennium to provide start-up funds to establish programs or services to prevent the institutionalization of children.

b. Of the funds appropriated for community-based services by this subsection, two hundred fifty thousand (250,000) dollars is appropriated for each fiscal year of the biennium to assist child care centers. The emphasis of the assistance shall be to provide aid in staff development and training in order to upgrade child care center programs and services.

c. Funds appropriated by this subsection shall be used to reimburse counties for juvenile court expenses under section 232.141, subsection 4. If the funds used to reimburse counties for juvenile court expenses under section 232.141, subsection 4 appear to be insufficient, the department of social services shall report to the comptroller and the joint social services appropriations subcommittee of the senate and the house of representatives on the need for additional funds.

The commissioner of social services shall pay from funds appropriated by this subsection, as the entitled aid from the state under section 232.142, subsection 4, one-half of one percent of the total cost of the establishment, improvements, operation, and maintenance of approved county or multicounty juvenile homes.

d. Funds appropriated by this subsection for programs for displaced homemakers and for victims of domestic abuse may be used to provide start-up moneys for programs which will develop community support and establish means of support independent of long-term state funding. Where possible, special programs receiving state funds under this subsection for more than one year should be established to receive declining amounts of state funding after the first twelve months of full operation and to be supported locally after thirty-six months of operation. Special programs deviating from these guidelines shall be reported to the joint social services appropriations subcommittee. The department shall consult persons knowledgeable in the respective subjects of domestic abuse and displaced homemakers with respect to establishment and selection of the programs.

Sec. 4. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1981, and ending March 31, 1982, to the department of social services one million eighty thousand (1,080,000) dollars, or so much thereof as may be necessary, for a program to provide shelter cost assistance to families with children deprived of support due to the unemployment of one or both parents. Assistance to each family is limited to a maximum vendor payment of one hundred fifty dollars per month for a maximum of three months. The department shall by rule establish the shelter cost assistance program in accordance with this section. The eligibility* criteria for the program shall be as restrictive as those criteria established by title IV-A of the federal Social Security Act and may be more restrictive.

Sec. 5. The department of social services may implement monthly reporting and prior-month budgeting on a statewide basis for the aid to families with dependent children program and the food stamp program after a pilot project of at least three months in duration has been conducted, unless earlier implementation is required by the federal government.

Sec. 6. The department of social services shall continue to pursue the possibility of obtaining a federal grant to pay the costs of delivering, by certified mail or restricted certified mail, food coupons under the federal-state food stamp program administered by the department pursuant to section 234.12.

Sec. 7. The department of social services shall continue to study the recommendations made by the long-term care reimbursement study committee established by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 12. The department shall report to the general assembly by January 1, 1982 concerning the costs and benefits of each of the committee's recommendations.

Sec. 8. The department of social services shall study and recommend to the general assembly by January 15, 1982 a proposal to implement a county workfare program. The report of the study and recommendations shall include a summary of programs instituted by other states and the specific proposals for allocating funds to the counties, the conditions of allocation, the basic requirements which county workfare programs must meet, program liability for worker benefits, and other program priorities and requirements.

Sec. 9. If a skilled nursing facility or an intermediate care facility receives payments under title XIX of the federal Social Security Act for one or more patients in the facility, the facility shall not involuntarily transfer any patient to another facility if that patient had previously qualified and received medical assistance under chapter 249A and has been disqualified for that medical assistance but pays all of the patient's income and resources not exempt under guidelines in title XIX of the federal Social Security Act and that payment equals or exceeds the medical assistance reimbursement rate for the particular facility.

Sec. 10. Notwithstanding the maximum amounts to which sections 239.9 and 249.9 limit payment by the department of social services toward the cost of funerals for persons receiving public assistance under chapters 239 and 249, the department may pay not more than four hundred dollars toward the cost of

*According to enrolled Act

a funeral for any such public assistance recipient provided that all of the following apply:

1. The total cost of the decedent's funeral does not exceed one thousand dollars.
2. The decedent does not leave an estate which may be probated with sufficient proceeds to allow a funeral claim of at least one thousand dollars.
3. Any payment which is due the decedent's estate or beneficiary by reason of the liability of any life insurance, death, or funeral benefit company, association, or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent shall be deducted from the department's liability under this section.

Sections 239.9 and 249.9 shall be of no force or effect during the biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 11. Section 234.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Child" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets any of the following conditions:

- a. Is in full-time attendance at an approved school pursuing a course of study leading to a high school diploma.
- b. Is attending an instructional program leading to a high school equivalency diploma.
- c. Has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 281.2, subsection 1.

A person over eighteen years of age who has received a high school diploma or a high school equivalency diploma is not a child within the definition in this subsection.

Sec. 12. Section 239.1, subsection 3, Code 1981, is amended to read as follows:

3. A "dependent child" means a needy child under the age of eighteen years who has been deprived of parental support and or care by reason of death, continued absence from home, physical or mental incapacity ~~or~~ unfitness-of-either-parent, or partial or total unemployment of the ~~father~~ parent, and who is living with ~~his-or-his-father-or-mother,-or-both,-or-with~~ his-or-his-grandfather,-grandmother,-brother,-sister,-stepfather,-stepmother, ~~stepbrother,-stepsister,-uncle-or-aunt~~ a specified relative or specified relatives, as defined in title IV of the federal Social Security Act and prescribed by federal regulation, in a place of residence maintained by one or more of such the relatives as ~~his--or--her~~ the relative's or ~~their~~ relatives' home or has been placed in a licensed foster home or with a public or nonprofit child care agency by the state division or by the county department of social welfare in lieu of living with any a relative designated in this subsection.

Sec. 13. Section 239.2, subsection 4, Code 1981, is amended to read as follows:

4. Is not, with respect to assistance applied for by reason of partial or total unemployment of ~~the father~~ a parent, the child of a ~~father~~ parent who:

a. Has been unemployed for less than thirty days prior to receipt of assistance under this chapter.

b. Is partially or totally unemployed due to a work stoppage which exists because of a labor dispute at the factory, establishment or other premises at which ~~he~~ the parent is or was last employed.

c. At any time during the thirty-day period prior to receipt of assistance under this chapter or at any time thereafter while assistance is payable under this chapter, has not been available for employment, has not actively sought employment, or has without good cause refused any bona fide offer of employment or training for employment. The following reasons for refusing employment or training are not good cause: ~~Unsuitable~~ unsuitable or unpleasant work or training, if the ~~father~~ parent is able to perform the work or training without unusual danger to ~~his~~ the parent's health; or the amount of wages or compensation, unless the wages for employment are below the federal minimum wage.

d. Has not registered for work with the state employment service established pursuant to section 96.12, or thereafter has failed to report at an employment office in accordance with regulations prescribed pursuant to section 96.4, subsection 1.

e. Has failed to participate in or to co-operate in any work or training program made available to ~~him~~ the parent under chapter 249C, or has without good cause withdrawn from such program before completion. The department of social services shall have a program under chapter 249C for the partially or totally unemployed ~~father~~ parent under this subsection.

The division may prescribe requirements in addition to or in lieu of the foregoing, for eligibility for assistance under this chapter to children whose ~~fathers~~ parents are partially or totally unemployed, which are necessary to secure financial participation of the federal government in payment of such assistance.

Sec. 14. Section 239.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the completion of an investigation the ~~county-beard~~ department shall decide whether the child is eligible for assistance under ~~the--provisions--of~~ this chapter and determine the amount of ~~such~~ the assistance. The ~~county beard~~ department shall, within thirty days, notify the person with whom the child is living or will be living, of the decision made. The ~~county-beard~~ department may ~~require, as a condition of granting assistance, that a legal guardianship be established~~ petition the Iowa district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over any recipient, ~~or any child or children and in such cases~~ eligible for assistance under this chapter. If a conservatorship is established the recipient's assistance payments shall be made to ~~such guardian, when appointed, but a guardian of a child or children only shall not be allowed to receive any assistance payments for any dependent child or children unless such guardian shall bear a relationship to the child or children embraced by subsection 3, section 239.1~~ the conservator. In addition to the assistance granted as

~~provided~~ under this chapter, an amount not to exceed ten dollars per case per month may be allowed for guardian's conservatorship or guardianship fees when if authorized by ~~appropriate~~ court order. The dependent child for whom the grant is made shall be originally charged to the county in which ~~such~~ the child resides when application is made.

Sec. 15. Section 249A.3, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Is a recipient of aid to families with dependent children payments under chapter 239 or is an individual who would be eligible for unborn child payments under the aid to families with dependent children program, as authorized by title IV-A of the federal Social Security Act, if the aid to families with dependent children program under chapter 239 provided for unborn child payments during the entire pregnancy.

Sec. 16. Chapter 249A, Code 1981, is amended by adding the following new section:

NEW SECTION. LICENSED PSYCHOLOGISTS ELIGIBLE FOR PAYMENT. The department shall adopt rules pursuant to chapter 17A entitling psychologists who are licensed in the state where the services are provided and have a doctorate degree in psychology, have had at least two years of clinical experience in a recognized health setting, or have met the standards of a national register of health service providers in psychology, to payment for services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations and of funds available for the medical assistance program.

Sec. 17. Sections 217.38 and 249A.10, Code 1981, are repealed.

Sec. 18. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 19. Funds appropriated by this Act shall not be used for capital improvements.

Sec. 20. All sections of this Act, except sections 11 through 17 are effective only for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983.

Sec. 21. The department of social services shall adopt administrative rules relating to section 3, subsection 1, paragraphs b, d, and e of this Act and may adopt administrative rules relating to section 2, subsection 1, section 3, subsection 1, paragraph c, section 3, subsection 2, unnumbered paragraph 2, section 3, subsection 8, paragraph b, and section 4 of this Act under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Approved June 19, 1981