

## CHAPTER 1307

### APPROPRIATIONS FOR DESIGNATED SERVICE PROGRAMS

*S.F. 2334*

**AN ACT** relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date.

*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 the aging for the fiscal year beginning July 1, 1984, and ending June 30, 1985, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

		1984-1985 <u>Fiscal Year</u>
1. For salaries and support of not more than twenty-nine and one-tenth full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$	231,577
2. For the administration of area agencies on aging .....	\$	120,023
3. For the senior citizen employment program .....	\$	110,166
4. For the older Iowans legislature .....	\$	13,608
5. For elderly services programs .....	\$	816,480

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 to increase the availability of chore, telephone reassurance, adult day care, and home repair, including the winterizing of homes and the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped, and other elderly services. A coordinated comprehensive individual assessment program for the elderly may be created in each area agency for the aging to oversee the training of interdisciplinary teams for the purpose of assessing elderly individuals to determine their health, social, and financial needs in enabling these individuals to remain in their homes and their communities. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this paragraph only if approved by an area agency on aging for provision of the services within the area. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	1984-1985
	<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 .....	\$ 723,186
<b>2. SPANISH-SPEAKING PEOPLES COMMISSION</b>	
For salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes .....	\$ 43,197
<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 .....	\$ 130,676
<b>4. 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 .....	\$ 89,851

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	1984-1985
	<u>Fiscal Year</u>
<b>1. BOARD OF MEDICAL EXAMINERS</b>	
For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 622,866
<b>2. BOARD OF NURSE EXAMINERS</b>	
For salaries and support of not more than sixteen full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$ 523,773

It is the intent of the general assembly that a licensed practical nurse may practice in head start programs without the need of supervision of a licensed registered nurse or a licensed physician. To the extent that subrule 590 IAC 6.3(3) conflicts with this provision, the subrule is void.

3. BOARD OF PHARMACY EXAMINERS

For salaries and support of not more than twelve full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 347,867

The board of pharmacy examiners shall insure that enough revenue is received to reimburse the general fund of the state for the state's portion of the costs incurred for the auditing of pharmacies.

4. BOARD OF DENTAL EXAMINERS

For salaries and support of not more than two full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 109,284

Sec. 4. There is appropriated from the general fund of the state to the state department of health for the fiscal year beginning July 1, 1984, and ending June 30, 1985, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1984-1985  
Fiscal Year

1. ADMINISTRATION

For salaries and support of not more than sixty-seven and one-fourth full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 959,347

2. HEALTH FACILITIES DIVISION

For salaries and support of not more than fifty-one full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 659,041

3. HEALTH PLANNING AND DEVELOPMENT DIVISION

For salaries and support of not more than nineteen and sixty-seven one hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 252,117

4. DISEASE PREVENTION DIVISION

For salaries and support of not more than fifty-one and sixty one hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 1,025,963

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than sixteen full-time equivalent positions annually, maintenance, and miscellaneous purposes

\$ 542,912

Of the funds appropriated in this subsection, ten thousand (10,000) dollars shall be set aside and allocated for legal expenses incurred by any of the boards regarding legal expenditures by such boards as determined by the state comptroller. 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.

#### 6. PERSONAL AND FAMILY HEALTH SERVICES

a. For salaries and support of not more than forty-seven and eighty-five one hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes

.....	\$	1,408,125
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The department shall allocate from the funds appropriated under this paragraph at least five hundred sixty-six thousand two hundred twenty-eight (566,228) dollars for the fiscal year beginning July 1, 1984, and ending June 30, 1985, for the birth defects and genetics counseling program and of these funds, forty thousand (40,000) dollars shall be allocated for a central Iowa birth defects registry pilot project.

Of the funds appropriated in this paragraph, the following amounts shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

(1) Mobile and regional child health specialty clinics .....	\$	301,978
(2) Childhood cancer diagnostic and treatment network program .....	\$	106,087
(3) Rural comprehensive care for hemophilia patients .....	\$	81,275
(4) Muscular dystrophy and related genetic disease programs .....	\$	131,657
(5) Statewide perinatal program .....	\$	43,740

Of the funds allocated to the mobile and regional child health specialty clinics pursuant to subparagraph (1), fifty thousand (50,000) dollars is intended to be used for the high risk infant follow-up program which shall be conducted through the mobile and regional child health specialty clinics. None of these funds shall be used to support the activities of the muscular dystrophy and related genetic disease programs or any other programs.

The birth defects and genetic counseling service shall develop a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and may be used for the program.

The university of Iowa hospitals and clinics shall receive an allocation for indirect costs of no more than eight percent from the funds for each program.

It is the intent of the general assembly to no longer fund the childhood cancer diagnostic and treatment network program, the rural comprehensive care for hemophilia patients program, and the high risk infant follow-up program with public health funds appropriated by the joint human resources appropriations subcommittee following the fiscal year beginning July 1, 1984 and ending June 30, 1985.

It is the intent of the general assembly that the childhood cancer diagnostic and treatment network program and the rural comprehensive care for hemophilia patients be continued at the university of Iowa hospitals and clinics at the funding level necessary to provide continued existence of the programs in the rural areas of the state. To provide for the contingency that the programs could not continue during the fiscal year beginning July 1, 1984 and ending June 30, 1985, there is appropriated from the general fund of the state to the office of the state comptroller for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of fifty-two thousand (52,000) dollars, or so much thereof as is necessary. The state comptroller shall pay to the university of Iowa hospitals and clinics the necessary amount determined by the university of Iowa hospitals and clinics.

b. Sexual abuse investigations.

For medical procedures required by section 709.10 ..... \$ 57,794

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802 ..... \$ 15,000

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than thirty-eight full-time equivalent positions annually, maintenance, and miscellaneous purposes ..... \$ 1,799,574

The department shall allocate from the funds appropriated under this lettered paragraph nine hundred thirty-nine thousand five hundred seven (939,507) dollars for the fiscal year beginning July 1, 1984, and ending June 30, 1985 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 non-prescription 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. In-home health care grants.

For grants to local boards of health for the public health nursing program ..... \$ 2,099,520

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The department shall not retain more than one percent of the amount appropriated under this paragraph for the costs of administering the public health nursing program. The remainder of the appropriation shall be allocated for use in the counties of the state. The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means a person who is sixty years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

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 elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this 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 public health nursing care to elderly and low-income 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 non-profit nurses' association, an independent nonprofit agency, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to provide public health nursing care. 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, 1984, 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 paragraph an unallocated pool. The department shall prior to December 31, 1984, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this 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 public health nursing care paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

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

c. For grants to county boards of supervisors for the homemaker-home health aide

program ..... \$ 6,955,600

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and low-income persons and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to fifteen percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to absence, incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing window panes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles.

(2) "Elderly person" means a person who is sixty years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation and providing information, assistance, household management and learning experiences.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount is available for use in each county in the state. Of the remaining amount each county shall be allocated for the 1984-1985 fiscal year an amount equal to twenty-five percent of state expenditures for homemaker services in that county for the 1981-1982 fiscal year. After the allocation of the twenty-five percent to each county, the following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics compared to all state residents with the same demographic characteristics: sixty percent according to the number of elderly persons living in the county; twenty percent according to the number of low-income persons living in the county; and twenty percent according to the number of substantiated cases of child abuse in the county during the 1980-1981 fiscal year.

For the 1985-1986 fiscal year it is intended that no allocation be made based on those state expenditures for homemaker services but that the entire amount appropriated be allocated by dividing fifteen percent of the amount equally among the counties and by dividing the remaining amount according to the percentages and demographic characteristics stipulated above.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of human services, and 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 homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. The proposal may provide that a maximum of fifteen percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and 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 county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of human services, or a suitable local governmental body, to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department.

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 paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during each fiscal year of the biennium. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to February 15 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 paragraph.

The department shall adopt rules defining eligibility for homemaker-home health aide services and chore services paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also adopt rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

d. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state ..... \$ 216,367

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of veterans affairs for the fiscal year beginning July 1, 1984, and ending June 30, 1985, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1984-1985  
Fiscal Year

- 1. For salaries and support of not more than five full-time equivalent positions annually, maintenance, and miscellaneous purposes ..... \$ 113,280
- 2. For the war orphans educational aid fund ..... \$ 27,216
- 3. For chemical exposure reporting ..... \$ 40,000

It is the intent of the general assembly that the Iowa department of veterans affairs create a reporting procedure for veterans who have been exposed to chemical defoliants, herbicides, or other causative agents, including but not limited to agent orange. The department shall compile and evaluate the information received and shall submit a report on July 15, 1985 to the governor, general assembly, and the United States veterans' administration. The state department of health shall transfer any records and information compiled relating to the exposure of chemicals by veterans to the Iowa department of veterans affairs on the effective



date of this Act. Notwithstanding chapter 139A, the Iowa department of veterans affairs shall perform all the duties required of the state department of health under chapter 139A and the attorney general and the state board of regents shall perform the duties required of them under chapter 139A.

Sec. 6. The licensing boards for which general fund appropriations have been provided for in section 3, subsection 1, 2, 3, or 4 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, 3, or 4 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. 7. Chapter 206 of the 1983 Iowa Acts, section 4, subsection 6, paragraph a, unnumbered paragraph 1, subparagraphs (1) through (5) and unnumbered paragraph 5, are amended to read as follows:

a. For salaries and support of not more than forty-four and thirty-five one-hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes .....	\$	1,164,699
		<u>1,269,717</u>
(1) Mobile and regional child health specialty clinics .....	\$	252,000
		<u>275,156</u>
(2) Childhood cancer diagnostic and treatment network program .....	\$	48,847
		<u>73,845</u>
(3) Rural comprehensive care for hemophilia patients .....	\$	69,199
		<u>116,163</u>
(4) Muscular dystrophy and related genetic disease programs .....	\$	100,000
		<u>109,900</u>
(5) Statewide perinatal program .....	\$	45,000

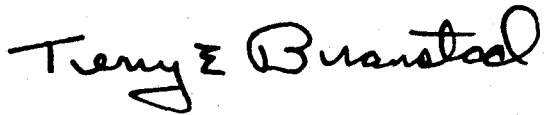
Of the funds allocated to the mobile and regional child health specialty clinics pursuant to subparagraph (1), ~~twenty-one thousand (21,000)~~ forty-four thousand one hundred fifty-six (44,156) dollars is intended to be used for the high risk infant follow-up program which may be conducted through the mobile and regional child health specialty clinics.

\*Sec. 8. Notwithstanding the 1983 Iowa Acts, chapter 206, section 4, subsection 6, paragraph a, unnumbered paragraph 7, the state comptroller shall transfer seventy-four thousand four hundred fifty (74,450) dollars from the office of the state comptroller to the general fund of the state for allocation to the programs identified in section 7 of this Act.\*

\*Item veto; see message at end of this Act

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in The Guttenberg Press, a newspaper published in Guttenberg, Iowa, and in The Red Oak Express, a newspaper published in Red Oak, Iowa. Sections 7 and 8 of this Act take effect upon publication. The remainder of the Act takes effect July 1, 1984.

Approved May 18, 1984, except the item which I hereby disapprove and which is designated as section 8, which is herein bracketed in ink and initialed by me. This is delineated with my reasons for vetoing in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.



TERRY E. BRANSTAD  
Governor

I hereby certify that the foregoing Act, Senate File 2334 was published in The Guttenberg Press, Guttenberg, Iowa on May 30, 1984 and in The Red Oak Express, Red Oak, Iowa on May 29, 1984.

MARY JANE ODELL, *Secretary of State*

The Honorable Mary Jane Odell  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2334, an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date.

Senate File 2334 is approved May 18, 1984, with the following exceptions which I hereby disapprove.


I am unable to approve Section 8, which reads as follows:

Sec. 8. Notwithstanding the 1983 Iowa Acts, chapter 206, section 4, subsection 6, paragraph a, unnumbered paragraph 7, the state comptroller shall transfer seventy-four thousand four hundred fifty (74,450) dollars from the office of the state comptroller to the general fund of the state for allocation to the programs identified in section 7 of this Act.

This section requires the State Comptroller to transfer the contingent appropriation that was made for the purposes provided in section 7 of this Act to the general fund of the state. This is confusing as this appropriation has not been distributed to the Board of Regents and is currently part of the general fund. It will revert on June 30, 1984, under the provisions of section 8.33, Code of Iowa. Since section 7 makes a supplemental appropriation which provides sufficient funding for the Specialized Child Health Services programs, distribution of the contingent fund is unnecessary.

For the above reasons, I respectfully disapprove of this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2334 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad  
Governor