

**CHAPTER 1155****SPECIAL EDUCATION SERVICES FEDERAL FUNDING***S.F. 2296*

**AN ACT** requiring the area education agencies to utilize federally funded health care programs to share in the costs of services provided to certain children requiring special education and providing an effective date.

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

Section 1. NEW SECTION. 281.15 SPECIAL EDUCATION SERVICES.

1. The state board of education in conjunction with the department of education shall develop a program to utilize federally funded health care programs, except the federal medically needy program for individuals who have a spend-down, to share in the costs of services which are provided to children requiring special education.

2. The department of education shall designate an area education agency to develop a system for collecting the information necessary to implement procedures for billing and collecting the costs of the services. The area education agency shall begin to develop the system immediately. The area education agency shall consult with and work jointly with state agencies and federal agencies to determine procedures and standards which shall be initiated by all area education agencies to qualify for receipt of benefits under federal programs.

3. The department of education, in conjunction with the area education agency, shall determine those specific services which are covered by federally funded health care programs, which shall include, but not be limited to, physical therapy, audiology, speech language therapy, and psychological evaluations. The department shall also determine which other special services may be subject to reimbursement and the qualifications necessary for personnel providing those services. If it is determined that services are required from other service providers, these providers shall be reimbursed for those services.

4. All services referred to in subsection 1 shall be initially funded by the area education agency and shall be provided regardless of subsequent subrogation collections. The area education agency shall make a claim for reimbursement to federally funded health care programs.

5. Not later than July 1, 1988, the area education agency designated by the department of education shall have developed the program for collecting for the services provided. The program shall be distributed to all of the area education agencies in the state. All area education agencies shall begin collecting the information on July 1, 1988.

6. Effective November 1, 1988, all area education agencies in the state shall participate in the program and begin billing for and collecting for the covered services and shall bill for services provided retroactive to July 1, 1988. Retroactive Title XIX billing is contingent upon state plan approval. Nothing contained in this section shall be construed to allow nonlicensed individuals to perform services which otherwise require licenses under the laws of this state or to allow licensed providers to perform services outside their scope of practice.

7. All reimbursements received by the area education agencies for eligible services shall be paid annually to the treasurer of state. The treasurer of state shall credit all receipts received under this subsection to the general fund of the state.

8. The department of education and the department of human services may adopt rules pursuant to chapter 17A as these agencies deem necessary to implement this section. These rules shall take effect immediately as provided in section 17A.5, subsection 2, paragraph "b".

9. Students or their parents or guardians covered by a federal health care program shall provide health care information to an area education agency or local school district.

10. The department of education and the department of human services shall adopt rules to implement this section to be effective immediately upon filing with the administrative rules

coordinator, or at a stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication.

Sec. 2. RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES. The department of human services shall amend its Title XIX plan to include area education agencies as eligible Title XIX providers and to include as reimbursable medical expenditures physical therapy, occupational therapy, psychological evaluations, psychotherapy, speech therapy, and audiological services provided by an area education agency. It is the intent of the general assembly that the plan amendments be submitted as soon after July 1, 1988, as possible, so that reimbursement for services can be made for the period beginning July 1, 1988 if state plan approval is secured. The department shall adopt rules to be effective immediately upon filing with the administrative rules coordinator, or at a stated date less than thirty-five days after filing, indexing, and publication. The rules also shall provide that the services provided under the Title XIX plan shall be considered separate and distinct from other services provided under Title XIX and shall not limit the rights of Title XIX clients to receive services from other providers as long as those services meet standards of appropriateness and necessity. The area education agencies shall determine their costs incurred in recording and billing the medical assistance program Title XIX for services, and these costs shall be recovered from federal funds recovered from the Title XIX program, not to exceed five percent of the amount recovered.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 4, 1988

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## CHAPTER 1156

### PESTICIDE REGULATION

*S.F. 2247*

AN ACT relating to the regulation and reporting of certain pesticides.

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

Section 1. Section 206.8, subsection 2, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

A pesticide dealer shall pay the greater of a minimum annual license fee of twenty-five dollars or an annual license fee based on one-tenth of one percent of the gross retail sales of all pesticides sold at retail for use in this state by the pesticide dealer in the previous year. The annual license fee shall be paid to the department of agriculture and land stewardship, beginning July 1, 1988, and July 1 of each year thereafter. The secretary shall provide for a ninety-day grace period for licensure and shall impose a late fee of two percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the period July 2 through July 31, a late fee of four percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the month of August, and a late fee of five percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the month of September. A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987 through June 30, 1988.

Sec. 2. Section 206.12, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Every pesticide which is distributed, sold, or offered for sale for use within this state or delivered for transportation or transported in intrastate commerce between points within the