

**CHAPTER 320**

**APPROPRIATIONS AND OTHER PROVISIONS  
RELATING TO HEALTH, HUMAN RIGHTS, AND ELDER AFFAIRS**

*H.F. 775*

**AN ACT** relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

*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 Iowa state civil rights commission for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	869,430
.....	FTEs	36.32

Sec. 2. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. CENTRAL ADMINISTRATION DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	197,423
.....	FTEs	7.0

It is the intent of the general assembly that the department continue the existence of the visitation rights advisory committee composed of volunteer members with expertise or interest in the area of visitation rights.

**2. SPANISH-SPEAKING PEOPLE DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	60,371
.....	FTEs	1.5

**3. PERSONS WITH DISABILITIES DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	135,613
.....	FTEs	4.0

Of the funds appropriated to the division, there is allocated an amount necessary to fund the central registry for brain injuries established pursuant to section 135.22.

**4. STATUS OF WOMEN DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	329,455
.....	FTEs	4.0

Of the funds appropriated under this subsection, \$50,000 shall be used to provide competitive grants to rape crisis centers. The division shall establish criteria for the application for and provision of grants, and a rape crisis center seeking a grant shall submit an application to the department for consideration. However, if House File 700, 1989 Acts, is enacted, the moneys and the grant program shall be transferred for administration by the division of victim assistance of the department of justice. If House File 700, 1989 Acts, is not enacted, the division shall retain the funds and the program.

Of the funds appropriated under this subsection, \$120,000 shall be used to fund the displaced homemaker program.

5. CHILDREN, YOUTH AND FAMILIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	157,860
.....	FTEs	6.0

Of the funds appropriated in this subsection, no less than \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. \*The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.\*

6. DEAF SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	261,932
.....	FTEs	10.0

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be dispersed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for the provision of continued and expanded interpretation services.

7. STATUS OF BLACKS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	65,991
.....	FTEs	1.5

8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	215,392
.....	FTEs	7.0

The criminal and juvenile justice advisory council and the juvenile justice advisory council of the division of children, youth, and families shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 3. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,353,071
.....	FTEs	102.5

Sec. 4. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	434,290
.....	FTEs	32.0

It is the intent of the general assembly that the department employ an alternative housing coordinator and a long-term care coordinator as two of the full-time equivalent positions.

It is the intent of the general assembly that the department continue the existence of the Alzheimer's disease task force to collect comprehensive information regarding the incidence and impact of Alzheimer's disease in Iowa; to determine the existing programs and mechanisms for dealing with dementing illness including a determination of barriers to access; to develop

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

policy recommendations based upon the scope of the problem, review of relevant literary data regarding cost-effectiveness of care delivery, and the perceived needs to families of Alzheimer's disease victims; and to recommend policy for the enhancement of service delivery and training for families and caregivers through coordination of the increased utilization of existing resources related to the treatment and understanding of Alzheimer's disease victims. The members of the task force shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

Of the funds appropriated under this subsection, \$25,500 shall be allocated to fund the representative payee project established within the department of elder affairs.

2. For the administration of area agencies on aging:

..... \$ 114,000

Of the funds appropriated to the department for administration of the area agencies on aging for the long-term care residents' advocate and the care review committees at the local area agency on aging level, a local area agency on aging shall match the funds appropriated with funds from other sources on a four-dollar to one-dollar basis.

3. For the retired Iowans community employment program:

..... \$ 104,000

4. For the older Iowan's legislature:

..... \$ 13,000

5. For the retired seniors volunteer program:

..... \$ 34,500

Of the initial funds appropriated, \$12,500 shall be used to establish the new retired seniors volunteer program project. The remaining funds appropriated under subsection 5 shall be divided equally among the programs in existence as of July 1, 1989, and shall not be used by the department for administrative purposes.

Of the amount appropriated in this subsection, following the initial expenditure of \$12,500 for the establishment of one new retired seniors volunteer program project, \$8,000 shall be used to increase the amount of grant funds to be distributed among retired seniors volunteer program projects.

6. For elderly services programs:

..... \$ 1,356,000

All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for the elderly services program, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty years of age for chore, telephone re-assurance, 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. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency for provision of the service within the area.

Of the funds appropriated in this subsection, \$150,000, or so much thereof as is necessary, are allocated for a respite care program, administered by the department of elder affairs.

For the fiscal year beginning July 1, 1989, area agencies on aging shall expend no less than \$250,000 on adult day care programs.

7. For the Alzheimer's disease support program:

..... \$ 62,500

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 783,448  
..... FTEs 54.0

2. HEALTH PLANNING DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,161,148
.....	FTEs	14.75

The department shall allocate from the funds appropriated under this subsection \$754,500 for the fiscal year beginning July 1, 1989, 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.

3. DISEASE PREVENTION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,944,290
.....	FTEs	71.0

Of the funds appropriated under this subsection, \$50,000 shall be used to provide chlamydia testing. The moneys shall be distributed on a statewide basis to areas with the highest concentrations of at-risk persons. None of the funds appropriated shall be used to defray indirect costs.

b. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,006,090
.....	FTEs	4.0

It is the intent of the general assembly that the moneys appropriated under this paragraph shall be used for equipment and the training of emergency medical services personnel at the state, county, and local levels.

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the emergency provider fund only if the reimbursement is not available through any employer or third-party payor.

4. PROFESSIONAL LICENSURE

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	595,044
.....	FTEs	13.5

5. STATE BOARD OF DENTAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	194,003
.....	FTEs	4.0

6. STATE BOARD OF MEDICAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	898,373
.....	FTEs	19.0

7. STATE BOARD OF NURSING EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	721,576
.....	FTEs	17.0

**8. STATE BOARD OF PHARMACY EXAMINERS**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	554,667
.....	FTEs	12.0

Professional licensure pursuant to subsection 4 and the boards pursuant to subsections 5 through 8 shall prepare estimates of projected receipts 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 receipts equal projected costs.

**9. SUBSTANCE ABUSE DIVISION**

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	494,560
.....	FTEs	14.0

b. For program grants:

.....	\$	7,215,000
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For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the governor's alliance on substance abuse:

.....	\$	47,340
.....	FTEs	5.0

**10. HEALTH DATA COMMISSION**

For the health data clearinghouse:

.....	\$	375,000
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**11. FAMILY AND COMMUNITY HEALTH DIVISION**

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,226,089
.....	FTEs	78.1

The department shall allocate from the funds appropriated under this paragraph at least \$631,000 for the fiscal year beginning July 1, 1989, and ending June 30, 1990, for the birth defects and genetics counseling program and of these funds, \$39,000 shall be allocated for a central birth defects registry program, and \$296,000 shall be allocated for regional genetic counseling services contracted from the university of Iowa hospitals and clinics under the control of the state board of regents.

Of the funds appropriated under this paragraph, \$49,000 shall be used for a lead abatement program.

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:

.....	\$	308,000
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The regional clinic located in Sioux City shall maintain a social worker component to assist the families of children participating in the clinic program.

(2) Muscular dystrophy and related genetic disease programs:

.....	\$	125,000
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(3) Statewide perinatal program:

.....	\$	67,000
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The birth defects and genetic counseling service shall apply 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 used for the program.

Of the funds allocated to the mobile and regional child health specialty\* clinics under subparagraph (1) of this paragraph, \$68,000 shall be used for a specialized medical home care

\*Specialty probably intended

program providing care planning and coordination of community support services for children who require technical medical care in the home.

The university of Iowa hospitals and clinics shall not receive indirect costs from the funds for each program.

The Iowa department of public health shall administer the statewide maternal and child health program and the crippled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the Social Security Act.

b. Sudden infant death syndrome autopsies.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j":

..... \$ 13,000

c. For grants to local boards of health for the public health nursing program:

..... \$ 2,433,200

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 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 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. 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 shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, or a suitable local governmental body to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to prevent duplication of services.

If by July 30 of each fiscal year, 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. If the unallocated pool is \$50,000 or more it shall be reallocated to the 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. If the unallocated pool is less than \$50,000, the department may allocate it to counties with demonstrated special needs for public health nursing.

The department shall maintain rules governing the expenditure of funds appropriated by paragraph "d". The rules 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.

d. For grants to county boards of supervisors for the homemaker-home health aide program:

..... \$ 7,980,200

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and persons below the poverty level 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. It also includes heavy house cleaning which includes cleaning attics or basements to remove fire hazards, moving heavy furniture, extensive wall washing, floor care or painting, and trash removal.

(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, and household management.

(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. 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: sixty percent according to the number of elderly persons living in the county; twenty percent according to the number of persons below the poverty level living in the county; and twenty percent according to the number of substantiated cases of child abuse in the county during the three most recent fiscal years for which data is available.

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 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 planning for 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, and that each homemaker-home health aide subcontracting agency shall maintain the direct service workers' time assigned to direct client service at seventy percent or more of the workers' paid time and that no more than thirty-five percent of the total cost of the service be in the combined costs for service

administration and agency administration. The subcontract shall require that each homemaker-home health aide subcontracting agency shall pay the employer's contribution of Social Security and provide workers' compensation coverage for persons providing direct homemaker-home health aide service and meet any other applicable legal requirements of an employer/employee relationship.

If by July 30 of each fiscal year, 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. 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, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph. The department shall also review the first ten months' expenditures for each county in May of each year, to determine if any counties have contracted funds which they do not anticipate spending. If such funds are identified and the county agrees to release the funds, the released funds will be considered a new reallocation pool. The department may, prior to June 1 of each year, reallocate funds from this new reallocation pool to those counties which have experienced a high utilization of protective service hours for children and dependent adults.

The department shall maintain rules governing the expenditure of funds appropriated by this paragraph. The rules 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 maintain 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.

e. For the development and maintenance of well-elderly clinics in the state:

..... \$ 489,000

Appropriations made in this paragraph shall be provided to well-elderly clinics by a formula prioritizing clinics located in counties which provide funding on a matching basis for the well-elderly clinics.

*\*f. For the decentralized indigent obstetrical patient program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:*

..... \$ 770,784  
..... FTEs 1.0

*It is the intent of the general assembly that a person certified under chapter 255A, who is not included in the patient quota for which care is provided at the university hospitals, but who gives birth or receives obstetrical care at the university hospitals, shall receive payment for care through the funds available under chapter 255 and the moneys not expended for the person certified under chapter 255A shall be available for use by the county of residence of the person certified.*

*It is also the intent of the general assembly that if delivery costs for persons certified under chapter 255A are less than \$2,100, the excess moneys shall revert to a fund for reallocation under chapter 255A in accordance with the allowable reimbursement level established and in accordance with the patient quota formula.*

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



*Appropriations made in this paragraph shall be provided in accordance with the county patient quota formula established. The costs of provision of services to indigent obstetrical patients not provided services locally that are provided services at the university hospital shall be paid from the appropriation for the support of the hospital.*

*The department shall determine the impact of any expansions in Medicaid eligibility provided under other Acts on the use of this program and the characteristics of persons using the program, and the need for modification of the quota system of the program.\**

Sec. 6. There is appropriated from the separate fund created under section 321J.17 to the family and community health division of the Iowa department of public health for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the amount of \$101,000, or so much thereof as is necessary, to pay the costs of medical examinations in crimes of sexual abuse and of treatments for prevention of venereal disease as required by section 709.10.

Sec. 7. The licensing boards for which general fund appropriations have been provided in section 5, subsections 4, 5, 6, 7, and 8 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 5, subsections 4, 5, 6, 7, and 8 of this Act expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management 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 department of management 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. 8. All federal grants to and federal receipts of the agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly. 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 division of this Act, but are approved only for the period of time for which the federal funds are available for the position.

Sec. 9. 1988 Iowa Acts, chapter 1277, section 7, is amended to read as follows:

SEC. 7. There is appropriated from the separate fund created under section 601K.117 to the division of deaf services of the department of human rights for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the amount of fifty thousand (50,000) dollars, or so much thereof as is necessary, to be used for the funding of interpretation services provided by the division. If the moneys generated for deposit in the separate fund created under section 601K.117 are less than fifty thousand (50,000) dollars, an amount which is the difference between fifty thousand dollars and the amount generated for deposit in the fund shall be appropriated from the general fund of the state to the division of deaf services of the department of human rights for the year beginning July 1, 1988, and ending June 30, 1989. Four thousand (4,000) dollars of the moneys appropriated under this section shall be used for the payment of interpretation services contracted by the division of deaf services for the fiscal period beginning July 1, 1988, and ending June 30, 1989. Any balance in the fund on June 30, 1989, or June 30 of a succeeding fiscal year shall remain in the fund.

Sec. 10. **NEW SECTION. 135.22 CENTRAL REGISTRY FOR BRAIN INJURIES.**

1. As used in this section, section 225C.23, and section 601K.83, "brain injury" means clinically evident brain damage or spinal cord injury resulting directly or indirectly from trauma, infection, anoxia, or vascular lesions not primarily related to degenerative or aging processes, which temporarily or permanently impairs a person's physical or cognitive functions.

2. The director shall establish and maintain a central registry of persons with brain injuries in order to facilitate the provision of appropriate rehabilitative services to the persons

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

by the department and other state agencies. For a patient who is not admitted to a hospital but is treated in a physician's office, physicians shall report a brain injury to the director within seven days after identification of the person sustaining a brain injury. Hospitals shall report a brain injury to the director no later than forty-five days after the close of a quarter in which the patient was discharged. The report shall contain the name, age and residence of the person, the date, type, and cause of the brain injury, and additional information as the director requires, except that where available, physicians and hospitals shall report the Glasgow coma scale. The director shall consult with health care providers concerning the availability of additional relevant information. The department shall maintain the confidentiality of all information which would identify any person named in a report. However, the identifying information may be released for bona fide research purposes if the confidentiality of the identifying information is maintained by the researchers, or the identifying information may be released by the person with the brain injury or by the person's guardian or, if the person is a minor, by the person's parent or guardian.

Sec. 11. NEW SECTION. 601K.83 ADVISORY COUNCIL ON HEAD INJURIES.

1. For purposes of this section, unless the context otherwise requires:
  - a. "Head injury" means "brain injury" as defined in section 135.22.
  - b. "Council" means the advisory council on head injuries.
2. The advisory council on head injuries is established. The following persons or their designees shall serve as ex officio, nonvoting members of the council:
  - a. The director of public health.
  - b. The director of human services and any division administrators of the department of human services so assigned by the director.
  - c. The director of the department of education.
  - d. The chief of the special education bureau of the department of education.
  - e. The administrator of the division of vocational rehabilitation of the department of education.
  - f. The director of the department for the blind.
  - g. The commissioner of insurance.
3. The council shall be composed of a minimum of nine members appointed by the governor in addition to the ex officio members, and the governor may appoint additional members. Insofar as practicable, the council shall include persons with head injuries, family members of persons with head injuries, representatives of industry, labor, business, and agriculture, representatives of federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, and other professional groups and organizations. Members shall be appointed representing every geographic and employment area of the state and shall include members of both sexes.
4. Members of the council appointed by the governor shall be appointed for terms of two years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.
5. The members of the council shall appoint a chairperson and a vice chairperson and other officers as the council deems necessary. The officers shall serve until their successors are appointed and qualified. Members of the council shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in section 7E.6. The council shall adopt rules pursuant to chapter 17A.
6. The council shall:
  - a. Promote meetings and programs for the discussion of methods to reduce the debilitating effects of head injuries, and disseminate information in cooperation with any other department, agency, or entity on the prevention, evaluation, care, treatment, and rehabilitation of persons affected by head injuries.
  - b. Study and review current prevention, evaluation, care, treatment, and rehabilitation technologies and recommend appropriate preparation, training, retraining, and distribution of manpower and resources in the provision of services to persons with head injuries through private and public residential facilities, day programs, and other specialized services.

c. Participate in developing and disseminating criteria and standards which may be required for future funding or licensing of facilities, day programs, and other specialized services for persons with head injuries in this state.

d. Make recommendations to the governor for developing and administering a state plan to provide services for persons with head injuries.

e. Meet at least quarterly.

f. Report on or before February 15 of each year to the governor and the general assembly on council activities, and submit recommendations believed necessary to promote the welfare of persons with head injuries.

7. The council is assigned to the division for administrative purposes. The administrator shall be responsible for budgeting, program coordination, and related management functions.

8. The council may receive gifts, grants, or donations made for any of the purposes of its programs and disburse and administer them in accordance with their terms and under the direction of the administrator.

Sec. 12. Section 601K.117, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**601K.117 INTERPRETATION SERVICES ACCOUNT.**

All fees collected by the division for provision of interpretation service by the division to obligated agencies shall be deposited in a separate account within the general operating fund of the division and shall be dedicated to and used by the division for the provision of continued and expanded interpretation services. The commission shall adopt rules which establish a fee schedule for the costs of provision of interpretation services, for collection of the fees, and for disposition of moneys received under this section. Notwithstanding section 8.33, any balance in the separate account at the end of any fiscal year, shall be retained in the account.

Sec. 13. Section 225C.22, Code 1989, is repealed.

*Approved June 5, 1989, except those items which I hereby disapprove and which are designated as that portion of section 2, subsection 5 which is herein bracketed in ink and initialed by me; and section 5, subsection 11, lettered paragraph f in its entirety. My reasons for vetoing these items are delineated 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

Dear Madam Secretary:

I hereby transmit House File 775, an Act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

House File 775 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 5. This provision gives the authority to the Governor's advisory council on juvenile justice to determine the appropriate staffing levels for carrying out federal and state mandates for juvenile justice. The determination of appropriate staffing levels is a key management responsibility; it is clearly not the responsibility of a policy advisory council. The advisory council could provide recommendations regarding appropriate staffing levels but the final determination should be made by the Governor and the Department of Management.

I am unable to approve the item designated as Section 5, subsection 11, lettered paragraph f, in its entirety. This provision of House File 775 appropriates \$770,000 to the Department of Health for a decentralized indigent obstetrical patient program. After consultation with the Department of Health and others involved in these programs, it appears that the Medicaid expansions included in Senate File 538, which I have signed into law, would eliminate the need for the obstetrical and newborn indigent patient care program. So long as the Department of Human Services appropriately defines "tools of the trade" under the SOBRA expansions included in Senate File 538, women and newborns currently covered under the obstetrical and newborn indigent patient care program would become eligible for the Medicaid program. As a result, this appropriation in House File 775 is made unnecessary.

Unfortunately, the General Assembly did not provide full funding for the Medicaid expansions included in Senate File 538. Therefore, this particular item veto will help fund the SOBRA program.

In short, in order to avoid duplicate funding and to better ensure appropriate levels of funding for the expansion of Medicaid eligibility for women and newborns, this provision for the decentralized indigent obstetrical patient program in the Department of Health should be eliminated. Moreover, I believe the expansion of Medicaid eligibility with the accompanying federal matching funds is the most appropriate way to ensure that the health care needs are met for these vulnerable uninsured Iowans.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 775 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*