

CHAPTER 1259

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

H.F. 2371

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, 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 Iowa state civil rights commission for the fiscal year beginning July 1, 1990 and ending June 30, 1991, 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:

.....	\$	1,051,000
.....	FTEs	37.00

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, 1990 and ending June 30, 1991, 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:

.....	\$	242,000
.....	FTEs	9.00

2. SPANISH-SPEAKING PEOPLE DIVISION

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

.....	\$	127,000
.....	FTEs	3.50

3. PERSONS WITH DISABILITIES DIVISION

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

.....	\$	191,000
.....	FTEs	4.00

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

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

.....	\$	211,000
.....	FTEs	4.10

b. For the displaced homemaker program:

.....	\$	140,000
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5. CHILDREN, YOUTH AND FAMILIES DIVISION

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

.....	\$	181,000
.....	FTEs	8.00

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:

.....	\$	307,000
.....	FTEs	10.00

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:

.....	\$	69,000
.....	FTEs	1.50

8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	223,000
.....	FTEs	7.00

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.

*9. RECREATION AND EDUCATIONAL GRANTS PROGRAM

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

.....	\$	400,000
.....	FTEs	1.00

a. Of the amount appropriated under this subsection, \$300,000 shall be used as follows:

(1) To provide state funds to encourage and supplement recreational and educational activities for low-income youth grades K-12 by filling existing gaps and permitting expansion in the current system of community-based recreational and educational programs; establishing a comprehensive network of services that are continuous and year-round that focus on recreation and personal development education for low-income youth grades K-12; and providing recreational/educational programs for youth from families with incomes no more than 120 percent above the federal poverty level.

(2) To be eligible for state funds under this paragraph, the applicant must be a nonprofit organization whose mission includes providing services for low-income youth grades K-12; the activities must be those not currently offered by the organization, or if currently offered are demonstrably underfunded; and the activities must be free of charge to all youth who meet the income requirements. A nominal fee, at cost, may be assessed to youth who do not meet the stated income requirements. Grants will be awarded based on the organization's demonstrated ability to provide organized recreational or educational programs or a combination of both.

(3) Grants awarded under this paragraph shall be awarded on a competitive basis to fund low-income youth programs in both urban and rural areas throughout the state.

b. Of the amount appropriated under this subsection, \$100,000 shall be used for exemplary social and community-based organizations whose activities are primarily targeted toward minority populations in the state. Grants awarded under this paragraph shall be awarded on a competitive basis.

*Item veto; see message at end of the Act

c. Of the funds appropriated under this subsection, 8 percent of the funds may be used for administrative purposes of the department of human rights.

d. Notwithstanding section 8.33, moneys appropriated under this subsection for the fiscal year beginning July 1, 1990, shall not revert to the general fund of the state at the end of the fiscal year but shall be available for expenditure during the fiscal year beginning July 1, 1991, for the purposes designated.*

Sec. 3.

Notwithstanding section 8.33, moneys appropriated from the jobs now account for the fiscal year beginning July 1, 1989, pursuant to section 99E.32, subsection 5, paragraph "v", which remain unexpended on June 30, 1990, shall not revert to any fund but shall be available for expenditure for the purposes designated during the fiscal year beginning July 1, 1990, and shall be in addition to any other moneys available for those purposes.

Sec. 4.

There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1990, and ending June 30, 1991, 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:

.....	\$	1,458,800
.....	FTEs	103.50

Of the funds appropriated under this section, \$7,800 shall be used to fund the position of 1 additional counselor in the vending program to provide needed management assistance to the blind vending operators throughout the state.

Sec. 5.

There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1990, and ending June 30, 1991, 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:

.....	\$	506,000
.....	FTEs	33.00

It is the intent of the general assembly that the department employ an alternative housing coordinator and a long-term care coordinator as 2 of the full-time equivalent positions.

Of the funds appropriated under this subsection, \$50,000 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:

.....	\$	165,000
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3. For the long-term care residents' advocate and the care review committees at the local area agency on aging level:

.....	\$	120,000
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As a condition, qualification, and limitation of the funds appropriated by this subsection, a local area agency on aging shall match the funds appropriated with funds from other sources on a \$4 to \$1 basis.

4. For the retired Iowans community employment program:

.....	\$	104,000
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5. For the older Iowans' legislature:

.....	\$	13,000
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6. a. For existing retired senior volunteer program projects:

.....	\$	58,000
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b. For two additional retired senior volunteer program projects:

.....	\$	25,000
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7. For elderly services programs:

.....	\$	1,531,000
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*Item veto; see message at end of the Act

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 60 years of age for chore, telephone reassurance, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging 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, 1990, and ending June 30, 1991, area agencies on aging shall expend no less than \$250,000 on adult day care programs.

Of the funds appropriated in this subsection, \$150,000, or so much thereof as is necessary, shall be used for case management for the frail elderly.

8. For the Alzheimer's disease support program:

..... \$ 75,000

*9. For an elder law program:

..... \$ 100,000

*It is the intent of the general assembly that the funds appropriated under this subsection be used by the department to establish, in cooperation with the area agencies on aging, a program to provide legal services to elders. An area agency on aging shall contract with the non-profit legal services organization which is in closest proximity to the area agency on aging, to provide the services of a full-time attorney to elders in the service area of the area agency on aging.**

Sec. 6.

There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1990, and ending June 30, 1991, 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:

..... \$ 829,096

..... FTEs 57.00

As a condition, limitation, and qualification of the appropriation made in this subsection, the director of the Iowa department of public health or the director's designee shall participate in an interagency working committee convened by the governor's planning council for developmental disabilities to examine the feasibility of establishing an office of disability prevention within state government.

2. HEALTH PLANNING DIVISION

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

..... \$ 1,171,296

..... FTEs 15.75

The department shall allocate from the funds appropriated under this subsection \$754,500 for the fiscal year beginning July 1, 1990, and ending June 30, 1991, 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.

*Item veto; see message at end of the Act

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

.....	\$	187,000
.....	FTEs	4.00

(1) Of the funds appropriated in this paragraph, \$57,000 is allocated for the continuation of the office of rural health.

(2) Of the funds appropriated in this paragraph, \$100,000 is allocated to the office of rural health to provide technical assistance to rural areas in the area of health care delivery, including technical assistance in the recruitment of physicians and health care professionals.

(3) Of the funds appropriated in this paragraph, \$30,000 is allocated for a public purpose to provide one-time competitive grants, not to exceed \$10,000 each, to hospitals networking in the Iowa agricultural health and safety services program. Hospitals shall use grant funds to create stipends for persons engaged in agriculture who are without third-party health coverage or who are otherwise unable to pay for services, and to implement the program through training personnel, developing outreach programs and educational materials, and purchasing equipment needed to offer savings.

As used in this subparagraph, "agriculture" means an activity relating to the production, processing, warehousing, or handling of commodities produced from farming, as defined in section 567.1. For purposes of this subparagraph, a person is engaged in agriculture if the person is consistently exposed to a related activity described in this subparagraph.

c. For the health data clearinghouse of the health data commission:

.....	\$	375,000
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3. DISEASE PREVENTION DIVISION

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

.....	\$	2,484,709
.....	FTEs	78.50

(1) Of the funds appropriated under this paragraph, \$100,000 shall be used for chlamydia testing.

(2) Of the funds appropriated in this paragraph, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agriculture-related injuries and diseases in the state, identifying causal factors associated with agriculture-related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the university of Iowa in accomplishing these duties.

(3) (a) Of the funds appropriated under this paragraph, \$10,000 shall be used by the Iowa department of public health to establish an acquired immune deficiency syndrome (AIDS) services task force. It is the intent of the general assembly that the AIDS services task force do all of the following:

(i) Collect comprehensive information regarding existing programs and services to persons who have tested positive for the human immunodeficiency virus or who have acquired immune deficiency syndrome in the state.

(ii) Identify barriers to existing programs and services.

(iii) Develop policy recommendations based upon the scope of the problem of the disease and the determined needs of persons with acquired immune deficiency syndrome and their families.

(iv) Make recommendations to the Iowa department of public health for an acquired immune deficiency syndrome services grant program.

(b) The task force shall include all of the following members:

(i) A physician who is knowledgeable about acquired immune deficiency syndrome and its treatment.

(ii) A social worker experienced in working with persons with acquired immune deficiency syndrome.

(iii) An administrator of a community or regional-based agency or organization that provides services to persons with acquired immune deficiency syndrome.

(iv) One male and one female representative of the homosexual community.

(v) A representative of the Black community.

(vi) A representative of the Hispanic community.

(vii) A representative of an AIDS coalition.

(viii) A person with acquired immune deficiency syndrome or a person who has tested positive for the human immunodeficiency virus.

(ix) A mental health worker.

(c) The task force membership shall be geographically balanced to the extent possible. Members of the task force shall be reimbursed for actual and necessary expenses incurred by the members in the discharge of their official duties.

(d) The AIDS services task force shall report its recommendations to the general assembly by January 1, 1991.

(4) The university of Iowa hospitals and clinics shall not receive indirect costs from the funds appropriated under this paragraph.

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

.....	\$	1,014,000
.....	FTEs	5.00

It is the intent of the general assembly that the moneys appropriated under this paragraph shall be used for the training of emergency medical services (EMS) 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:

.....	\$	639,748
.....	FTEs	13.50

5. STATE BOARD OF DENTAL EXAMINERS

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

.....	\$	223,428
.....	FTEs	4.00

6. STATE BOARD OF MEDICAL EXAMINERS

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

.....	\$	971,955
.....	FTEs	19.00

7. STATE BOARD OF NURSING EXAMINERS

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

.....	\$	773,995
.....	FTEs	17.00

8. STATE BOARD OF PHARMACY EXAMINERS

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

.....	\$	606,268
.....	FTEs	12.00

9. 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.

10. SUBSTANCE ABUSE DIVISION

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

.....	\$	514,012
.....	FTEs	15.00

b. For program grants:

.....	\$	7,382,000
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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:

.....	\$	3,945,020
.....	FTEs	87.60

The department shall allocate from the funds appropriated under this paragraph at least \$631,000 for the fiscal year beginning July 1, 1990, and ending June 30, 1991, 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, \$124,000 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:

.....	\$	341,500
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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), \$101,500 shall be used for a specialized medical home care 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.

Of the funds appropriated under this paragraph, \$1,750,000 shall be used for maternal and child health services, and shall be allocated for the following purposes:

(1) For outreach services and the hiring of 4 half-time paraprofessionals to be located in and surrounding the areas of Black Hawk, Tama, Woodbury, and Scott counties:

..... \$ 50,000

**(2) For the provision of physician care for pregnant women who are not eligible for services under the maternal and child health centers guidelines based upon their income, but whose incomes are between 185 and 300 percent of the poverty guidelines published by the United States department of health and human services:*

..... \$ 300,000

*The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the pregnant women in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subparagraph shall be reimbursed according to Title XIX reimbursement rates.**

(3) Of the funds appropriated under this paragraph for prevention services for women to decrease problems of pregnancy and to reduce the incidences of low birth weights, priorities shall be given to communities with a high concentration of minorities.

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":

..... \$ 10,000

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

..... \$ 2,668,000

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 60 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.

*Item veto; see message at end of the Act

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 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: \$ 8,699,000

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 15 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 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 windowpanes, 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 60 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. 15 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: 60 percent according to the number of elderly persons living in the county; 20 percent according to the number of persons below the poverty level living in the county; and 20 percent according to the number of substantiated cases of child abuse in the county during the 3 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. An agency requesting service or financial information about a current subcontractor shall provide similar information concerning its own homemaker-home health aide or chore program to the current subcontractor. The proposal may provide that a maximum of 15 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 70 percent or more of the workers' paid time and that not more than 35 percent of the total cost of the service be included 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 10 months' expenditures for each county in May of each year, to determine if any counties possess 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:

..... \$ 655,000

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

f. For the physician care for children program:

..... \$ 450,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the children in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this paragraph shall be reimbursed according to Title XIX reimbursement rates.

Sec. 7.

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, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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:

..... \$ 176,000

Sec. 8.

The licensing boards for which general fund appropriations have been provided in section 6, 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 and exceed funds budgeted for examinations. Before a licensing board included in section 6, 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. 9. 1989 Iowa Acts, chapter 304, section 1108, is amended to read as follows:

SEC. 1108. PRIMARY AND PREVENTIVE HEALTH CARE FOR CHILDREN. If division II and section 1101 of this Act are enacted, there is appropriated from the general fund of the state to the Iowa department of public health for the fiscal period beginning October 1, 1989, and ending June 30, 1990, \$300,000 and in the fiscal years beginning July 1, 1990, and July 1, 1991, \$450,000, or so much thereof as is necessary, to be used for the purposes designated:

For the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

1. The organization shall provide a match in advance of each state dollar provided as follows:
 - a. In the fiscal year beginning July 1, 1989, two dollars.
 - b. In the fiscal year beginning July 1, 1990, three dollars.
 - c. In the fiscal year beginning July 1, 1991, four dollars.
2. The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.

3. The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.

4. Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

5. Notwithstanding section 8.33, funds appropriated in this section which are unencumbered or unobligated on June 30, 1990, shall not revert to the general fund but shall remain available to the department for the provision of maternal and child health services purposes of this section during the fiscal period beginning July 1, 1990.

Sec. 10. Section 135.11, subsection 19, Code Supplement 1989, is amended to read as follows:

19. 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 federal Social Security Act. The department shall provide technical assistance to encourage the coordination and collaboration of state agencies in developing outreach centers which provide publicly supported services for pregnant women, infants, and children. The department shall also, through cooperation and collaborative agreements with the department of human services and the mobile and regional child health specialty clinics, establish common intake proceedings for maternal and child health services. The department shall work in cooperation with the legislative fiscal bureau in monitoring the effectiveness of the maternal and child health centers, including the provision of transportation for patient appointments and the keeping of scheduled appointments.

Sec. 11.

Sections 3 and 9 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 3, 1990, except the items which I hereby disapprove and which are designated as section 2, subsection 9 in its entirety; section 5, subsection 9 in its entirety; and section 6, subsection 11a, second paragraph numbered 2 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the speaker of the house this same date a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Mr. Speaker:

I hereby transmit House File 2371, 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, and providing an effective date.

House File 2371, is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 9, in its entirety. This provision would appropriate \$400,000 from the general fund for recreational and educational activities. During the fiscal year beginning July 1, 1989, funds were appropriated from the Iowa Plan for this purpose, which are being carried forward into the fiscal year beginning July 1, 1990, under Section 3 of this Act. Funds are available to fulfill obligations made by the Department of Human Rights for programs during the summer of 1990. Due to fiscal constraints and because funds for this special program would now be provided from the general fund rather than the Iowa Plan, I am unable to approve this subsection.

I am unable to approve the item designated as Section 5, subsection 9, in its entirety, which would appropriate \$100,000 for an elder law program and direct the Department of Elder Affairs to establish a program to provide legal services for elders in cooperation with the Area Agencies on Aging. Area Agencies on Aging are currently required to spend three percent of federal funds received for legal services for elders. And, I have previously approved a \$50,000 supplemental appropriation for contractual services for the elder law education program and funds to continue this program are expected to be approved for fiscal year 1991. In addition, other forms of free legal services for the elderly are available.

I am unable to approve the item designated as Section 6, subsection 11a, second paragraph numbered 2, in its entirety, which reads as follows:

(2) For the provisions of physician care for pregnant women who are not eligible for services under the maternal and child health centers guidelines based upon their income, but whose incomes are between 185 and 300 percent of the poverty guidelines published by the United States department of health and human services:

..... \$ 300,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the pregnant women in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subparagraph shall be reimbursed according to Title XIX reimbursement rates.

This provision would provide prenatal services at no cost to pregnant women whose incomes are between 185 and 300 percent of poverty through the maternal and child health centers. Such services are currently available on a sliding fee scale to women whose incomes exceed 185 percent of poverty. Given the fiscal constraints of the state, I cannot approve funding for this purpose.

For the above reasons, I hereby respectfully disapprove 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 2371 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 1260

**APPROPRIATIONS AND OTHER PROVISIONS RELATING TO
AGRICULTURE AND NATURAL RESOURCES**

S.F. 2364

AN ACT relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, and the department of natural resources, changing the distribution of certain fees, and providing an effective date.

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

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1.

There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated: