

shall be paid upon the amount found due to the state at the rate of one and one-half percent per month for each month or fraction of a month delinquent.

c. An insurer is not liable for a surcharge which is not paid to the insurer by the policyholder or employer provided the insurer has made good faith efforts to collect the surcharge from the policyholder or employer. An insurance carrier shall report a policyholder or employer who fails to pay a surcharge within thirty days of its due date to the treasurer of state.

d. In any action concerning the amount of a surcharge imposed by this section, any other surcharge shall continue to be made based upon the amount assessed by the treasurer of state. In the event of an overpayment, the excess amount paid may be credited against future payments otherwise due.

e. An employer who fails to pay the surcharges imposed under this section shall not be allowed to purchase workers' compensation insurance coverage or to renew a self-insurance authorization unless and until the surcharge has been paid.

6. For the purposes of this section, "insurer" includes a self-insurance group approved by the commissioner of insurance pursuant to section 87.4.

Sec. 3. EFFECTIVE DATE AND RETROACTIVITY PROVISIONS.

Subsections 1 and 3 through 6 of section 2 of this Act, being deemed of immediate importance, take effect upon enactment, and apply retroactively to the fiscal year beginning July 1, 1990.

Approved May 10, 1991

CHAPTER 163

HEALTH DATA COMMISSION

H.F. 575

AN ACT relating to the collection and use of patient information by the health data commission, and providing penalties.

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

Section 1. Section 145.3, subsection 4, paragraph d, Code 1991, is amended to read as follows:

d. Additional or alternative information related to the intent and purpose of this chapter as outlined in section 145.1 be submitted to the commission, except that in no event shall hospitals with fewer than one hundred licensed acute care beds be required to install computerized severity of illness systems before July 1, ~~1991~~ 1993.

Sec. 2. Section 145.3, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A hospital, physician, third-party payer, or other person required to provide information to the commission pursuant to this section, is subject to a civil penalty for failure to comply with this chapter or the rules adopted pursuant to this chapter. The commission may impose a civil penalty not to exceed five hundred dollars. Each day of noncompliance constitutes a separate offense. However, a penalty shall not be imposed for a technical, nonsubstantive violation or if the person required to provide information makes a good faith effort to comply with the commission's requirements.

The commission shall notify the noncomplying party of the commission's intent to impose a civil penalty. The notice shall be sent by certified mail to the party's last known address and shall state the nature of the party's actions leading to the charge of noncompliance, the specific statute or rule involved, and the amount of the proposed penalty. The notice shall advise the party that upon failure to pay the civil penalty, the penalty may be collected by

civil action. The party shall be given the opportunity to respond to the imposition of the penalty in writing, within a reasonable time as established by rule of the commission.

The commission may reduce or void a civil penalty imposed under this section. A party upon whom a civil penalty is imposed may appeal the action pursuant to chapter 17A. Moneys collected from the civil penalties shall be deposited in the general fund of the state.

Sec. 3. Section 145.4, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The commission shall determine the form in which information will be made available and to whom, when, and under what circumstances the information shall be made available. The commission may enter into agreements with private parties for the release of the information. Consistent with the purpose and intent to protect patient confidentiality expressed in section 145.1, the agreements, the terms of which shall be dictated by the commission, may prohibit parties from rereleasing some or all of the information provided. The commission may assess civil penalties against those parties who violate the terms of the agreements.

Approved May 10, 1991

CHAPTER 164

NOTICE OF COUNTY BUDGET HEARINGS

H.F. 612

AN ACT relating to the publication of notice for a public hearing on a county budget.

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

Section 1. Section 331.434, subsections 3 and 6, Code 1991, is amended to read as follows:

3. The board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in one or more newspapers which meet the requirements of section 618.14 the county newspapers selected under chapter 349. A summary of the proposed budget, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication shall be filed with and preserved by the auditor. A levy is not valid unless and until the notice is published and filed.

6. The board shall appropriate, by resolution, the amounts deemed necessary for each of the different county officers and departments during the ensuing fiscal year. Increases or decreases in these appropriations do not require a budget amendment, but may be provided by resolution at a regular meeting of the board, as long as each class of proposed expenditures contained in the budget summary published under subsection 3 of this section is not increased. However, decreases in appropriations for a county officer or department of more than ten percent or five thousand dollars, whichever is greater, shall not be effective unless the board sets a time and place for a public hearing on the proposed decrease and publishes notice of the hearing not less than ten nor more than twenty days prior to the hearing in one or more newspapers which meet the requirements of section 618.14 the county newspapers selected under chapter 349.

Approved May 10, 1991