

- c. Provide case management services in all home care plans.
 - d. Provide for inflation protection.
 - e. Provide for recordkeeping and an explanation of benefit reports on insurance payments which qualify for the asset adjustment under section 249F.4.
 - f. Provide for written reports to the division regarding the effects of this program on the amount of medical assistance payments made under chapter 249A.
3. The division of insurance shall develop and implement a plan providing information to persons who may be eligible to participate in the long-term care asset preservation program.

Sec. 3. NEW SECTION. 249F.3 ELIGIBILITY – PARTICIPATION IN PROGRAM.

An individual who elects to participate in the long-term care asset preservation program shall make application to the department of human services on a form provided by the department. The department shall find that the individual is eligible if the individual satisfies all of the following:

- 1. Is at least sixty-five years of age.
- 2. Is eligible to receive medical assistance pursuant to chapter 249A upon application of the asset adjustment.
- 3. Is the beneficiary of a certified long-term care policy or contract approved by the division of insurance, or is enrolled in a prepaid health care delivery plan that provides long-term care services.

Sec. 4. NEW SECTION. 249F.4 ASSET ADJUSTMENT.

1. As used in this chapter, "asset adjustment" means an additional exemption in the amount of assets an individual who purchases a qualified long-term care policy or contract and who meets the requirements of section 249F.3 may retain for purposes of determining eligibility for long-term care services under chapter 249A equal to the benefit amount actually paid out under the individual's policy or contract.

2. The department of human services shall make an asset adjustment for an individual who is qualified pursuant to section 249F.3 and who purchases a qualified long-term care policy. The asset adjustment is available to the individual after the benefits of the long-term care policy have been applied to the cost of long-term care as required in subsection 1.

Approved May 4, 1993

CHAPTER 93

CHILDREN EXPOSED TO ILLEGAL DRUGS

S.F. 117

AN ACT relating to children who are exposed to illegal drugs by including such children under the definitions of a child in need of assistance and child abuse under certain circumstances and by amending the title and scope and responsibilities of the council on chemically exposed infants to include children.

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

Section 1. Section 232.2, subsection 6, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. In whose body there is an illegal drug present as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian.

Sec. 2. Section 232.68, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian.

Sec. 3. Section 232.77, subsection 2, Code 1993, is amended to read as follows:

2. If a health practitioner discovers in a child ~~under one year of age~~ physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the department, ~~unless the natural mother has shown good faith in seeking appropriate care and treatment.~~ The department shall begin an investigation pursuant to section 232.71 upon receipt of such a report. ~~The positive result shall constitute a showing of probable cause under section 232.71, subsection 3, but shall not be used in any criminal prosecution of the natural mother of the child, and shall not represent grounds for a determination of child abuse. A positive test result shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug.~~

Sec. 4. Section 235C.1, Code 1993, is amended to read as follows:

235C.1 COUNCIL CREATED – PURPOSE.

A council on chemically exposed infants and children is established as a subcommittee of the committee on maternal and child health of the community health division of the Iowa department of public health. The purpose of the council is to help the state develop and implement policies to reduce the likelihood that infants will be born chemically exposed, and to assist those who are born chemically exposed to grow and develop in a safe environment.

As used in this chapter, a "chemically exposed infant or child" is an infant or child who shows evidence of exposure to or the presence of alcohol, cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs or combinations or derivatives thereof which were not prescribed by a health practitioner.

Sec. 5. Section 235C.2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The council on chemically exposed infants and children shall be composed of the following members:

Sec. 6. Section 235C.3, subsection 1, Code 1993, is amended to read as follows:

1. **DATA COLLECTION.** The council shall assemble relevant materials regarding the extent to which infants born in Iowa are chemically exposed, the services currently available to meet the needs of chemically exposed infants born who are chemically exposed and children, and the costs incurred in caring for chemically exposed infants born who are chemically exposed and children, including both costs borne directly by the state and costs borne by society.

Sec. 7. Section 235C.3, subsection 3, Code 1993, is amended to read as follows:

3. **IDENTIFICATION.** The council shall develop recommendations regarding state programs or policies to increase the identification of chemically exposed infants and children.

Sec. 8. Section 235C.3, subsection 4, unnumbered paragraph 1, and paragraph a, Code 1993, are amended to read as follows:

The council shall seek to improve effective treatment services within the state for chemically exposed infants and children. As part of this responsibility, the council shall make recommendations which shall include, but are not limited to, the following:

a. Identification of programs available within the state for serving chemically exposed infants, children, and their families.

Sec. 9. Section 235C.3, subsection 5, Code 1993, is amended to read as follows:

5. CARE AND PLACEMENT. The council shall work with the department of human services to expand appropriate placement options for chemically exposed infants and children who have been abandoned by their parents or cannot safely be returned home. As part of this responsibility, the council shall do all of the following:

- a. Assist the department of human services in developing rules to establish specialized foster care services that can attract foster parents to care for chemically exposed infants and children.
- b. Identify additional services, such as therapeutic day care services, that may be needed to effectively care for chemically exposed infants and children.
- c. Review the need for residential programs designed to meet the needs of chemically exposed infants and children.

As an additional part of the responsibility, the council shall determine whether a problem exists with respect to substance abuse treatment providers and physicians discriminating against pregnant women in providing treatment or prenatal care.

Approved May 4, 1993

CHAPTER 94

ELECTRIC COOPERATIVE ASSOCIATION MEMBERSHIPS

S.F. 140

AN ACT to allow an electric generation and transmission cooperative to establish classes of memberships.

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

Section 1. NEW SECTION. 499.14A ELECTRIC COOPERATIVE ASSOCIATION MEMBERSHIPS.

An electric generation and transmission cooperative association may have one or more classes of members. Qualifications, requirements, methods of acceptance, terms, conditions, termination, and other incidents of membership shall be set forth in the bylaws of the association. An electric utility as defined in section 476.22 and a person who generates or transmits electric power for sale at wholesale to an electric utility may become a member in accordance with the bylaws.

Approved May 4, 1993