

a. An existing infectious waste treatment or disposal facility shall comply with the standards and limitations adopted by July 1, ~~1994~~ 1995, or as federal standards and limitations become final, whichever is earlier.

Approved May 5, 1993

CHAPTER 104

CRIME VICTIM COMPENSATION

S.F. 296

AN ACT relating to criminal proceedings and amounts available for victim reparation.

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

Section 1. Section 912.6, subsections 1 and 6, Code 1993, are amended to read as follows:

1. Reasonable charges incurred for medical care not to exceed ten thousand five hundred dollars. Reasonable charges incurred for mental health care not to exceed ~~one~~ three thousand five hundred dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 236A.1.

6. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 236A.1, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 147 or 150A. The allowable charges under this subsection shall not exceed ~~five hundred~~ three thousand dollars per person or a total of ~~two~~ six thousand dollars per victim death.

Approved May 5, 1993

CHAPTER 105

ACTIVITIES COVERED UNDER PHASE III OF EDUCATIONAL EXCELLENCE PROGRAM

S.F. 326

AN ACT relating to parent involvement policies in district and area education agency phase III plans, and to participation in family support programs.

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

Section 1. Section 294A.12, unnumbered paragraph 2, Code 1993, is amended to read as follows:

It is the intent of the general assembly that school districts and area education agencies incorporate into their planning for performance-based pay plans and supplemental pay plans, implementation of recommendations from recently issued national and state reports relating to the requirements of the educational system for meeting future educational needs, especially

as they relate to the preparation, working conditions, and responsibilities of teachers, including but not limited to assistance to new teachers, development of teachers as instructional leaders in their schools and school districts, using teachers for evaluation and diagnosis of other teachers' techniques, and the implementation of sabbatical leaves. It is also the intent of the general assembly that a performance-based pay plan and supplemental pay plan submitted by a district include a parent involvement policy designed to increase student achievement and self-esteem by bringing home and school into closer relationship and that provides methods by which parents and teachers may cooperate intelligently in the education of children. It is further the intent of the general assembly that real and fundamental change in the educational system must emerge from the school site if the education system is to remain relevant and that plans funded in this program must be an integral part of a comprehensive school district or area education agency effort toward meeting identified district or agency goals or needs.

Sec. 2. Section 294A.14, unnumbered paragraphs 9 and 10, Code 1993, are amended to read as follows:

For school districts, additional instructional work assignments may include but are not limited to general curriculum planning and development, vertical articulation of curriculum, horizontal curriculum coordination, development of educational measurement practices for the school district, attendance at workshops and other programs for service as cooperating teachers for student teachers, development of plans for assisting beginning teachers during their first year of teaching, attendance at summer staff development programs, development of staff development programs for other teachers to be presented during the school year, participation in family support programs, and other plans locally determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the school district.

For area education agencies, additional instructional work assignments may include but are not limited to providing assistance and support to school districts in general curriculum planning and development, providing assistance to school districts in vertical articulation of curriculum and horizontal curriculum coordination, development of educational measurement practices for school districts in the area education agency, development of plans for assisting beginning teachers during their first year of teaching, attendance or instruction at summer staff development programs, development of staff development programs for school district teachers to be presented during the school year, participation in family support programs, and other plans determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the area education agency.

Approved May 5, 1993

CHAPTER 106**MEDICAL ASSISTANCE — DEBTS — TRANSFER OF ASSETS***S.F. 394*

AN ACT relating to establishing a debt due for medical assistance resulting from a transfer of assets, and to allowable claims against a conservatorship for the cost of medical care or services provided to a recipient of medical assistance.

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

Section 1. NEW SECTION. 249F.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Medical assistance" means "medical assistance", "additional medical assistance", "discretionary medical assistance", or "medicare cost sharing" as each is defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Title XIX of the federal Social Security Act.

2. a. "Transfer of assets" means any transfer or assignment of a legal or equitable interest in property, as defined in section 702.14, from a transferor to a transferee for less than fair consideration, made while the transferor is receiving medical assistance or within five years prior to application for medical assistance by the transferor. Any such transfer or assignment is presumed to be made with the intent, on the part of the transferee, of enabling the transferor to obtain or maintain eligibility for medical assistance. This presumption is rebuttable only by clear and convincing evidence that the transferor's eligibility or potential eligibility for medical assistance was no part of the transferee's reason for accepting the transfer or assignment.

b. However, transfer of assets does not include the following:

(1) Transfers to or for the sole benefit of the transferor's spouse, including a transfer to a spouse by an institutionalized spouse pursuant to section 1924(f)(1) of the federal Social Security Act.

(2) Transfers, other than the transfer of a dwelling, to or for the sole benefit of the transferor's child who is blind or disabled as defined in section 1614 of the federal Social Security Act.

(3) Transfer of a dwelling to a child of the transferor under twenty-one years of age.

(4) Transfer of a dwelling, after the transferor is institutionalized, to either of the following:

(a) A sibling of the transferor who has an equity interest in the dwelling and who was residing in the dwelling for a period of at least one year immediately prior to the date the transferor became institutionalized.

(b) A child of the transferor who was residing in the dwelling for a period of at least two years immediately prior to the date the transferor became institutionalized and who provided care to the transferor which permitted the transferor to reside at the dwelling rather than in an institution or facility.

(5) Transfers of less than two thousand dollars. For purposes of this chapter, all transfers by the same transferor during a calendar year will be aggregated.

(6) Transfers of property that would, at the time of the transferor's application for medical assistance, have been exempt from consideration as a resource if it had been retained by the transferor, pursuant to 42 U.S.C. § 1382b(a), as implemented by regulations adopted by the secretary of the United States department of health and human services, and pursuant to section 561.16 and chapter 627.

3. "Transferor" means the person who makes a transfer of assets.

4. "Transferee" means the person who receives a transfer of assets.

Sec. 2. NEW SECTION. 249F.2 CREATION OF DEBT.

A transfer of assets creates a debt due and owing to the department of human services from the transferee in an amount equal to medical assistance provided to or on behalf of the transferor, on or after the date of the transfer of assets, but not exceeding the assets which are not exempt under section 249F.1.