

**CHAPTER 1150****MEDICAL ASSISTANCE — SERVICES TO PERSONS WITH DISABILITIES***S.F. 2196*

**AN ACT** relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities.

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

Section 1. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president presidents of the following organizations, or ~~the~~ a president's representative who is a member of the professional organization represented by the president, ~~of:~~ the Iowa medical society, the Iowa osteopathic medical association, the Iowa state dental society, the Iowa state nurses association, the Iowa pharmacists association, the Iowa podiatry society, the Iowa optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa hospital association, the Iowa osteopathic hospital association, opticians' association of Iowa, Inc., the Iowa hearing aid society, the Iowa speech, language, and hearing association, the Iowa health care association, the Iowa association for home care, the Iowa council of health care centers, and the Iowa association of homes for the aging, the Iowa psychiatric nurse managers network, the arc of Iowa which was formerly known as the association for retarded citizens of Iowa, the alliance for the mentally ill of Iowa, Iowa state association of counties, and the Iowa governor's planning council for developmental disabilities, together with one person designated by the Iowa state board of chiropractic examiners; one state representative from each of the two major political parties appointed by the speaker of the house, one state senator from each of the two major political parties appointed by the president of the senate, after consultation with the majority leader and the minority leader of the senate, each for a term of two years; ~~the president or the president's representative of the association for retarded citizens~~; four public representatives, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professions or businesses represented by any of the several professional groups and associations specifically represented on the council under this subsection, and at least one of whom shall be a recipient of medical assistance; the director of public health, or a representative designated by the director; and the dean of the college of medicine, university of Iowa, or a representative designated by the dean.

Sec. 2. Section 249A.4, subsection 8, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall consider the advice and consultation offered by the council in the director's preparation of medical assistance budget recommendations.

Sec. 3. Section 249A.26, Code Supplement 1993, is amended to read as follows:

249A.26 CANDIDATE SERVICES FUND — COUNTY PARTICIPATION IN FUNDING FOR SERVICES TO PERSONS WITH DISABILITIES.

1. A state candidate services fund is created in the office of the treasurer of state under the authority of the department. The fund shall consist of moneys appropriated to the fund and moneys received from counties pursuant to this section. Notwithstanding section 8.33, moneys in the candidate services fund which are unobligated or unexpended on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain in the candidate services fund and be used for the purposes of this section. Any interest or other earnings on the moneys in the candidate services fund shall remain in the candidate services fund and shall be used for the purposes of this section.

2. The county of legal settlement shall be billed pay for fifty percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or substance abuse shall not be considered chronically mentally ill.

Sec. 4. Section 249A.25, Code 1993, is repealed.

Approved May 4, 1994

## CHAPTER 1151

### HEALTH CARE FACILITIES — CLASSIFICATIONS OF CARE

*S.F. 2203*

**AN ACT** relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services.

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

Section 1. Section 135C.1, Code 1993, is amended by adding the following new subsections:  
**NEW SUBSECTION. 1A.** "Adult day care services" means an organized program of supportive care provided for sixteen hours or less in a twenty-four-hour period to persons who require support and assistance on a regular or intermittent basis in a licensed health care facility.  
**NEW SUBSECTION. 17A.** "Respite care services" means an organized program of temporary supportive care provided for twenty-four hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person.

Sec. 2. Section 135C.2, subsection 3, Code 1993, is amended to read as follows:

3. ~~The department shall establish by administrative rule, within the residential care facility category, a special classification for residential facilities intended to serve mentally ill individuals.~~

a. ~~The department shall establish by administrative rule the following special classifications:~~

(1) ~~Within the residential care facility category, a special license classification for residential facilities intended to serve persons with mental illness.~~

(2) ~~Within the nursing facility category, a special license classification for nursing facilities which designate and dedicate the facility or a special unit within the facility to provide care for persons who suffer from chronic confusion or a dementing illness. A nursing facility which designates and dedicates the facility or a special unit within the facility for the care of persons who suffer from chronic confusion or a dementing illness shall be specially licensed. For the purposes of this subsection, "designate" means to identify by a distinctive title or label and "dedicate" means to set apart for a definite use or purpose and to promote that purpose.~~

b. ~~The department may also establish by administrative rule special classifications within the residential care facility, intermediate care facility for the mentally ill, intermediate care facility for the mentally retarded, or nursing facility categories, for facilities intended to serve individuals who have special health care problems or conditions in common. Rules establishing a special classification shall define the problem or condition to which the special classification is relevant and establish requirements for an approved program of care commensurate with the problem or condition, and. The rules may grant special variances or considerations to facilities licensed within the special classification.~~