

recommendations, the department shall refer the child's parent or guardian to a local public health agency for immunization services for the child and other members of the child's family.

2. The department of human services shall cooperate with the Iowa department of public health to establish an interagency agreement allowing the sharing of pertinent client data, as permitted under federal law and regulation, for the purposes of determining immunization rates of recipients of assistance, evaluating family investment program efforts to encourage immunizations, and developing strategies to further encourage immunization of recipients of assistance.

Division VI – Child Support

Sec. 17. Section 598.21, subsection 4, paragraph e, subparagraph (2), unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

Failure to provide proof of compliance under this subparagraph or proof of compliance under section 598.21A is grounds for modification of the support order using the uniform child support guidelines and imputing an income to the parent equal to a forty-hour work week at the state minimum wage, unless the parent's education, experience, or actual earnings justify a higher income.

Sec. 18. NEW SECTION. 598.21A MINOR PARENT – PARENTING CLASSES.

In any order or judgment entered under chapter 234, 252A, 252C, 252F, 598, or 600B or under any other chapter which provides for temporary or permanent support payments, if the parent ordered to pay support is less than eighteen years of age, one of the following shall apply:

1. If the child support recovery unit is providing services pursuant to chapter 252B, the court, or the administrator as defined in section 252C.1, shall order the parent ordered to pay support to attend parenting classes which are approved by the department of human services.

2. If the child support recovery unit is not providing services pursuant to chapter 252B, the court may order the parent ordered to pay support to attend parenting classes which are approved by the court.

Sec. 19. EFFECTIVE DATE. This division of this Act takes effect July 1, 1997.

Approved April 16, 1996

CHAPTER 1107

MEDICAL ASSISTANCE

S.F. 2303

AN ACT relating to the medical assistance program including provisions relating to personal liability of personal representatives of medical assistance recipients, nursing facility fines, and transfers of assets.

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

Section 1. Section 249A.5, subsection 2, paragraph f, Code Supplement 1995, is amended to read as follows:

f. (1) If a debt is due under this subsection from the estate of a recipient, the administrator of the nursing facility, intermediate care facility for the mentally retarded, or mental

health institute in which the recipient resided at the time of the recipient's death, and the personal representative of the recipient, if applicable, shall report the death to the department within ten days of the death of the recipient. ~~For the purposes of this paragraph, "personal representative" means a person who filed a medical assistance application on behalf of the recipient or who manages the financial affairs of the recipient.~~

(2) If a personal representative or executor of an estate makes a distribution either in whole or in part of the property of an estate to the heirs, next of kin, distributees, legatees, or devisees without having executed the obligations pursuant to section 633.425, the personal representative or executor may be held personally liable for the amount of medical assistance paid on behalf of the recipient, to the full value of any property belonging to the estate which may have been in the custody or control of the personal representative or executor.

(3) For the purposes of this paragraph, "executor" means executor as defined in section 633.3, and "personal representative" means a person who filed a medical assistance application on behalf of the recipient or who manages the financial affairs of the recipient.

Sec. 2. Section 249A.19, Code 1995, is amended to read as follows:
249A.19 HEALTH CARE FACILITIES – PENALTY.

The department shall adopt rules pursuant to chapter 17A to assess and collect, with interest, a civil penalty for each day a health care facility which receives medical assistance reimbursements does not comply with the requirements of the federal Social Security Act, § 1919, as codified in 42 U.S.C. § 1396r. A civil penalty shall not exceed the amount authorized under ~~section 135C.36~~ 42 C.F.R. § 488.438 for health care facility violations. Any moneys collected by the department pursuant to this section shall be applied to the protection of the health or property of the residents of the health care facilities which are determined by the state or by the federal health care financing administration to be out of compliance. The purposes for which the collected moneys shall be applied may include payment for the costs of relocation of residents to other facilities, maintenance or operation of a health care facility pending correction of deficiencies or closure of the facility, and reimbursing residents for personal funds lost. If a health care facility is assessed a civil penalty under this section, the health care facility shall not be assessed a penalty under section 135C.36 for the same violation.

Sec. 3. Section 249F.1, subsection 2, paragraph b, Code 1995, is amended to read as follows:

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, which serves as the transferor's home as defined in 20 C.F.R. § 416.1212, to a child of the transferor under twenty-one years of age.

(4) Transfer of a dwelling, which serves as the transferor's home as defined in 20 C.F.R. § 416.1212, 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, However,~~ all transfers by the same transferor during a calendar year will shall be aggregated. If a transferor transfers property to more than one transferee during a calendar year, the two

thousand dollar exemption shall be divided equally between the transferees.

(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.~~

(7) Transfers to a trust established solely for the benefit of the transferor's child who is blind or permanently and totally disabled as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. § 1382b.

(8) Transfers to a trust established solely for the benefit of an individual under sixty-five years of age who is disabled, as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. § 1382b.

(9) Transfer of a homestead, as defined in sections 561.1, 561.2, and 561.3.

Sec. 4. Section 249F.2, Code 1995, is amended to read as follows:

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 fair market value of the assets which are not exempt under section 249F.1 at the time of the transfer.

Approved April 16, 1996

CHAPTER 1108

COMMUNITY HEALTH MANAGEMENT INFORMATION SYSTEM

S.F. 2218

AN ACT relating to the community health management system by extending the date for implementation of phase I of the system.

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

Section 1. Section 144C.8, subsection 1, Code 1995, is amended to read as follows:

1. Phase I of the system shall be operational no later than July 1, ~~1996~~ 1997. For purposes of this chapter, "phase I" means the collection and submission of data including a patient identifier; a provider identification number; data elements included in the uniform billing-1992 form for hospitals; data elements included in the federal health care financing administration's 1500 form for physicians; an outpatient pharmacy code as determined by the board; data on all currently required discharges provided to the health data commission; and severity of illness and outcomes measurement, a measure of consumer health behavior, health status, and satisfaction with services provided as determined by the board.

Sec. 2. The community health management information system governing board shall review the policies and procedures for ensuring the confidentiality of information in the system and the penalties applicable to unauthorized release of the information. The board, in consultation with the insurance division, shall develop options for enactment of appropriate penalties for unauthorized release of information. The review by the board and penalty options developed shall be included in the board's annual report submitted to the Seventy-seventh General Assembly, 1997 Session, under section 144C.4.

Approved April 16, 1996