

**CHAPTER 131**

**APPROPRIATIONS FOR MENTAL HEALTH AND DISABILITY SERVICES**

*H.F. 160*

**AN ACT** relating to mental health and disability services by making transfers and appropriations for the fiscal year beginning July 1, 2012, and including related changes and effective date provisions.

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

Section 1. CHILDREN’S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT CONTINGENCY FUND — MENTAL HEALTH AND DISABILITY SERVICES REDESIGN TRANSITION FUND — FY 2012-2013.

1. Of the moneys received from the federal government through the child enrollment contingency fund established pursuant to section 103 of the federal Children’s Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, the following amount is transferred from such moneys to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to be credited as follows:

To be credited to the mental health and disability services redesign transition fund created in 2012 Iowa Acts, chapter 1120, section 23:

..... \$ 11,628,317

2. The moneys credited to the mental health and disability services redesign transition fund pursuant to subsection 1 are appropriated to the department of human services for allocation to counties as follows:

a. To those counties identified by the department in scenario 1 of the department’s report on the transition fund submitted to the general assembly on December 1, 2012, pursuant to 2012 Iowa Acts, chapter 1120, section 23, to be used to continue or restore services as provided in the application and the department’s determination of the award amount:

..... \$ 11,628,317

b. The allocations under this subsection shall be remitted to counties not later than two calendar weeks following the effective date of this Act.

c. A county receiving an allocation under this subsection shall not use the allocation in a manner that violates federal match requirements for the medical assistance program or for the child enrollment contingency fund under federal Children’s Health Insurance Program Reauthorization Act of 2009. Such requirements include but are not limited to those specified in 42 C.F.R. § 433.51 and 42 C.F.R. § 457.628. A county receiving an allocation under this subsection shall not use the allocation in any way that supports or draws federal match moneys.

d. A county receiving an allocation under this subsection shall enter into a formal agreement with the department concerning the allocation and shall comply with any audit requirements for the county’s expenditures relating to the allocation. The department shall develop the audit requirements with assistance from the office of the auditor of state. The requirements shall provide for the county to bear the costs of any federal audit of the county’s use of the allocation, including any federal repayment or penalty determination resulting from the audit findings. The audit requirements may be applied on a selective or random basis so that the audit requirements do not apply to all counties receiving an allocation. Any costs relating to the performance of nonfederal, state-only audit requirements established by the department are the responsibility of the department.

3. For purposes of an application for county formation of a mental health and disability services region submitted on or before April 1, 2013, in accordance with section 331.389, subsection 4, the director of human services may approve an application for a region that includes a county that is not contiguous with any of the other counties in the region, as otherwise required under section 331.389, subsection 3, paragraph “a”, if the county that is not contiguous has had a formal relationship for two years or longer with one or more of the other counties in the region for provision of mental health and disability services.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2013