

*Finance To Base 5/4/83 (p. 1525)*

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*See Appropriations 5/5*

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SENATE FILE 541

BY COMMITTEE ON APPROPRIATIONS

*Approved 5/4/83 (p. 1534-1)*

Passed Senate, Date 5-5-83 (p. 1547) Passed House, Date \_\_\_\_\_  
Vote: Ayes 45 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the codified provisions of the department  
2 of social services for the medical assistance program;  
3 the child day care facility program; the aid to dependent  
4 children program; the child support and foster care  
5 recovery programs, including provisions relating to  
6 support recoveries for persons who are not public  
7 assistance recipients; the state supplementary assistance  
8 program; and the dependent adult abuse program.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*S.F. 541*

1 Section 1. Section 85.38, Code 1983, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. SUBROGATION RIGHTS FOR MEDICAL  
4 ASSISTANCE PAYMENTS. If the department of social services,  
5 under chapter 249A, pays for care and services which are also  
6 required to be furnished by an employer to an employee under  
7 section 85.27, the department is subrogated, to the extent  
8 of the payments for care and services also required to be  
9 furnished under section 85.27, to the claim of the employee  
10 against the employer for the care and services.

11 Sec. 2. NEW SECTION. 217.34 OFFICE OF INVESTIGATIONS.  
12 The office of investigations shall provide assistance to set  
13 off against a person's income tax refund or rebate any debt  
14 which has accrued through written contract, subrogation,  
15 departmental recoupment procedures, or court judgment and  
16 which is in the form of a liquidated sum due and owing the  
17 department of social services. The department of social  
18 services shall adopt rules under chapter 17A necessary to  
19 assist the department of revenue in the implementation of  
20 the setoff under section 421.17, subsection 21.

21 Sec. 3. Section 234.39, Code 1983, is amended by adding  
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. A dispositional order of the  
24 juvenile court requiring the provision of foster care shall  
25 establish, after notice and a reasonable opportunity to be  
26 heard is provided to a parent or guardian, the amount of the  
27 parent's or guardian's liability for the cost of foster care  
28 provided by the department. In establishing the amount of  
29 the liability, the court shall take into consideration the  
30 department's schedule of charges, and if the amount established  
31 deviates from the schedule of charges, the court shall explain  
32 the deviation in its order. The order shall direct the payment  
33 of the liability to the clerk of the district court for the  
34 use of the department's foster care recovery unit. The order  
35 shall be filed with the clerk and shall have the same force

1 and effect as a judgment when entered in the judgment docket  
2 and lien index. The clerk shall disburse the payments pursuant  
3 to the order and enter the disbursements in a record book.  
4 If payments are not made as ordered, the clerk shall certify  
5 a default to the court and the court may, on its own motion,  
6 proceed under section 598.22 or 598.23. A dispositional  
7 order establishing the amount of a parent's or guardian's  
8 liability for the cost of foster care shall not vacate a prior  
9 court order which establishes the parent's or guardian's child  
10 support obligation.

11 Sec. 4. NEW SECTION. 235B.1 ADULT ABUSE SERVICES.

12 1. As used in this section, "dependent adult abuse" means:

13 a. Any of the following as a result of the willful or  
14 negligent acts or omissions of a caretaker:

15 (1) Physical injury to or unreasonable confinement or  
16 cruel punishment of a dependent adult.

17 (2) The commission of a sexual offense under chapter 709  
18 or section 726.2 with or against a dependent adult.

19 (3) Exploitation of a dependent adult which means the  
20 act or process of taking unfair advantage of a dependent adult  
21 or the adult's physical or financial resources for one's own  
22 personal or pecuniary profit by the use of undue influence,  
23 harassment, duress, deception, false representation, or false  
24 pretenses.

25 (4) The deprivation of the minimum food, shelter, clothing,  
26 supervision, physical and mental health care, and other care  
27 necessary to maintain a dependent adult's life or health.

28 b. The deprivation of the minimum food, shelter, clothing,  
29 supervision, physical and mental health care, and other care  
30 necessary to maintain a dependent adult's life or health as  
31 a result of the acts or omissions of the dependent adult.

32 Dependent adult abuse does not include:

33 (1) Depriving a dependent adult of medical treatment if  
34 the dependent adult holds a belief or is an adherent of a  
35 religion whose tenets and practices call for reliance on

1 spiritual means in place of reliance on medical treatment.

2 (2) The withholding and withdrawing of health care from  
3 a dependent adult who is terminally ill in the opinion of  
4 a licensed physician, when the withholding and withdrawing  
5 of health care is done at the request of the dependent adult  
6 or at the request of the dependent adult's next-of-kin or  
7 guardian pursuant to the applicable procedures under chapter  
8 125, 222, 229, or 633.

9 2. The department of social services shall operate a  
10 program relating to the providing of services in cases of  
11 dependent adult abuse. The program shall emphasize the  
12 reporting and evaluation of dependent adult abuse of an adult  
13 who is unable to protect the adult's own interests or unable  
14 to perform or obtain essential services.

15 3. A person who believes that a dependent adult has  
16 suffered abuse may report the suspected abuse to the department  
17 of social services. The department shall receive dependent  
18 adult abuse reports and shall collect, maintain, and  
19 disseminate the reports pursuant to sections 235A.12 through  
20 235A.24 by expanding the central registry for child abuse  
21 to include reports of dependent adult abuse. The department  
22 shall evaluate the reports expeditiously. However, the state  
23 department of health is solely responsible for the evaluation  
24 and disposition of adult abuse cases within health care  
25 facilities and shall inform the department of social services  
26 of such evaluations and dispositions.

27 The department of social services shall inform the  
28 appropriate county attorneys of any reports. County attorneys,  
29 law enforcement agencies, multidisciplinary teams as defined  
30 in section 235A.13, subsection 9, and social services agencies  
31 in the state shall cooperate and assist in the evaluation  
32 upon the request of the department. County attorneys and  
33 appropriate law enforcement agencies shall also take any other  
34 lawful action necessary or advisable for the protection of  
35 the dependent adult.

1 Upon a showing of probable cause that a dependent adult  
2 has been abused, a district court may authorize a person,  
3 authorized by the department to make an evaluation, to enter  
4 the residence of, and to examine the dependent adult.

5 4. If, upon completion of the evaluation or upon referral  
6 from the state department of health, the department of social  
7 services determines that the best interests of the dependent  
8 adult require district court action, the department shall  
9 initiate action for the appointment of a guardian or  
10 conservator or for admission or commitment to an appropriate  
11 institution or facility pursuant to the applicable procedures  
12 under chapter 125, 222, 229, or 633. The appropriate county  
13 attorney shall assist the department in the preparation of  
14 the necessary papers to initiate the action and shall appear  
15 and represent the department at all district court proceedings.

16 The department shall assist the district court during all  
17 stages of court proceedings involving a suspected case of  
18 adult abuse.

19 In every case involving adult abuse which is substantiated  
20 by the department and which results in a judicial proceeding  
21 on behalf of the dependent adult, legal counsel shall be  
22 appointed by the court to represent the dependent adult in  
23 the proceedings. The court may also appoint a guardian ad  
24 litem to represent the dependent adult if necessary to protect  
25 the dependent adult's best interests. The same attorney may  
26 be appointed to serve both as legal counsel and as guardian  
27 ad litem. Before legal counsel or a guardian ad litem is  
28 appointed pursuant to this section, the court shall require  
29 the dependent adult and any person legally responsible for  
30 the support of the dependent adult to complete under oath  
31 a detailed financial statement. If, on the basis of that  
32 financial statement, the court deems that the dependent adult  
33 or the legally responsible person is able to bear all or a  
34 portion of the cost of the legal counsel or guardian ad litem,  
35 the court shall so order. In cases where the dependent adult

1 or the legally responsible person is unable to bear the cost  
2 of the legal counsel or guardian ad litem, the expense shall  
3 be paid out of the court expense fund.

4 5. The department of social services shall complete an  
5 assessment of needed services and shall make appropriate  
6 referrals to services. The department may provide necessary  
7 protective services and may establish a sliding fee schedule  
8 for those persons able to pay a portion of the protective  
9 services.

10 6. A person participating in good faith in reporting or  
11 cooperating or assisting the department of social services  
12 in evaluating a case of dependent adult abuse has immunity  
13 from liability, civil or criminal, which might otherwise be  
14 incurred or imposed based upon the act of making the report  
15 or giving the assistance. The person has the same immunity  
16 with respect to participation in good faith in a judicial  
17 proceeding resulting from the report or assistance or relating  
18 to the subject matter of the report or assistance.

19 Sec. 5. Section 237A.5, Code 1983, is amended to read  
20 as follows:

21 237A.5 PERSONNEL. All personnel in licensed ~~centers~~ or  
22 registered facilities shall have good health as evidenced  
23 by a report following a pre-employment physical examination  
24 taken within six months prior to beginning employment,  
25 including communicable disease tests by a licensed physician  
26 as defined in section 135C.1, at the time of initial employment  
27 and every three years thereafter. No staff member of a  
28 licensed center or registered group home or a family day care  
29 home required to be registered pursuant to section 237A.3,  
30 subsection 1, with direct responsibility for child care and  
31 no person living in such registered group or family day care  
32 home shall have a conviction by any law of any state of a  
33 crime involving lascivious-acts-with mistreatment of a child,  
34 child-neglect or violence against a person, or shall have  
35 a record of substantiated child sexual abuse or a record of

1 any other type of child abuse substantiated within three years  
2 prior to the check of the child abuse registry made by the  
3 department pursuant to this chapter.

4 Sec. 6. Section 237A.8, Code 1983, is amended to read  
5 as follows:

6 237A.8 SUSPENSION AND REVOCATION. The director, after  
7 notice and opportunity for an evidentiary hearing, may suspend  
8 or revoke a license or certificate of registration issued  
9 ~~under the provisions of~~ this chapter if the person to whom  
10 a license or certificate is issued violates any a provision  
11 of this chapter or if a the person makes false reports  
12 regarding the operation of the child day care facility to  
13 the director or a designee. The director shall notify the  
14 parent, guardian, or legal custodian of each child for whom  
15 the person provides child day care, if the license or  
16 certificate of registration is suspended or revoked or if  
17 there has been a substantiated child abuse case against an  
18 employee, owner, or operator of the child day care facility.

19 Sec. 7. Section 237A.20, Code 1983, is amended to read  
20 as follows:

21 237A.20 INJUNCTION. Any A person who establishes,  
22 conducts, manages, or operates a center without a license  
23 or a group day care home without a certificate of registration  
24 may be restrained by temporary or permanent injunction. The  
25 action may be instituted by the state, a political subdivision  
26 of the state, or an interested person.

27 Sec. 8. Section 239.1, subsection 3, Code 1983, is amended  
28 by striking the subsection and inserting in lieu thereof the  
29 following:

30 3. "Dependent child" means a needy child who is under  
31 the age of eighteen, or a needy person eighteen years of age  
32 who meets the additional eligibility criteria established  
33 by federal law or regulation, and who has been deprived of  
34 parental support or care by reason of death, continued absence  
35 from home, physical or mental incapacity, or partial or total

1 unemployment of the parent, and who is living with a relative  
2 specified in 42 U.S.C. sec. 606 and in federal regulations  
3 adopted pursuant to that section. However, a child is not  
4 a dependent child solely by reason of a parent's absence from  
5 the home due to the parent's performance of active duty in  
6 the uniformed services of the United States.

7 Sec. 9. Section 239.9, Code 1983, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 239.9 FUNERAL EXPENSES. The department may pay, from  
10 funds appropriated to it for the purpose, a maximum of four  
11 hundred dollars toward funeral expenses on the death of a  
12 child who is receiving or has been authorized to receive  
13 assistance under this chapter, provided:

14 1. The total expense of the child's funeral does not ex-  
15 ceed one thousand dollars.

16 2. The decedent does not leave an estate which may be  
17 probated with sufficient proceeds to allow a funeral claim  
18 of at least one thousand dollars.

19 3. Payments which are due the decedent's estate or bene-  
20 ficiary by reason of the liability of a life insurance, death  
21 or funeral benefit company, association, or society, or in  
22 the form of United States social security, railroad retirement,  
23 or veterans' benefits upon the death of the decedent, are  
24 deducted from the department's liability under this section.

25 Sec. 10. Section 239.12, Code 1983, is amended to read  
26 as follows:

27 239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is hereby  
28 established in the state treasury an account to be known as  
29 the "Aid to Dependent Children Account" to which shall be  
30 credited all funds appropriated by the state for the payment  
31 of assistance and benefits under this chapter, and all other  
32 moneys received at any time for such purposes. Moneys assigned  
33 to the department under section 239.12 and received by the  
34 child support recovery unit pursuant to section 252B.5 and  
35 42 U.S.C. sec. 664 shall be credited to the account in the

1 fiscal year in which the moneys are received. All assistance  
 2 and benefits under this chapter shall be paid from ~~said~~ the  
 3 account.

4 Sec. 11. Section 249.9, Code 1983, is amended to read  
 5 as follows:

6 249.9 FUNERAL EXPENSES. The department may pay, from  
 7 funds appropriated to it for the purpose, a maximum of four  
 8 hundred dollars toward funeral expenses on the death of any  
 9 a person receiving state supplementary assistance or who  
 10 received assistance under a previous categorical assistance  
 11 program prior to January 1, 1974, provided:

12 1. The total expense of the person's funeral does not  
 13 exceed ~~six-hundred-fifty~~ one thousand dollars.

14 2. ~~That-the~~ The decedent does not leave an estate which  
 15 may be probated, with sufficient proceeds to allow a funeral  
 16 claim of at least ~~six-hundred-fifty~~ one thousand dollars.

17 3. ~~That-any-payment~~ Payments which ~~is~~ are due the  
 18 decedent's estate or beneficiary by reason of the liability  
 19 of any a life insurance ~~ex,~~ death or funeral benefit company,  
 20 association or society, or in the form of United States social  
 21 security, railroad retirement, or veterans' benefits, upon  
 22 the death of the decedent ~~shall-be,~~ are deducted from the  
 23 department's liability under this section.

24 Sec. 12. Section 249A.4, subsection 7, Code 1983, is  
 25 amended to read as follows:

26 7. Shall provide for the professional freedom of those  
 27 licensed practitioners who determine the need for or provide  
 28 medical care and services, and shall provide freedom of choice  
 29 to recipients to select the provider of ~~such~~ care and services,  
 30 ~~and-for-medical-direction-and-supervision-as-needed~~ except  
 31 when the recipient is eligible for participation in a health  
 32 maintenance organization or prepaid health plan which limits  
 33 provider selection and which is approved by the department,  
 34 or when the department restricts the recipient's selection  
 35 of providers to control the individual recipient's overuse

1 of care and services.

2 Sec. 13. Section 249A.4, subsection 8, unnumbered para-  
3 graph 1, Code 1983, is amended to read as follows:

4 Shall advise and consult at least semiannually with a  
5 council composed of the president, or ~~his-or-her~~ the  
6 president's representative who is a member of the professional  
7 organization represented by the president, of the Iowa Medical  
8 ~~Society~~ medical society, the Iowa ~~Society~~ society of  
9 ~~Osteopathic-Physicians~~ osteopathic physicians and ~~Surgeons~~  
10 surgeons, the Iowa ~~State-Dental-Society~~ state dental society,  
11 the Iowa ~~State-Nurses-Association~~ state nurses association,  
12 the Iowa ~~Pharmaceutical-Association~~ pharmacists association,  
13 the Iowa ~~Pediatrics-Society~~ podiatry society, the Iowa ~~Optometric~~  
14 ~~Association~~ optometric association, the community mental  
15 health centers association of Iowa, the Iowa psychological  
16 association, the Iowa ~~Hospital-Association~~ hospital  
17 association, the Iowa ~~Osteopathic-Hospital-Association~~  
18 osteopathic hospital association, opticians' association of  
19 Iowa Ophthalmic-Dispensers, Inc., (opticians)-and the Iowa  
20 ~~Nursing-Home-Association~~ health care association, the Iowa  
21 assembly of home health agencies, and the Iowa association  
22 of homes for the aging, together with one person designated  
23 by the Iowa state board of chiropractic examiners; one state  
24 representative from each of the two major political parties  
25 appointed by the speaker of the house, one state senator from  
26 each of the two major political parties appointed by the  
27 lieutenant governor, each for a term of two years; the  
28 president or the president's representative of the association  
29 for retarded citizens; four public representatives, ~~two-of~~  
30 ~~whom-shall-be~~ appointed each-year by the governor for staggered  
31 terms of two years each, and none of whom shall be members  
32 of, or practitioners of or have a pecuniary interest in any  
33 of the professions or businesses represented by, any of the  
34 several professional groups and associations specifically  
35 represented on the council under this subsection, and at least

1 one of whom shall be a recipient of medical assistance; the  
2 commissioner of public health, or a representative designated  
3 by him the commissioner, and the dean of the college of  
4 medicine, University university of Iowa, or a representative  
5 designated by him the dean.

6 Sec. 14. Section 249A.5, Code 1983, is amended to read  
7 as follows:

8 249A.5 RECOVERY OF PAYMENT. Medical assistance paid to,  
9 or on behalf of, ~~any a recipient cannot-be-recovered-from~~  
10 ~~such-beneficiary~~ or paid to a provider of services is not  
11 recoverable unless such-benefit-had-been the assistance was  
12 incorrectly paid. ~~if, while-receiving-assistance, the~~  
13 ~~recipient-becomes-possessed-of-any-resource-or-income-in~~  
14 ~~excess-of-the-amount-stated-in-the-application-provided-for~~  
15 ~~in-this-chapter, it-shall-be-the-duty-of-the-recipient~~  
16 ~~immediately-to-notify-the-county-board-of-the-recipient-or~~  
17 ~~possession-of-such-resource-or-income,--When-it-is-found-that~~  
18 ~~any-person-has-failed-to-so-notify-the-board-that-he-is-or~~  
19 ~~was-possessed-of-any-resource-or-income-in-excess-of-the~~  
20 ~~amount-allowed, or-when-it-is-found-that, within-five-years~~  
21 ~~prior-to-the-date-of-his-application, a-recipient-made-an~~  
22 ~~assignment-or-transfer-of-property-for-the-purpose-of-rendering~~  
23 ~~himself-eligible-for-assistance-under-this-chapter, any-amount~~  
24 ~~of-assistance-paid-in-excess-of-the-amount-to-which-the~~  
25 ~~recipient-was-entitled-shall-constitute-benefits-incorrectly~~  
26 ~~paid,--Any-benefits~~ Assistance ~~incorrectly paid shall-be is~~  
27 recoverable from the provider, or from the recipient, while  
28 living, as a debt due the state and, upon his the recipient's  
29 death, as a claim classified with taxes having preference  
30 under the laws of this state.

31 Sec. 15. Section 249A.6, subsection 4, Code 1983, is  
32 amended to read as follows:

33 4. ~~in-the-event~~ if a recipient of assistance through the  
34 medical assistance program incurs the obligation to pay  
35 attorney fees and court costs for the purpose of enforcing

1 a monetary claim to which the department is subrogated under  
2 this section, ~~the amount which the department is entitled~~  
3 ~~to recover under subsection 1, or any lesser amount which~~  
4 ~~the department may agree to accept in compromise of its claim,~~  
5 ~~shall be reduced by an amount which bears the same relation~~  
6 ~~to the total amount of attorney fees and court costs actually~~  
7 ~~paid by the recipient as the amount actually recovered by~~  
8 ~~the department, exclusive of the reduction for attorney fees~~  
9 ~~and court costs, bears to the total amount paid by the third~~  
10 party to the recipient upon the receipt of a judgment or  
11 settlement of the claim, the court costs and reasonable  
12 attorney fees shall first be deducted from the judgment or  
13 settlement. One-third of the remaining balance shall then  
14 be deducted and paid to the recipient. From the remaining  
15 balance, the claim of the department shall be paid. Any  
16 amount remaining shall be paid to the recipient. An attorney  
17 acting on behalf of a recipient of medical assistance for  
18 the purpose of enforcing a claim to which the department is  
19 subrogated shall not collect from the recipient any amount  
20 as attorney fees which is in excess of the amount which the  
21 attorney customarily would collect on claims not subject to  
22 this section.

23 Sec. 16. Section 249A.6, subsection 5, Code 1983, is  
24 amended to read as follows:

25 5. For purposes of this section the term "third party"  
26 includes any individual, institution, corporation, employer  
27 or employer's workers' compensation liability insurer, or  
28 public or private agency which is or may be liable to pay  
29 part or all of the medical costs incurred as a result of  
30 injury, disease or disability by or on behalf of an applicant  
31 for or recipient of assistance under the medical assistance  
32 program.

33 Sec. 17. Section 252B.4, Code 1983, is amended to read  
34 as follows:

35 252B.4 NONASSISTANCE CASES. The child support and

1 paternity determination services established by the department  
 2 pursuant to this Act chapter and other appropriate services  
 3 provided by law including but not limited to the provisions  
 4 of chapters 239, 252A, 598 and 675 shall be made available  
 5 by the unit to any an individual not otherwise eligible as  
 6 a public assistance recipient upon application by the  
 7 individual for the services. The application shall be filed  
 8 with the department. The commissioner may require an  
 9 application fee not to exceed twenty dollars ~~as-determined~~  
 10 ~~by-the-commissioner~~. The commissioner may require an  
 11 additional fee to cover the costs incurred by the department  
 12 in providing the support collection and paternity determination  
 13 services. The commissioner shall, by regulation rule,  
 14 establish and make available to all applicants for support  
 15 enforcement and paternity determination services a fee  
 16 ~~schedule,-however,-the-fee-shall-not-exceed-ten-percent-of~~  
 17 ~~any-support-money-recovered-by-department-action~~. The fee  
 18 for support collection and paternity determination services  
 19 charged to an applicant shall be agreed upon in writing by  
 20 the individual-requesting applicant, and shall be based upon  
 21 the applicant's ability to pay for the services. The  
 22 application fee and the additional fee for services provided  
 23 may be deducted from the amount of the support money recovered  
 24 by the department. Fees Seventy percent of the fees collected  
 25 pursuant to this section shall may be retained by the  
 26 department for use by the unit and thirty percent shall be  
 27 remitted to the treasurer of state who shall deposit them  
 28 it in the general fund of the state. The commissioner or  
 29 a designee and the treasurer of state shall keep an accurate  
 30 record of funds so retained, remitted, and deposited.

31 Sec. 18. Section 252B.6, subsection 5, Code 1983, is  
 32 amended to read as follows:

33 5. Initiate any necessary civil ~~procedures-deemed-necessary~~  
 34 ~~by-the-department proceedings~~ to ~~secure-reimbursement~~ recover  
 35 from the parent of a child, ~~for~~ money expended by the state

1 in providing public assistance or services to the child,  
2 including support collection services.

3 Sec. 19. Section 252B.7, Code 1983, is amended to read  
4 as follows:

5 252B.7 LEGAL SERVICES.

6 1. The attorney general may perform the legal services  
7 for the child support recovery program and may enforce all  
8 laws for the recovery of child support from responsible  
9 relatives. The attorney general ~~shall-have-power-to~~ may file  
10 and prosecute:

11 1 a. Contempt of court proceedings to enforce any order  
12 of court pertaining to child support.

13 2 b. Cases under chapter 252A, the Uniform Support of  
14 Dependents Law.

15 3 c. An information charging a violation of section 726.3,  
16 726.5 or 726.6.

17 4 d. Any other lawful action which will secure collection  
18 of support for minor children.

19 2. For the ~~afesaid~~ purposes of subsection 1, the  
20 attorney general ~~shall-have~~ has the same power to commence,  
21 file and prosecute any action or information in the proper  
22 jurisdiction, which the county attorney could file or prosecute  
23 in that jurisdiction. This ~~shall-in-no-way~~ section does not  
24 relieve any a county attorney from ~~his-or-her~~ the county  
25 attorney's duties, or the attorney general from the supervisory  
26 power of the attorney general, in the recovery of child  
27 support.

28 3. The unit may contract with a county attorney, the  
29 attorney general, a clerk of the district court, or another  
30 person or agency to collect support obligations and to  
31 administer the child support program established pursuant  
32 to this chapter. Notwithstanding section 13.7, the unit may  
33 contract with private attorneys for the prosecution of civil  
34 collection and recovery cases and may pay reasonable  
35 compensation and expenses to private attorneys for the

1 prosecution services provided.

2     Sec. 20. NEW SECTION. 252B.11 RECOVERY OF COSTS OF  
3 COLLECTION SERVICES. The unit may initiate necessary civil  
4 proceedings to recover the unit's costs of support collection  
5 services provided to an individual, whether or not the  
6 individual is a public assistance recipient, from an individual  
7 who owes and is able to pay a support obligation but willfully  
8 fails to pay the obligation. The unit may seek a lump sum  
9 recovery of the unit's costs or may seek to recover the unit's  
10 costs through periodic payments which are in addition to  
11 periodic support payments. If the unit's costs are recovered  
12 from an individual owing a support obligation, the costs shall  
13 not be deducted from the amount of support money received  
14 from the individual. Seventy percent of the costs collected  
15 pursuant to this section may be retained by the department  
16 for use by the unit and thirty percent shall be remitted to  
17 the treasurer of state who shall deposit it in the general  
18 fund of the state. The commissioner or a designee and the  
19 treasurer of state shall keep an accurate record of funds  
20 so retained, remitted, and deposited.

21     Sec. 21. Section 421.17, subsection 21, Code 1983, is  
22 amended to read as follows:

23     21. To establish and maintain a procedure to set off  
24 against a debtor's income tax refund or rebate any debt, which  
25 is assigned to the department of social services, ~~or~~ which  
26 the child support recovery unit is attempting to collect on  
27 behalf of ~~any~~ an individual not eligible as a public assistance  
28 recipient, or which the foster care recovery unit of the  
29 department of social services is attempting to collect on  
30 behalf of a child receiving foster care provided by the depart-  
31 ment of social services, which has accrued through written  
32 contract, subrogation, or court judgment and which is in the  
33 form of a liquidated sum due and owing for the care, support  
34 or maintenance of a child or which is owed to the state for  
35 public assistance overpayments which the office of

1 investigations of the department of social services is  
2 attempting to collect on behalf of the state. For purposes  
3 of this subsection, "public assistance" means aid to dependent  
4 children, medical assistance, food stamps, foster care, and  
5 state supplementary assistance. The procedure shall meet  
6 the following conditions:

7 a. Before setoff all outstanding tax liabilities  
8 collectible by the department of revenue shall be satisfied  
9 except that no portion of a refund or rebate shall be credited  
10 against any tax liabilities which are not yet due.

11 b. Before setoff the child support recovery unit  
12 established pursuant to section 252B.2, the foster care  
13 recovery unit, and the office of investigations shall obtain  
14 and forward to the department of revenue the full name and  
15 social security number of the debtor. The department of  
16 revenue shall co-operate in the exchange of relevant  
17 information with the child support recovery unit as provided  
18 in section 252B.9, with the foster care recovery unit, and  
19 with the office of investigations. However, only relevant  
20 information required by the child support unit, by the foster  
21 care recovery unit, or by the office of investigations shall  
22 be provided by the department of revenue. The information  
23 shall be held in confidence and shall be used for purposes  
24 of setoff only.

25 c. The child support recovery unit, the foster care re-  
26 covery unit, and the office of investigations shall, at least  
27 annually, submit to the department of revenue for setoff the  
28 above-mentioned debts described in this subsection, which  
29 are at least fifty dollars, on a date ~~or-dates~~ to be specified  
30 by the department of social services by rule.

31 d. Upon submission of a claim the department of revenue  
32 shall notify the child support recovery unit, the foster care  
33 recovery unit, or the office of investigations as to whether  
34 the debtor is entitled to a refund or rebate ~~of-at-least-fifty~~  
35 ~~dollars~~ and if so entitled shall notify the unit or office

1 of the amount of the refund or rebate and of the debtor's  
2 address on the income tax return.

3 e. Upon notice of entitlement to a refund or rebate the  
4 child support recovery unit, the foster care recovery unit,  
5 or the office of investigations shall send written notification  
6 to the debtor, and a copy of the notice to the department  
7 of revenue, of the unit's or office's assertion of its rights  
8 or the rights of an individual not eligible as a public  
9 assistance recipient to all or a portion of the debtor's  
10 refund or rebate and the entitlement to recover the debt  
11 through the setoff procedure, the basis of the assertion,  
12 the opportunity to request that a joint income tax refund  
13 or rebate be divided between spouses, the debtor's opportunity  
14 to give written notice of intent to contest the claim, and  
15 the fact that failure to contest the claim by written  
16 application for a hearing will result in a waiver of the  
17 opportunity to contest the claim, causing final setoff by  
18 default. The Upon application filed with the department  
19 within fifteen days from the mailing of the notice of  
20 entitlement to a refund or rebate, the child support recovery  
21 unit, the foster care recovery unit, or the office of  
22 investigations shall upon-application grant a hearing pursuant  
23 to chapter 17A. Any An appeal taken from the decision of  
24 a hearing officer and any subsequent appeals shall be taken  
25 pursuant to chapter 17A.

26 f. Upon the ~~timely~~ request of a debtor or a debtor's  
27 spouse to the child support recovery unit, the foster care  
28 recovery unit, or the office of investigations, filed within  
29 fifteen days from the mailing of the notice of entitlement  
30 to a refund or rebate, and upon receipt of the full name and  
31 social security number of the debtor's spouse, the unit or  
32 office shall notify the department of revenue of the request  
33 to divide a joint income tax refund or rebate. The department  
34 of revenue shall upon receipt of the notice divide a joint  
35 income tax refund or rebate between the debtor and the debtor's

1 spouse in proportion to each spouse's net income as determined  
2 under section 422.7.

3 g. The department of revenue shall, after notice has been  
4 sent to the debtor by the child support recovery unit, the  
5 foster care recovery unit, or the office of investigations,  
6 set off the ~~above-mentioned~~ debt against the debtor's income  
7 tax refund or rebate ~~if both the debt and the refund or rebate~~  
8 ~~are at least fifty dollars.~~ However, if a debtor has made  
9 all current child support or foster care payments in accordance  
10 with a court order or an assessment of foster care liability  
11 for the twelve months preceding the proposed setoff and has  
12 regularly made delinquent child support or foster care payments  
13 during those twelve months, the child support or foster care  
14 recovery unit shall notify the department of revenue not to  
15 ~~setoff~~ set off the debt against the debtor's income tax refund  
16 or rebate. If a debtor has made all current repayment of  
17 public assistance in accordance with a court order or voluntary  
18 repayment agreement for the twelve months preceding the  
19 proposed setoff and has regularly made delinquent payments  
20 during those twelve months, the office of investigations shall  
21 notify the department of revenue not to set off the debt  
22 against the debtor's income tax refund or rebate. The  
23 department shall refund any balance of the income tax refund  
24 or rebate to the debtor. The department of revenue shall  
25 periodically transfer the amount set off to the child support  
26 recovery unit, the foster care recovery unit, or the office  
27 of investigations. If the debtor gives timely written notice  
28 of intent to contest the claim the department of ~~social~~  
29 ~~services~~ revenue shall hold the refund or rebate until final  
30 disposition of the contested claim pursuant to chapter 17A  
31 or by court judgment. The child support recovery unit, the  
32 foster care recovery unit, or the office of investigations  
33 shall notify the debtor in writing upon completion of setoff.

34 Sec. 22. Section 421.17, subsection 25, Code 1983, is  
35 amended by striking the subsection and inserting in lieu

1 thereof the following:

2 25. To provide that in the case of multiple claims to  
3 refunds or rebates filed under subsections 21 and 23, that  
4 priority shall be given to claims filed by the child support  
5 recovery unit or the foster care recovery unit under subsection  
6 21, next priority shall be given to claims filed by the college  
7 aid commission under subsection 23, and last priority shall  
8 be given to claims filed by the office of investigations under  
9 subsection 21.

10 Sec. 23. Section 692.3, subsection 2, Code 1983, is amended  
11 to read as follows:

12 2. Notwithstanding subsection 1, paragraph "a", the  
13 department of social services ~~may~~ shall disseminate criminal  
14 history data obtained pursuant to section 692.2, subsection  
15 1, paragraph "c", to persons licensed or registered under  
16 chapters 237 and 237A for the purposes of section 237.8,  
17 subsection 2 and section 237A.5. Licensees and registrants  
18 under either chapter 237 or chapter 237A who receive  
19 information pursuant to this subsection shall not use the  
20 information other than for purposes of section 237.8,  
21 subsection 2 or section 237A.5. A licensee or registrant  
22 who uses the information for other purposes or who communicates  
23 the information to another except for the purposes of section  
24 237.8, subsection 2 or section 237A.5 is guilty of an  
25 aggravated misdemeanor.

26 EXPLANATION

27 Sections 1 and 16 of this bill state the department of  
28 social services' right of subrogation to workers' compensation  
29 claims against employers when the department has paid for  
30 medical services for which the employer is liable.

31 Sections 2, 21, and 22 provide for a state income tax  
32 setoff program against any state income tax refunds or rebates  
33 to enforce foster care liabilities and to recover overpayments  
34 of public assistance. The program is similar to the setoff  
35 program currently operated by the department of revenue and

1 the department of social services for recovery of child support  
2 payments.

3 Section 3 authorizes the foster care recovery unit of the  
4 department of social services to enforce the liabilities of  
5 parents or guardians for the cost of foster care in the same  
6 manner as other parental support liabilities are enforced.  
7 Contempt citations and income assignments could be ordered  
8 by the court upon application.

9 Section 4 establishes procedures for the reporting, col-  
10 lecting, maintaining, disseminating, and evaluation of cases  
11 of dependent adult abuse. Anyone may report suspected depen-  
12 dent adult abuse to the department of social services.  
13 Reporters and certain other persons acting in good faith are  
14 given immunity from civil and criminal liability. Adult abuse  
15 information is to be maintained in a statewide registry.  
16 The department is required to evaluate reports of dependent  
17 adult abuse and to forward information to appropriate county  
18 attorneys. A court may authorize entry into a residence for  
19 the purposes of evaluation. The department may initiate court  
20 action for the appointment of a guardian or conservator or  
21 for commitment to an institution. A provision for the  
22 appointment of legal counsel is included. The department  
23 shall complete an assessment of needed services, and may  
24 provide protective services to persons in dependent adult  
25 abuse cases.

26 Section 5 prohibits staff members at licensed child care  
27 centers and registered group and family day care homes from  
28 providing child care if they have been convicted of a crime  
29 involving mistreatment of a child or violence against a per-  
30 son or have a record of substantiated child abuse. It also  
31 prohibits a registered group or family day care home from  
32 having a person living in the home if the person was convicted  
33 of such a crime or has a record of substantiated child abuse.

34 Section 6 requires the department of social services to  
35 notify the parent, guardian, or legal custodian of a child

1 attending a child day care facility of the revocation or  
2 suspension of a license or certificate of registration of  
3 the facility or if there has been a substantiated child abuse  
4 case against an employee, owner, or operator of the child  
5 day care facility.

6 Section 7 expands injunctive authority to group day care  
7 homes and enumerates the legal entities which may bring an  
8 action for injunctive relief.

9 Section 8 redefines dependent child under the aid to depen-  
10 dent children law and includes eighteen-year-olds eligible  
11 under federal law. A child is not dependent solely due to  
12 a parent's active duty in the uniformed services of the United  
13 States.

14 Sections 9 and 11 provide that burial expenses for children  
15 under the aid to dependent children program and for recipients  
16 of state supplementary assistance are limited to \$400, provided  
17 total funeral expenses do not exceed \$1000, the estate is  
18 insufficient to pay a funeral claim of \$1000, and all life  
19 insurance, death, or funeral benefits are applied to reduce  
20 the expenses.

21 Section 10 requires all child support moneys, assigned  
22 to the department of social services by aid to dependent  
23 children recipients and recovered by the child support recovery  
24 unit through the setoff of federal and state income tax  
25 refunds, to be credited to the aid to dependent children  
26 account in the fiscal year in which the moneys are received.

27 Section 12 provides two exceptions to a medical assistance  
28 recipient's freedom of provider choice relating to  
29 participation in prepaid health plans and control of overuse  
30 of services.

31 Section 13 amends the composition of the council which  
32 consults with the commissioner of social services or its  
33 successor agency regarding medical assistance under Title  
34 XIX.

35 Section 14 allows the recovery of medical assistance incor-

1 rectly paid to a provider.

2 Section 15 relates to court costs and attorney fees. Under  
3 the current interpretation of section 249A.6, subsection 4,  
4 court costs and attorney fees amounting to one-third of the  
5 department of social services' recovery on a medical assistance  
6 subrogation claim are deducted directly from the state  
7 recovery. This bill changes the allocation procedure. Court  
8 costs and reasonable attorney fees are first deducted from  
9 the total judgment or settlement; one-third of the remaining  
10 balance is then paid to the recipient; the department's  
11 subrogation claim is paid next and any remaining balance is  
12 paid to the recipient.

13 Section 17 authorizes the child support recovery unit to  
14 charge a fee for child support collection services to persons  
15 who are not public assistance recipients, based on the person's  
16 ability to pay for the services. A portion of the fee may  
17 be retained for use by the unit.

18 Sections 18 and 20 allow the child support recovery unit  
19 to recover through court proceedings the unit's costs of  
20 support collection services from individuals owing support  
21 obligations.

22 Section 19 provides that the child support recovery unit  
23 may contract with private attorneys for the prosecution of  
24 civil collection and recovery cases.

25 Section 23 requires the department of social services to  
26 disseminate criminal history data obtained from the  
27 department of public safety and the division of criminal  
28 investigation and bureau of identification within the  
29 department of public safety to licensed child day care centers  
30 or registered facilities and child foster care facilities.

31 This bill takes effect July 1 following its enactment.

32  
33  
34  
35

- 1 Amend Senate File 541 as follows:  
 2 1. Page 5, line 29, by striking the words  
 3 "required to be".

S-3802 FILED & ADOPTED  
 MAY 5, 1983 (p. 1543)

BY DOUG RITSEMA

## SENATE FILE 541

S-3805

- 1 Amend Senate File 541 as follows:  
 2 1. Page 1, by striking lines 3 through 10 and  
 3 inserting in lieu thereof the following:  
 4 "NEW SUBSECTION. 3. Lien for hospital and medical  
 5 services under chapter 249A. In the event any hospital  
 6 or medical services as defined in section 85.27 are  
 7 paid by the state department of social services on  
 8 behalf of an employee who is entitled to such benefits  
 9 under the provisions of chapter 85, 85A or 85B, a  
 10 lien shall exist as respects the right of such employee  
 11 to benefits as described in section 85.27."  
 12 2. Page 11, by striking lines 23 through 32.  
 13 3. By renumbering as necessary.

S-3805 FILED & ADOPTED  
 MAY 5, 1983 (p. 1547)

BY ARTHUR A. SMALL, JR.

## SENATE FILE 541

S-3806

- 1 Amend Senate File 541 as follows:  
 2 1. Page 8, line 33, by striking the "1" and  
 3 inserting in lieu thereof a "2".  
 4 2. By striking page 8, line 34 through page  
 5 9, line 1, and inserting in lieu thereof the  
 6 following: "However, this shall not limit the  
 7 freedom of choice to recipients to select  
 8 providers in instances where such provider  
 9 services are eligible for reimbursement under  
 10 the medical assistance program but are not  
 11 provided under the health maintenance organization  
 12 or under the prepaid health plan, or where the  
 13 recipient has an already established program  
 14 of specialized medical care with a particular  
 15 provider. The department may also restrict the  
 16 recipient's selection of providers to control  
 17 the individual recipient's overuse of care  
 18 and services, provided the department can  
 19 document this overuse. The department shall  
 20 promulgate rules for determining the overuse  
 21 of services, including rights of appeal by the  
 22 recipient."

S-3806 FILED & ADOPTED  
 MAY 5, 1983 (p. 1547)

BY CHARLES BRUNER



1 Section 1. Section 85.38, Code 1983, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. Lien for hospital and medical services  
4 under chapter 249A. In the event any hospital or medical  
5 services as defined in section 85.27 are paid by the state  
6 department of social services on behalf of an employee who  
7 is entitled to such benefits under the provisions of chapter  
8 85, 85A or 85B, a lien shall exist as respects the right of  
9 such employee to benefits as described in section 85.27.

10 Sec. 2. NEW SECTION. 217.34 OFFICE OF INVESTIGATIONS.  
11 The office of investigations shall provide assistance to set  
12 off against a person's income tax refund or rebate any debt  
13 which has accrued through written contract, subrogation,  
14 departmental recoupment procedures, or court judgment and  
15 which is in the form of a liquidated sum due and owing the  
16 department of social services. The department of social  
17 services shall adopt rules under chapter 17A necessary to  
18 assist the department of revenue in the implementation of  
19 the setoff under section 421.17, subsection 21.

20 Sec. 3. Section 234.39, Code 1983, is amended by adding  
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. A dispositional order of the  
23 juvenile court requiring the provision of foster care shall  
24 establish, after notice and a reasonable opportunity to be  
25 heard is provided to a parent or guardian, the amount of the  
26 parent's or guardian's liability for the cost of foster care  
27 provided by the department. In establishing the amount of  
28 the liability, the court shall take into consideration the  
29 department's schedule of charges, and if the amount established  
30 deviates from the schedule of charges, the court shall explain  
31 the deviation in its order. The order shall direct the payment  
32 of the liability to the clerk of the district court for the  
33 use of the department's foster care recovery unit. The order  
34 shall be filed with the clerk and shall have the same force  
35 and effect as a judgment when entered in the judgment docket

1 and lien index. The clerk shall disburse the payments pursuant  
2 to the order and enter the disbursements in a record book.  
3 If payments are not made as ordered, the clerk shall certify  
4 a default to the court and the court may, on its own motion,  
5 proceed under section 598.22 or 598.23. A dispositional order  
6 establishing the amount of a parent's or guardian's liability  
7 for the cost of foster care shall not vacate a prior court  
8 order which establishes the parent's or guardian's child  
9 support obligation.

10 Sec. 4. NEW SECTION. 235B.1 ADULT ABUSE SERVICES.

11 1. As used in this section, "dependent adult abuse" means:

12 a. Any of the following as a result of the willful or  
13 negligent acts or omissions of a caretaker:

14 (1) Physical injury to or unreasonable confinement or  
15 cruel punishment of a dependent adult.

16 (2) The commission of a sexual offense under chapter 709  
17 or section 726.2 with or against a dependent adult.

18 (3) Exploitation of a dependent adult which means the  
19 act or process of taking unfair advantage of a dependent adult  
20 or the adult's physical or financial resources for one's own  
21 personal or pecuniary profit by the use of undue influence,  
22 harassment, duress, deception, false representation, or false  
23 pretenses.

24 (4) The deprivation of the minimum food, shelter, clothing,  
25 supervision, physical and mental health care, and other care  
26 necessary to maintain a dependent adult's life or health.

27 b. The deprivation of the minimum food, shelter, clothing,  
28 supervision, physical and mental health care, and other care  
29 necessary to maintain a dependent adult's life or health as  
30 a result of the acts or omissions of the dependent adult.

31 Dependent adult abuse does not include:

32 (1) Depriving a dependent adult of medical treatment if  
33 the dependent adult holds a belief or is an adherent of a  
34 religion whose tenets and practices call for reliance on  
35 spiritual means in place of reliance on medical treatment.

1 (2) The withholding and withdrawing of health care from  
2 a dependent adult who is terminally ill in the opinion of  
3 a licensed physician, when the withholding and withdrawing  
4 of health care is done at the request of the dependent adult  
5 or at the request of the dependent adult's next-of-kin or  
6 guardian pursuant to the applicable procedures under chapter  
7 125, 222, 229, or 633.

8 2. The department of social services shall operate a  
9 program relating to the providing of services in cases of  
10 dependent adult abuse. The program shall emphasize the  
11 reporting and evaluation of dependent adult abuse of an adult  
12 who is unable to protect the adult's own interests or unable  
13 to perform or obtain essential services.

14 3. A person who believes that a dependent adult has  
15 suffered abuse may report the suspected abuse to the department  
16 of social services. The department shall receive dependent  
17 adult abuse reports and shall collect, maintain, and  
18 disseminate the reports pursuant to sections 235A.12 through  
19 235A.24 by expanding the central registry for child abuse  
20 to include reports of dependent adult abuse. The department  
21 shall evaluate the reports expeditiously. However, the state  
22 department of health is solely responsible for the evaluation  
23 and disposition of adult abuse cases within health care  
24 facilities and shall inform the department of social services  
25 of such evaluations and dispositions.

26 The department of social services shall inform the  
27 appropriate county attorneys of any reports. County attorneys,  
28 law enforcement agencies, multidisciplinary teams as defined  
29 in section 235A.13, subsection 9, and social services agencies  
30 in the state shall cooperate and assist in the evaluation  
31 upon the request of the department. County attorneys and  
32 appropriate law enforcement agencies shall also take any other  
33 lawful action necessary or advisable for the protection of  
34 the dependent adult.

35 Upon a showing of probable cause that a dependent adult

1 has been abused, a district court may authorize a person,  
2 authorized by the department to make an evaluation, to enter  
3 the residence of, and to examine the dependent adult.

4 4. If, upon completion of the evaluation or upon referral  
5 from the state department of health, the department of social  
6 services determines that the best interests of the dependent  
7 adult require district court action, the department shall  
8 initiate action for the appointment of a guardian or  
9 conservator or for admission or commitment to an appropriate  
10 institution or facility pursuant to the applicable procedures  
11 under chapter 125, 222, 229, or 633. The appropriate county  
12 attorney shall assist the department in the preparation of  
13 the necessary papers to initiate the action and shall appear  
14 and represent the department at all district court proceedings.

15 The department shall assist the district court during all  
16 stages of court proceedings involving a suspected case of  
17 adult abuse.

18 In every case involving adult abuse which is substantiated  
19 by the department and which results in a judicial proceeding  
20 on behalf of the dependent adult, legal counsel shall be  
21 appointed by the court to represent the dependent adult in  
22 the proceedings. The court may also appoint a guardian ad  
23 litem to represent the dependent adult if necessary to protect  
24 the dependent adult's best interests. The same attorney may  
25 be appointed to serve both as legal counsel and as guardian  
26 ad litem. Before legal counsel or a guardian ad litem is  
27 appointed pursuant to this section, the court shall require  
28 the dependent adult and any person legally responsible for  
29 the support of the dependent adult to complete under oath  
30 a detailed financial statement. If, on the basis of that  
31 financial statement, the court deems that the dependent adult  
32 or the legally responsible person is able to bear all or a  
33 portion of the cost of the legal counsel or guardian ad litem,  
34 the court shall so order. In cases where the dependent adult  
35 or the legally responsible person is unable to bear the cost

1 of the legal counsel or guardian ad litem, the expense shall  
2 be paid out of the court expense fund.

3 5. The department of social services shall complete an  
4 assessment of needed services and shall make appropriate  
5 referrals to services. The department may provide necessary  
6 protective services and may establish a sliding fee schedule  
7 for those persons able to pay a portion of the protective  
8 services.

9 6. A person participating in good faith in reporting or  
10 cooperating or assisting the department of social services  
11 in evaluating a case of dependent adult abuse has immunity  
12 from liability, civil or criminal, which might otherwise be  
13 incurred or imposed based upon the act of making the report  
14 or giving the assistance. The person has the same immunity  
15 with respect to participation in good faith in a judicial  
16 proceeding resulting from the report or assistance or relating  
17 to the subject matter of the report or assistance.

18 Sec. 5. Section 237A.5, Code 1983, is amended to read  
19 as follows:

20 237A.5 PERSONNEL. All personnel in licensed centers or  
21 registered facilities shall have good health as evidenced  
22 by a report following a pre-employment physical examination  
23 taken within six months prior to beginning employment,  
24 including communicable disease tests by a licensed physician  
25 as defined in section 135C.1, at the time of initial employment  
26 and every three years thereafter. No staff member of a  
27 licensed center or registered group home or a family day care  
\* 28 home registered pursuant to section 237A.3, subsection 1,  
29 with direct responsibility for child care and no person living  
30 in such registered group or family day care home shall have  
31 a conviction by any law of any state of a crime involving  
32 ~~baseivious-acts-with~~ mistreatment of a child, child-neglect  
33 or violence against a person, or shall have a record of  
34 substantiated child sexual abuse or a record of any other  
35 type of child abuse substantiated within three years prior

1 to the check of the child abuse registry made by the department  
2 pursuant to this chapter.

3 Sec. 6. Section 237A.8, Code 1983, is amended to read  
4 as follows:

5 237A.8 SUSPENSION AND REVOCATION. The director, after  
6 notice and opportunity for an evidentiary hearing, may suspend  
7 or revoke a license or certificate of registration issued  
8 under ~~the provisions of~~ this chapter if the person to whom  
9 a license or certificate is issued violates any a provision  
10 of this chapter or if a the person makes false reports  
11 regarding the operation of the child day care facility to  
12 the director or a designee. The director shall notify the  
13 parent, guardian, or legal custodian of each child for whom  
14 the person provides child day care, if the license or  
15 certificate of registration is suspended or revoked or if  
16 there has been a substantiated child abuse case against an  
17 employee, owner, or operator of the child day care facility.

18 Sec. 7. Section 237A.20, Code 1983, is amended to read  
19 as follows:

20 237A.20 INJUNCTION. Any A person who establishes,  
21 conducts, manages, or operates a center without a license  
22 or a group day care home without a certificate of registration  
23 may be restrained by temporary or permanent injunction. The  
24 action may be instituted by the state, a political subdivision  
25 of the state, or an interested person.

26 Sec. 8. Section 239.1, subsection 3, Code 1983, is amended  
27 by striking the subsection and inserting in lieu thereof the  
28 following:

29 3. "Dependent child" means a needy child who is under  
30 the age of eighteen, or a needy person eighteen years of age  
31 who meets the additional eligibility criteria established  
32 by federal law or regulation, and who has been deprived of  
33 parental support or care by reason of death, continued absence  
34 from home, physical or mental incapacity, or partial or total  
35 unemployment of the parent, and who is living with a relative

1 specified in 42 U.S.C. sec. 606 and in federal regulations  
2 adopted pursuant to that section. However, a child is not  
3 a dependent child solely by reason of a parent's absence from  
4 the home due to the parent's performance of active duty in  
5 the uniformed services of the United States.

6 Sec. 9. Section 239.9, Code 1983, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 239.9 FUNERAL EXPENSES. The department may pay, from  
9 funds appropriated to it for the purpose, a maximum of four  
10 hundred dollars toward funeral expenses on the death of a  
11 child who is receiving or has been authorized to receive  
12 assistance under this chapter, provided:

13 1. The total expense of the child's funeral does not ex-  
14 ceed one thousand dollars.

15 2. The decedent does not leave an estate which may be  
16 probated with sufficient proceeds to allow a funeral claim  
17 of at least one thousand dollars.

18 3. Payments which are due the decedent's estate or bene-  
19 ficiary by reason of the liability of a life insurance, death  
20 or funeral benefit company, association, or society, or in  
21 the form of United States social security, railroad retirement,  
22 or veterans' benefits upon the death of the decedent, are  
23 deducted from the department's liability under this section.

24 Sec. 10. Section 239.12, Code 1983, is amended to read  
25 as follows:

26 239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is hereby  
27 established in the state treasury an account to be known as  
28 the "Aid to Dependent Children Account" to which shall be  
29 credited all funds appropriated by the state for the payment  
30 of assistance and benefits under this chapter, and all other  
31 moneys received at any time for such purposes. Moneys assigned  
32 to the department under section 239.12 and received by the  
33 child support recovery unit pursuant to section 252B.5 and  
34 42 U.S.C. sec. 664 shall be credited to the account in the  
35 fiscal year in which the moneys are received. All assistance

1 and benefits under this chapter shall be paid from ~~said~~ the  
2 account.

3 Sec. 11. Section 249.9, Code 1983, is amended to read  
4 as follows:

5 249.9 FUNERAL EXPENSES. The department may pay, from  
6 funds appropriated to it for the purpose, a maximum of four  
7 hundred dollars toward funeral expenses on the death of any  
8 a person receiving state supplementary assistance or who  
9 received assistance under a previous categorical assistance  
10 program prior to January 1, 1974, provided:

11 1. The total expense of the person's funeral does not  
12 exceed ~~six-hundred-fifty~~ one thousand dollars.

13 2. ~~That-the~~ The decedent does not leave an estate which  
14 may be probated, with sufficient proceeds to allow a funeral  
15 claim of at least ~~six-hundred-fifty~~ one thousand dollars.

16 3. ~~That-any-payment~~ Payments which ~~is~~ are due the  
17 decedent's estate or beneficiary by reason of the liability  
18 of any a life insurance ~~or,~~ death or funeral benefit company,  
19 association or society, or in the form of United States social  
20 security, railroad retirement, or veterans' benefits, upon  
21 the death of the decedent ~~shall-be,~~ are deducted from the  
22 department's liability under this section.

23 Sec. 12. Section 249A.4, subsection 7, Code 1983, is  
24 amended to read as follows:

25 7. Shall provide for the professional freedom of those  
26 licensed practitioners who determine the need for or provide  
27 medical care and services, and shall provide freedom of choice  
28 to recipients to select the provider of ~~such~~ care and services,  
29 ~~and-for-medical-direction-and-supervision-as-needed~~ except  
30 when the recipient is eligible for participation in a health  
31 maintenance organization or prepaid health plan which limits  
32 provider selection and which is approved by the department.  
33 However, this shall not limit the freedom of choice to  
34 recipients to select providers in instances where such provider  
35 services are eligible for reimbursement under the medical

1 assistance program but are not provided under the health  
 2 maintenance organization or under the prepaid health plan,  
 3 or where the recipient has an already established program  
 4 of specialized medical care with a particular provider. The  
 5 department may also restrict the recipient's selection of  
 6 providers to control the individual recipient's overuse of  
 7 care and services, provided the department can document this  
 8 overuse. The department shall promulgate rules for determining  
 9 the overuse of services, including rights of appeal by the  
 10 recipient.

11 Sec. 13. Section 249A.4, subsection 8, unnumbered para-  
 12 graph 1, Code 1983, is amended to read as follows:

13 Shall advise and consult at least semiannually with a  
 14 council composed of the president, or ~~his-or-her~~ the  
 15 president's representative who is a member of the professional  
 16 organization represented by the president, of the Iowa Medical  
 17 ~~Society~~ medical society, the Iowa ~~Society~~ society of  
 18 ~~Osteopathic-Physicians~~ osteopathic physicians and ~~Surgeons~~  
 19 surgeons, the Iowa ~~State-Dental-Society~~ state dental society,  
 20 the Iowa ~~State-Nurses-Association~~ state nurses association,  
 21 the Iowa ~~Pharmaceutical-Association~~ pharmacists association,  
 22 the Iowa ~~Pediatrics-Society~~ podiatry society, the Iowa ~~Optometric~~  
 23 ~~Association~~ optometric association, the community mental  
 24 health centers association of Iowa, the Iowa psychological  
 25 association, the Iowa ~~Hospital-Association~~ hospital  
 26 association, the Iowa ~~Osteopathic-Hospital-Association~~  
 27 osteopathic hospital association, opticians' association of  
 28 Iowa Ophthalmic-Dispensers, Inc., (opticians)-and the Iowa  
 29 ~~Nursing-Home-Association~~ health care association, the Iowa  
 30 assembly of home health agencies, and the Iowa association  
 31 of homes for the aging, together with one person designated  
 32 by the Iowa state board of chiropractic examiners; one state  
 33 representative from each of the two major political parties  
 34 appointed by the speaker of the house, one state senator from  
 35 each of the two major political parties appointed by the

1 lieutenant governor, each for a term of two years; the  
 2 president or the president's representative of the association  
 3 for retarded citizens; four public representatives, ~~two of~~  
 4 ~~whom shall be appointed each year~~ by the governor for staggered  
 5 terms of two years each, and none of whom shall be members  
 6 of, or practitioners of or have a pecuniary interest in any  
 7 of the professions or businesses represented by, any of the  
 8 several professional groups and associations specifically  
 9 represented on the council under this subsection, and at least  
 10 one of whom shall be a recipient of medical assistance; the  
 11 commissioner of public health, or a representative designated  
 12 by ~~him~~ the commissioner, and the dean of the college of  
 13 medicine, ~~University~~ university of Iowa, or a representative  
 14 designated by ~~him~~ the dean.

15 Sec. 14. Section 249A.5, Code 1983, is amended to read  
 16 as follows:

17 249A.5 RECOVERY OF PAYMENT. Medical assistance paid to,  
 18 or on behalf of, ~~any a recipient cannot be recovered from~~  
 19 ~~such beneficiary or paid to a provider of services is not~~  
 20 recoverable unless such benefit had been the assistance was  
 21 ~~incorrectly paid. If, while receiving assistance, the~~  
 22 ~~recipient becomes possessed of any resource or income in~~  
 23 ~~excess of the amount stated in the application provided for~~  
 24 ~~in this chapter, it shall be the duty of the recipient~~  
 25 ~~immediately to notify the county board of the receipt or~~  
 26 ~~possession of such resource or income. --When it is found that~~  
 27 ~~any person has failed to so notify the board that he is or~~  
 28 ~~was possessed of any resource or income in excess of the~~  
 29 ~~amount allowed, or when it is found that, within five years~~  
 30 ~~prior to the date of his application, a recipient made an~~  
 31 ~~assignment or transfer of property for the purpose of rendering~~  
 32 ~~himself eligible for assistance under this chapter, any amount~~  
 33 ~~of assistance paid in excess of the amount to which the~~  
 34 ~~recipient was entitled shall constitute benefits incorrectly~~  
 35 ~~paid. --Any benefits~~ Assistance ~~incorrectly paid shall be~~ is

1 recoverable from the provider, or from the recipient, while  
2 living, as a debt due the state and, upon his the recipient's  
3 death, as a claim classified with taxes having preference  
4 under the laws of this state.

5 Sec. 15. Section 249A.6, subsection 4, Code 1983, is  
6 amended to read as follows:

7 4. ~~In-the-event~~ If a recipient of assistance through the  
8 medical assistance program incurs the obligation to pay  
9 attorney fees and court costs for the purpose of enforcing  
10 a monetary claim to which the department is subrogated under  
11 this section, ~~the-amount-which-the-department-is-entitled~~  
12 ~~to-recover-under-subsection-1,-or-any-lesser-amount-which~~  
13 ~~the-department-may-agree-to-accept-in-compromise-of-its-claim,~~  
14 ~~shall-be-reduced-by-an-amount-which-bears-the-same-relation~~  
15 ~~to-the-total-amount-of-attorney-fees-and-court-costs-actually~~  
16 ~~paid-by-the-recipient-as-the-amount-actually-recovered-by~~  
17 ~~the-department,-exclusive-of-the-reduction-for-attorney-fees~~  
18 ~~and-court-costs,-bears-to-the-total-amount-paid-by-the-third~~  
19 ~~party-to-the-recipient~~ upon the receipt of a judgment or  
20 settlement of the claim, the court costs and reasonable  
21 attorney fees shall first be deducted from the judgment or  
22 settlement. One-third of the remaining balance shall then  
23 be deducted and paid to the recipient. From the remaining  
24 balance, the claim of the department shall be paid. Any  
25 amount remaining shall be paid to the recipient. An attorney  
26 acting on behalf of a recipient of medical assistance for  
27 the purpose of enforcing a claim to which the department is  
28 subrogated shall not collect from the recipient any amount  
29 as attorney fees which is in excess of the amount which the  
30 attorney customarily would collect on claims not subject to  
31 this section.

\* 32 Sec. 16. Section 252B.4, Code 1983, is amended to read  
33 as follows:

34 252B.4 NONASSISTANCE CASES. The child support and  
35 paternity determination services established by the department

1 pursuant to this Act chapter and other appropriate services  
2 provided by law including but not limited to the provisions  
3 of chapters 239, 252A, 598 and 675 shall be made available  
4 by the unit to ~~any~~ an individual not otherwise eligible as  
5 a public assistance recipient upon application by the  
6 individual for the services. The application shall be filed  
7 with the department. The commissioner may require an  
8 application fee not to exceed twenty dollars ~~as-determined~~  
9 ~~by-the-commissioner~~. The commissioner may require an  
10 additional fee to cover the costs incurred by the department  
11 in providing the support collection and paternity determination  
12 services. The commissioner shall, by ~~regulation~~ rule,  
13 establish and make available to all applicants for support  
14 enforcement and paternity determination services a fee  
15 ~~schedule,--however,--the-fee-shall-not-exceed-ten-percent-of~~  
16 ~~any-support-money-recovered-by-department-action~~. The fee  
17 for support collection and paternity determination services  
18 charged to an applicant shall be agreed upon in writing by  
19 ~~the individual-requesting~~ applicant, and shall be based upon  
20 the applicant's ability to pay for the services. The  
21 application fee and the additional fee for services ~~provided~~  
22 may be deducted from the amount of the support money recovered  
23 by the department. Fees Seventy percent of the fees collected  
24 pursuant to this section ~~shall~~ may be retained by the  
25 department for use by the unit and thirty percent shall be  
26 remitted to the treasurer of state who shall deposit ~~them~~  
27 it in the general fund of the state. The commissioner or  
28 a designee and the treasurer of state shall keep an accurate  
29 record of funds so retained, remitted, and deposited.

30 Sec. 17. Section 252B.6, subsection 5, Code 1983, is  
31 amended to read as follows:

32 5. Initiate any necessary civil ~~procedures-deemed-necessary~~  
33 ~~by-the-department~~ proceedings to ~~secure-reimbursement~~ recover  
34 from the parent of a child, ~~for~~ money expended by the state  
35 in providing public assistance or services to the child,

1 including support collection services.

2 Sec. 18. Section 252B.7, Code 1983, is amended to read  
3 as follows:

4 252B.7 LEGAL SERVICES.

5 1. The attorney general may perform the legal services  
6 for the child support recovery program and may enforce all  
7 laws for the recovery of child support from responsible  
8 relatives. The attorney general ~~shall-have-power-to~~ may file  
9 and prosecute:

10 1 a. Contempt of court proceedings to enforce any order  
11 of court pertaining to child support.

12 2 b. Cases under chapter 252A, the Uniform Support of  
13 Dependents Law.

14 3 c. An information charging a violation of section 726.3,  
15 726.5 or 726.6.

16 4 d. Any other lawful action which will secure collection  
17 of support for minor children.

18 2. For the ~~aforesaid~~ purposes of subsection 1, the attorney  
19 general ~~shall-have~~ has the same power to commence, file and  
20 prosecute any action or information in the proper jurisdiction,  
21 which the county attorney could file or prosecute in that  
22 jurisdiction. This ~~shall-in-no-way~~ section does not relieve  
23 any a county attorney from ~~his-or-her~~ the county attorney's  
24 duties, or the attorney general from the supervisory power  
25 of the attorney general, in the recovery of child support.

26 3. The unit may contract with a county attorney, the  
27 attorney general, a clerk of the district court, or another  
28 person or agency to collect support obligations and to  
29 administer the child support program established pursuant  
30 to this chapter. Notwithstanding section 13.7, the unit may  
31 contract with private attorneys for the prosecution of civil  
32 collection and recovery cases and may pay reasonable  
33 compensation and expenses to private attorneys for the  
34 prosecution services provided.

35 Sec. 19. NEW SECTION. 252B.11 RECOVERY OF COSTS OF

1 COLLECTION SERVICES. The unit may initiate necessary civil  
 2 proceedings to recover the unit's costs of support collection  
 3 services provided to an individual, whether or not the  
 4 individual is a public assistance recipient, from an individual  
 5 who owes and is able to pay a support obligation but willfully  
 6 fails to pay the obligation. The unit may seek a lump sum  
 7 recovery of the unit's costs or may seek to recover the unit's  
 8 costs through periodic payments which are in addition to  
 9 periodic support payments. If the unit's costs are recovered  
 10 from an individual owing a support obligation, the costs shall  
 11 not be deducted from the amount of support money received  
 12 from the individual. Seventy percent of the costs collected  
 13 pursuant to this section may be retained by the department  
 14 for use by the unit and thirty percent shall be remitted to  
 15 the treasurer of state who shall deposit it in the general  
 16 fund of the state. The commissioner or a designee and the  
 17 treasurer of state shall keep an accurate record of funds  
 18 so retained, remitted, and deposited.

19 Sec. 20. Section 421.17, subsection 21, Code 1983, is  
 20 amended to read as follows:

21 21. To establish and maintain a procedure to set off  
 22 against a debtor's income tax refund or rebate any debt, which  
 23 is assigned to the department of social services, ~~ex~~ which  
 24 the child support recovery unit is attempting to collect on  
 25 behalf of any an individual not eligible as a public assistance  
 26 recipient, or which the foster care recovery unit of the  
 27 department of social services is attempting to collect on  
 28 behalf of a child receiving foster care provided by the depart-  
 29 ment of social services, which has accrued through written  
 30 contract, subrogation, or court judgment and which is in the  
 31 form of a liquidated sum due and owing for the care, support  
 32 or maintenance of a child or which is owed to the state for  
 33 public assistance overpayments which the office of  
 34 investigations of the department of social services is  
 35 attempting to collect on behalf of the state. For purposes

1 of this subsection, "public assistance" means aid to dependent  
2 children, medical assistance, food stamps, foster care, and  
3 state supplementary assistance. The procedure shall meet  
4 the following conditions:

5 a. Before setoff all outstanding tax liabilities  
6 collectible by the department of revenue shall be satisfied  
7 except that no portion of a refund or rebate shall be credited  
8 against any tax liabilities which are not yet due.

9 b. Before setoff the child support recovery unit  
10 established pursuant to section 252B.2, the foster care  
11 recovery unit, and the office of investigations shall obtain  
12 and forward to the department of revenue the full name and  
13 social security number of the debtor. The department of  
14 revenue shall co-operate in the exchange of relevant  
15 information with the child support recovery unit as provided  
16 in section 252B.9, with the foster care recovery unit, and  
17 with the office of investigations. However, only relevant  
18 information required by the child support unit, by the foster  
19 care recovery unit, or by the office of investigations shall  
20 be provided by the department of revenue. The information  
21 shall be held in confidence and shall be used for purposes  
22 of setoff only.

23 c. The child support recovery unit, the foster care re-  
24 covery unit, and the office of investigations shall, at least  
25 annually, submit to the department of revenue for setoff the  
26 ~~above-mentioned~~ debts described in this subsection, which  
27 are at least fifty dollars, on a date ~~or-dates~~ to be specified  
28 by the department of social services by rule.

29 d. Upon submission of a claim the department of revenue  
30 shall notify the child support recovery unit, the foster care  
31 recovery unit, or the office of investigations as to whether  
32 the debtor is entitled to a refund or rebate ~~of-at-least-fifty~~  
33 ~~dollars~~ and if so entitled shall notify the unit or office  
34 of the amount of the refund or rebate and of the debtor's  
35 address on the income tax return.

1 e. Upon notice of entitlement to a refund or rebate the  
2 child support recovery unit, the foster care recovery unit,  
3 or the office of investigations shall send written notification  
4 to the debtor, and a copy of the notice to the department  
5 of revenue, of the unit's or office's assertion of its rights  
6 or the rights of an individual not eligible as a public  
7 assistance recipient to all or a portion of the debtor's  
8 refund or rebate and the entitlement to recover the debt  
9 through the setoff procedure, the basis of the assertion,  
10 the opportunity to request that a joint income tax refund  
11 or rebate be divided between spouses, the debtor's opportunity  
12 to give written notice of intent to contest the claim, and  
13 the fact that failure to contest the claim by written  
14 application for a hearing will result in a waiver of the  
15 opportunity to contest the claim, causing final setoff by  
16 default. ~~The~~ Upon application filed with the department  
17 within fifteen days from the mailing of the notice of  
18 entitlement to a refund or rebate, the child support recovery  
19 unit, the foster care recovery unit, or the office of  
20 investigations shall ~~upon application~~ grant a hearing pursuant  
21 to chapter 17A. ~~Any~~ An appeal taken from the decision of  
22 a hearing officer and ~~any~~ subsequent appeals shall be taken  
23 pursuant to chapter 17A.

24 f. Upon the ~~timely~~ request of a debtor or a debtor's  
25 spouse to the child support recovery unit, the foster care  
26 recovery unit, or the office of investigations, filed within  
27 fifteen days from the mailing of the notice of entitlement  
28 to a refund or rebate, and upon receipt of the full name and  
29 social security number of the debtor's spouse, the unit or  
30 office shall notify the department of revenue of the request  
31 to divide a joint income tax refund or rebate. The department  
32 of revenue shall upon receipt of the notice divide a joint  
33 income tax refund or rebate between the debtor and the debtor's  
34 spouse in proportion to each spouse's net income as determined  
35 under section 422.7.

1 g. The department of revenue shall, after notice has been  
2 sent to the debtor by the child support recovery unit, the  
3 foster care recovery unit, or the office of investigations,  
4 set off the ~~above-mentioned~~ debt against the debtor's income  
5 tax refund or rebate ~~if both the debt and the refund or rebate~~  
6 ~~are at least fifty dollars.~~ However, if a debtor has made  
7 all current child support or foster care payments in accordance  
8 with a court order or an assessment of foster care liability  
9 for the twelve months preceding the proposed setoff and has  
10 regularly made delinquent child support or foster care payments  
11 during those twelve months, the child support or foster care  
12 recovery unit shall notify the department of revenue not to  
13 setoff set off the debt against the debtor's income tax refund  
14 or rebate. If a debtor has made all current repayment of  
15 public assistance in accordance with a court order or voluntary  
16 repayment agreement for the twelve months preceding the  
17 proposed setoff and has regularly made delinquent payments  
18 during those twelve months, the office of investigations shall  
19 notify the department of revenue not to set off the debt  
20 against the debtor's income tax refund or rebate. The  
21 department shall refund any balance of the income tax refund  
22 or rebate to the debtor. The department of revenue shall  
23 periodically transfer the amount set off to the child support  
24 recovery unit, the foster care recovery unit, or the office  
25 of investigations. If the debtor gives timely written notice  
26 of intent to contest the claim the department of ~~social~~  
27 ~~services~~ revenue shall hold the refund or rebate until final  
28 disposition of the contested claim pursuant to chapter 17A  
29 or by court judgment. The child support recovery unit, the  
30 foster care recovery unit, or the office of investigations  
31 shall notify the debtor in writing upon completion of setoff.

32 Sec. 21. Section 421.17, subsection 25, Code 1983, is  
33 amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 25. To provide that in the case of multiple claims to

1 refunds or rebates filed under subsections 21 and 23, that  
2 priority shall be given to claims filed by the child support  
3 recovery unit or the foster care recovery unit under subsection  
4 21, next priority shall be given to claims filed by the college  
5 aid commission under subsection 23, and last priority shall  
6 be given to claims filed by the office of investigations under  
7 subsection 21.

8 Sec. 22. Section 692.3, subsection 2, Code 1983, is amended  
9 to read as follows:

10 2. Notwithstanding subsection 1, paragraph "a", the  
11 department of social services ~~may~~ shall redisseminate criminal  
12 history data obtained pursuant to section 692.2, subsection  
13 1, paragraph "c", to persons licensed or registered under  
14 chapters 237 and 237A for the purposes of section 237.8,  
15 subsection 2 and section 237A.5. Licensees and registrants  
16 under either chapter 237 or chapter 237A who receive  
17 information pursuant to this subsection shall not use the  
18 information other than for purposes of section 237.8,  
19 subsection 2 or section 237A.5. A licensee or registrant  
20 who uses the information for other purposes or who communicates  
21 the information to another except for the purposes of section  
22 237.8, subsection 2 or section 237A.5 is guilty of an  
23 aggravated misdemeanor.

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SF 541  
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SENATE FILE 541

AN ACT

RELATING TO THE CODIFIED PROVISIONS OF THE DEPARTMENT OF SOCIAL SERVICES FOR THE MEDICAL ASSISTANCE PROGRAM; THE CHILD DAY CARE FACILITY PROGRAM; THE AID TO DEPENDENT CHILDREN PROGRAM; THE CHILD SUPPORT AND FOSTER CARE RECOVERY PROGRAMS, INCLUDING PROVISIONS RELATING TO SUPPORT RECOVERIES FOR PERSONS WHO ARE NOT PUBLIC ASSISTANCE RECIPIENTS; THE STATE SUPPLEMENTARY ASSISTANCE PROGRAM; AND THE DEPENDENT ADULT ABUSE PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 85.38, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Lien for hospital and medical services under chapter 249A. In the event any hospital or medical services as defined in section 85.27 are paid by the state department of social services on behalf of an employee who is entitled to such benefits under the provisions of chapter 85, 85A or 85B, a lien shall exist as respects the right of such employee to benefits as described in section 85.27.

Sec. 2. NEW SECTION. 217.34 OFFICE OF INVESTIGATIONS. The office of investigations shall provide assistance to set off against a person's income tax refund or rebate any debt which has accrued through written contract, subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of social services. The department of social services shall adopt rules under chapter 17A necessary to

assist the department of revenue in the implementation of the setoff under section 421.17, subsection 21.

Sec. 3. Section 234.39, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A dispositional order of the juvenile court requiring the provision of foster care shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's liability for the cost of foster care provided by the department. In establishing the amount of the liability, the court shall take into consideration the department's schedule of charges, and if the amount established deviates from the schedule of charges, the court shall explain the deviation in its order. The order shall direct the payment of the liability to the clerk of the district court for the use of the department's foster care recovery unit. The order shall be filed with the clerk and shall have the same force and effect as a judgment when entered in the judgment docket and lien index. The clerk shall disburse the payments pursuant to the order and enter the disbursements in a record book. If payments are not made as ordered, the clerk shall certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23. A dispositional order establishing the amount of a parent's or guardian's liability for the cost of foster care shall not vacate a prior court order which establishes the parent's or guardian's child support obligation.

Sec. 4. NEW SECTION. 235B.1 ADULT ABUSE SERVICES.

1. As used in this section, "dependent adult abuse" means:

a. Any of the following as a result of the willful or negligent acts or omissions of a caretaker:

(1) Physical injury to or unreasonable confinement or cruel punishment of a dependent adult.

(2) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

(3) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.

(4) The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health.

b. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.

Dependent adult abuse does not include:

(1) Depriving a dependent adult of medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) The withholding and withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding and withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next-of-kin or guardian pursuant to the applicable procedures under chapter 125, 222, 229, or 633.

2. The department of social services shall operate a program relating to the providing of services in cases of dependent adult abuse. The program shall emphasize the reporting and evaluation of dependent adult abuse of an adult who is unable to protect the adult's own interests or unable to perform or obtain essential services.

3. A person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of social services. The department shall receive dependent adult abuse reports and shall collect, maintain, and

disseminate the reports pursuant to sections 235A.12 through 235A.24 by expanding the central registry for child abuse to include reports of dependent adult abuse. The department shall evaluate the reports expeditiously. However, the state department of health is solely responsible for the evaluation and disposition of adult abuse cases within health care facilities and shall inform the department of social services of such evaluations and dispositions.

The department of social services shall inform the appropriate county attorneys of any reports. County attorneys, law enforcement agencies, multidisciplinary teams as defined in section 235A.13, subsection 9, and social services agencies in the state shall cooperate and assist in the evaluation upon the request of the department. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

Upon a showing of probable cause that a dependent adult has been abused, a district court may authorize a person, authorized by the department to make an evaluation, to enter the residence of, and to examine the dependent adult.

4. If, upon completion of the evaluation or upon referral from the state department of health, the department of social services determines that the best interests of the dependent adult require district court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

The department shall assist the district court during all stages of court proceedings involving a suspected case of adult abuse.

In every case involving adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid out of the court expense fund.

5. The department of social services shall complete an assessment of needed services and shall make appropriate referrals to services. The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services.

6. A person participating in good faith in reporting or cooperating or assisting the department of social services in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the same immunity with respect to participation in good faith in a judicial proceeding resulting from the report or assistance or relating to the subject matter of the report or assistance.

Sec. 5. Section 237A.5, Code 1983, is amended to read as follows:

237A.5 PERSONNEL. All personnel in licensed ~~centers~~ or registered facilities shall have good health as evidenced by a report following a pre-employment physical examination taken within six months prior to beginning employment, including communicable disease tests by a licensed physician as defined in section 135C.1, at the time of initial employment and every three years thereafter. No staff member of a licensed center or registered group home or a family day care home registered pursuant to section 237A.3, subsection 1, with direct responsibility for child care and no person living in such registered group or family day care home shall have a conviction by any law of any state of a crime involving lascivious-acts-with mistreatment of a child, child-neglect or violence against a person, or shall have a record of substantiated child sexual abuse or a record of any other type of child abuse substantiated within three years prior to the check of the child abuse registry made by the department pursuant to this chapter.

Sec. 6. Section 237A.8, Code 1983, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION. The director, after notice and opportunity for an evidentiary hearing, may suspend or revoke a license or certificate of registration issued under ~~the provisions of~~ this chapter if the person to whom a license or certificate is issued violates any a provision of this chapter or if a the person makes false reports regarding the operation of the child day care facility to the director or a designee. The director shall notify the parent, guardian, or legal custodian of each child for whom the person provides child day care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility.

Sec. 7. Section 237A.20, Code 1983, is amended to read as follows:

237A.20 INJUNCTION. Any A person who establishes, conducts, manages, or operates a center without a license or a group day care home without a certificate of registration may be restrained by temporary or permanent injunction. The action may be instituted by the state, a political subdivision of the state, or an interested person.

Sec. 8. Section 239.1, subsection 3, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Dependent child" means a needy child who is under the age of eighteen, or a needy person eighteen years of age who meets the additional eligibility criteria established by federal law or regulation, and who has been deprived of parental support or care by reason of death, continued absence from home, physical or mental incapacity, or partial or total unemployment of the parent, and who is living with a relative specified in 42 U.S.C. sec. 606 and in federal regulations adopted pursuant to that section. However, a child is not a dependent child solely by reason of a parent's absence from the home due to the parent's performance of active duty in the uniformed services of the United States.

Sec. 9. Section 239.9, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

239.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of a child who is receiving or has been authorized to receive assistance under this chapter, provided:

1. The total expense of the child's funeral does not exceed one thousand dollars.
2. The decedent does not leave an estate which may be probated with sufficient proceeds to allow a funeral claim of at least one thousand dollars.

3. Payments which are due the decedent's estate or beneficiary by reason of the liability of a life insurance, death or funeral benefit company, association, or society, or in the form of United States social security, railroad retirement, or veterans' benefits upon the death of the decedent, are deducted from the department's liability under this section.

Sec. 10. Section 239.12, Code 1983, is amended to read as follows:

239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is hereby established in the state treasury an account to be known as the "Aid to Dependent Children Account" to which shall be credited all funds appropriated by the state for the payment of assistance and benefits under this chapter, and all other moneys received at any time for such purposes. Moneys assigned to the department under section 239.12 and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance and benefits under this chapter shall be paid from said the account.

Sec. 11. Section 249.9, Code 1983, is amended to read as follows:

249.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of any a person receiving state supplementary assistance or who received assistance under a previous categorical assistance program prior to January 1, 1974, provided:

1. The total expense of the person's funeral does not exceed ~~six-hundred-fifty~~ one thousand dollars.
2. ~~That-the~~ The decedent does not leave an estate which may be probated, with sufficient proceeds to allow a funeral claim of at least ~~six-hundred-fifty~~ one thousand dollars.
3. ~~That-any-payment~~ Payments which ~~is~~ are due the decedent's estate or beneficiary by reason of the liability

of any a life insurance or death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent ~~shall be, are~~ deducted from the department's liability under this section.

Sec. 12. Section 249A.4, subsection 7, Code 1983, is amended to read as follows:

7. Shall provide for the professional freedom of those licensed practitioners who determine the need for or provide medical care and services, and shall provide freedom of choice to recipients to select the provider of such care and services, and for medical direction and supervision as needed except when the recipient is eligible for participation in a health maintenance organization or prepaid health plan which limits provider selection and which is approved by the department. However, this shall not limit the freedom of choice to recipients to select providers in instances where such provider services are eligible for reimbursement under the medical assistance program but are not provided under the health maintenance organization or under the prepaid health plan, or where the recipient has an already established program of specialized medical care with a particular provider. The department may also restrict the recipient's selection of providers to control the individual recipient's overuse of care and services, provided the department can document this overuse. The department shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.

Sec. 13. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president, or ~~his or her~~ the president's representative who is a member of the professional organization represented by the president, of the Iowa Medical Society medical society, the Iowa Society society of

Osteopathic-Physicians osteopathic physicians and Surgeons surgeons, the Iowa State-Dental-Society state dental society, the Iowa State-Nurses-Association state nurses association, the Iowa Pharmaceutical-Association pharmacists association, the Iowa Podiatry-Society podiatry society, the Iowa Optometric Association optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa Hospital-Association hospital association, the Iowa Osteopathic-Hospital-Association osteopathic hospital association, opticians' association of Iowa Ophthalmic-Dispensers, Inc., (opticians) and the Iowa Nursing-Home-Association health care association, the Iowa assembly of home health agencies, and the Iowa association of homes for the aging, 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 lieutenant governor, each for a term of two years; the president or the president's representative of the association for retarded citizens; four public representatives, two of whom shall be appointed each year by the governor for staggered terms of two years each, and 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 commissioner of public health, or a representative designated by him the commissioner, and the dean of the college of medicine, University university of Iowa, or a representative designated by him the dean.

Sec. 14. Section 249A.5, Code 1983, is amended to read as follows:

249A.5 RECOVERY OF PAYMENT. Medical assistance paid to, or on behalf of, any a recipient cannot be recovered from such beneficiary or paid to a provider of services is not recoverable unless such benefit had been the assistance was incorrectly paid. If, while receiving assistance, the recipient becomes possessed of any resource or income in excess of the amount stated in the application provided for in this chapter, it shall be the duty of the recipient immediately to notify the county board of the receipt or possession of such resource or income. When it is found that any person has failed to so notify the board that he is or was possessed of any resource or income in excess of the amount allowed, or when it is found that, within five years prior to the date of his application, a recipient made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this chapter, any amount of assistance paid in excess of the amount to which the recipient was entitled shall constitute benefits incorrectly paid. Any benefits Assistance incorrectly paid shall be is recoverable from the provider, or from the recipient, while living, as a debt due the state and, upon his the recipient's death, as a claim classified with taxes having preference under the laws of this state.

Sec. 15. Section 249A.6, subsection 4, Code 1983, is amended to read as follows:

4. in the event if a recipient of assistance through the medical assistance program incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the department is subrogated under this section, the amount which the department is entitled to recover under subsection 17 or any lesser amount which the department may agree to accept in compromise of its claim, shall be reduced by an amount which bears the same relation to the total amount of attorney fees and court costs actually paid by the recipient as the amount actually recovered by

~~the department, exclusive of the reduction for attorney fees and court costs, bears to the total amount paid by the third party to the recipient upon the receipt of a judgment or settlement of the claim, the court costs and reasonable attorney fees shall first be deducted from the judgment or settlement. One-third of the remaining balance shall then be deducted and paid to the recipient. From the remaining balance, the claim of the department shall be paid. Any amount remaining shall be paid to the recipient.~~ An attorney acting on behalf of a recipient of medical assistance for the purpose of enforcing a claim to which the department is subrogated shall not collect from the recipient any amount as attorney fees which is in excess of the amount which the attorney customarily would collect on claims not subject to this section.

Sec. 16. Section 252B.4, Code 1983, is amended to read as follows:

252B.4 NONASSISTANCE CASES. The child support and paternity determination services established by the department pursuant to this Act chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 598 and 675 shall be made available by the unit to any an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department. The commissioner may require an application fee not to exceed twenty dollars as determined by the commissioner. The commissioner may require an additional fee to cover the costs incurred by the department in providing the support collection and paternity determination services. The commissioner shall, by regulation rule, establish and make available to all applicants for support enforcement and paternity determination services a fee schedule, however, the fee shall not exceed ten percent of any support money recovered by department action. The fee

for support collection and paternity determination services charged to an applicant shall be agreed upon in writing by the individual-requesting applicant, and shall be based upon the applicant's ability to pay for the services. The application fee and the additional fee for services provided may be deducted from the amount of the support money recovered by the department. Fees Seventy percent of the fees collected pursuant to this section shall may be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit them it in the general fund of the state. The commissioner or a designee and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.

Sec. 17. Section 252B.6, subsection 5, Code 1983, is amended to read as follows:

5. Initiate any necessary civil procedures-deemed-necessary by-the-department proceedings to secure-reimbursement recover from the parent of a child, for money expended by the state in providing public assistance or services to the child, including support collection services.

Sec. 18. Section 252B.7, Code 1983, is amended to read as follows:

252B.7 LEGAL SERVICES.

1. The attorney general may perform the legal services for the child support recovery program and may enforce all laws for the recovery of child support from responsible relatives. The attorney general ~~shall-have-power-to~~ may file and prosecute:

1 a. Contempt of court proceedings to enforce any order of court pertaining to child support.

2 b. Cases under chapter 252A, the Uniform Support of Dependents Law.

3 c. An information charging a violation of section 726.3, 726.5 or 726.6.

4 d. Any other lawful action which will secure collection of support for minor children.

2. For the ~~aforsaid~~ purposes of subsection 1, the attorney general ~~shall-have~~ has the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This shall-in-no-way section does not relieve any a county attorney from his-or-her the county attorney's duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

3. The unit may contract with a county attorney, the attorney general, a clerk of the district court, or another person or agency to collect support obligations and to administer the child support program established pursuant to this chapter. Notwithstanding section 13.7, the unit may contract with private attorneys for the prosecution of civil collection and recovery cases and may pay reasonable compensation and expenses to private attorneys for the prosecution services provided.

Sec. 19. NEW SECTION. 252B.11 RECOVERY OF COSTS OF COLLECTION SERVICES. The unit may initiate necessary civil proceedings to recover the unit's costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. The unit may seek a lump sum recovery of the unit's costs or may seek to recover the unit's costs through periodic payments which are in addition to periodic support payments. If the unit's costs are recovered from an individual owing a support obligation, the costs shall not be deducted from the amount of support money received from the individual. Seventy percent of the costs collected pursuant to this section may be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit it in the general

fund of the state. The commissioner or a designee and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.

Sec. 20. Section 421.17, subsection 21, Code 1983, is amended to read as follows:

21. To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of social services, ~~or~~ which the child support recovery unit is attempting to collect on behalf of any an individual not eligible as a public assistance recipient, or which the foster care recovery unit of the department of social services is attempting to collect on behalf of a child receiving foster care provided by the department of social services, which has accrued through written contract, subrogation, or court judgment and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child or which is owed to the state for public assistance overpayments which the office of investigations of the department of social services is attempting to collect on behalf of the state. For purposes of this subsection, "public assistance" means aid to dependent children, medical assistance, food stamps, foster care, and state supplementary assistance. The procedure shall meet the following conditions:

a. Before setoff all outstanding tax liabilities collectible by the department of revenue shall be satisfied except that no portion of a refund or rebate shall be credited against any tax liabilities which are not yet due.

b. Before setoff the child support recovery unit established pursuant to section 252B.2, the foster care recovery unit, and the office of investigations shall obtain and forward to the department of revenue the full name and social security number of the debtor. The department of revenue shall co-operate in the exchange of relevant information with the child support recovery unit as provided

in section 252B.9, with the foster care recovery unit, and with the office of investigations. However, only relevant information required by the child support unit, by the foster care recovery unit, or by the office of investigations shall be provided by the department of revenue. The information shall be held in confidence and shall be used for purposes of setoff only.

c. The child support recovery unit, the foster care recovery unit, and the office of investigations shall, at least annually, submit to the department of revenue for setoff the above-mentioned debts described in this subsection, which are at least fifty dollars, on a date ~~or dates~~ to be specified by the department of social services by rule.

d. Upon submission of a claim the department of revenue shall notify the child support recovery unit, the foster care recovery unit, or the office of investigations as to whether the debtor is entitled to a refund or rebate ~~of at least fifty dollars~~ and if so entitled shall notify the unit or office of the amount of the refund or rebate and of the debtor's address on the income tax return.

e. Upon notice of entitlement to a refund or rebate the child support recovery unit, the foster care recovery unit, or the office of investigations shall send written notification to the debtor, and a copy of the notice to the department of revenue, of the unit's or office's assertion of its rights or the rights of an individual not eligible as a public assistance recipient to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, the debtor's opportunity to give written notice of intent to contest the claim, and the fact that failure to contest the claim by written application for a hearing will result in a waiver of the opportunity to contest the claim, causing final setoff by

default. The Upon application filed with the department within fifteen days from the mailing of the notice of entitlement to a refund or rebate, the child support recovery unit, the foster care recovery unit, or the office of investigations shall upon application grant a hearing pursuant to chapter 17A. Any An appeal taken from the decision of a hearing officer and any subsequent appeals shall be taken pursuant to chapter 17A.

f. Upon the timely request of a debtor or a debtor's spouse to the child support recovery unit, the foster care recovery unit, or the office of investigations, filed within fifteen days from the mailing of the notice of entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the unit or office shall notify the department of revenue of the request to divide a joint income tax refund or rebate. The department of revenue shall upon receipt of the notice divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as determined under section 422.7.

g. The department of revenue shall, after notice has been sent to the debtor by the child support recovery unit, the foster care recovery unit, or the office of investigations, set off the above-mentioned debt against the debtor's income tax refund or rebate if both the debt and the refund or rebate are at least fifty dollars. However, if a debtor has made all current child support or foster care payments in accordance with a court order or an assessment of foster care liability for the twelve months preceding the proposed setoff and has regularly made delinquent child support or foster care payments during those twelve months, the child support or foster care recovery unit shall notify the department of revenue not to set off set off the debt against the debtor's income tax refund or rebate. If a debtor has made all current repayment of public assistance in accordance with a court order or voluntary

repayment agreement for the twelve months preceding the proposed setoff and has regularly made delinquent payments during those twelve months, the office of investigations shall notify the department of revenue not to set off the debt against the debtor's income tax refund or rebate. The department shall refund any balance of the income tax refund or rebate to the debtor. The department of revenue shall periodically transfer the amount set off to the child support recovery unit, the foster care recovery unit, or the office of investigations. If the debtor gives timely written notice of intent to contest the claim the department of ~~social services~~ revenue shall hold the refund or rebate until final disposition of the contested claim pursuant to chapter 17A or by court judgment. The child support recovery unit, the foster care recovery unit, or the office of investigations shall notify the debtor in writing upon completion of setoff.

Sec. 21. Section 421.17, subsection 25, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

25. To provide that in the case of multiple claims to refunds or rebates filed under subsections 21 and 23, that priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit under subsection 21, next priority shall be given to claims filed by the college aid commission under subsection 23, and last priority shall be given to claims filed by the office of investigations under subsection 21.

Sec. 22. Section 692.3, subsection 2, Code 1983, is amended to read as follows:

2. Notwithstanding subsection 1, paragraph "a", the department of social services ~~may~~ shall redisseminate criminal history data obtained pursuant to section 692.2, subsection 1, paragraph "c", to persons licensed or registered under chapters 237 and 237A for the purposes of section 237.8, subsection 2 and section 237A.5. Licensees and registrants

under either chapter 237 or chapter 237A who receive information pursuant to this subsection shall not use the information other than for purposes of section 237.8, subsection 2 or section 237A.5. A licensee or registrant who uses the information for other purposes or who communicates the information to another except for the purposes of section 237.8, subsection 2 or section 237A.5 is guilty of an aggravated misdemeanor.

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ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 541, Seventieth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 26, 1983

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TERRY E. BRANSTAD  
Governor