

Copy 3/27/87

APPROPRIATIONS: Dieleman, Chair; Lloyd-Jones and Corning

FILED MAR 23 1987

SENATE FILE 497
BY COMMITTEE ON HUMAN RESOURCES
(formerly SSB 800)
2220

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the bill of rights of persons with mental
2 retardation, developmental disabilities, or chronic mental
3 illness by establishing regional governing boards, and
4 specifying responsibilities of the division of mental health,
5 mental retardation, and developmental disabilities of the
6 department of human services.

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

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SF 497

1 Section 1. NEW SECTION. 225C.30 REGIONAL GOVERNING
2 BOARD.

3 The counties shall establish no more than sixteen regional
4 governing boards in the state through chapter 28E agreements.
5 The department of human services shall coordinate the
6 establishment of the boards. The regions shall be composed of
7 a population no less than one hundred fifty thousand. A
8 county with a population greater than one hundred fifty
9 thousand may establish a region without another county. Each
10 governing board shall have a member of each board of
11 supervisors or designee from each county in the region and an
12 equal number of consumer representatives. Each county board
13 of supervisors shall appoint a member from the board, and a
14 consumer representative from names submitted by advocacy
15 organizations, as members of the regional governing board. A
16 county composing a region without another county shall appoint
17 a simple majority of the board of supervisors, or designees,
18 to the regional governing board and an equal number of
19 consumer representatives from names submitted by advocacy
20 organizations, to the regional governing board. The term of
21 office of a board member shall be three years beginning
22 January 1. A vacancy shall be filled for an unexpired term in
23 the same manner as the original appointment. A board member
24 may be removed from office by the board of supervisors which
25 appointed the member for neglect of official duty or
26 misconduct in office, after the member is provided a written
27 statement of reasons for removal and an opportunity for a
28 meeting with the board of supervisors. A board member shall
29 be paid a per diem amount determined by the board, but not
30 greater than the highest per diem for members of other boards
31 approved by the county board of supervisors.

32 Board members shall be reimbursed for necessary travel
33 expenses for each meeting attended. The mileage reimbursement
34 shall not exceed the mileage reimbursement pursuant to section
35 79.9. A board member shall receive only reimbursement for one

1 per diem payment regardless of the number of meetings
2 scheduled by the board for that day.

3 Sec. 2. NEW SECTION. 225C.31 REGIONAL BOARD DUTIES.

4 The regional governing board shall select a chairperson and
5 a vice chairperson, one of which shall be a member of a county
6 board of supervisors. Each regional governing board shall
7 review and coordinate the services available for persons with
8 mental retardation, developmental disabilities, and chronic
9 mental illness. The board shall require the necessary
10 services pursuant to administrative rules adopted by the
11 mental health and mental retardation commission, including but
12 not limited to, case management review and oversight and
13 monitoring of the services being provided within the region.

14 A regional governing board shall accept and expend state
15 and federal funds available directly to the board for all or
16 any part of the cost of the duties of the board. The board
17 may accept property by gift, devise, bequest, or otherwise
18 obtained and may sell or exchange any property so accepted and
19 apply the proceeds from the sale or the property received in
20 exchange to provide the required services.

21 Each regional governing board shall:

22 1. Examine and evaluate the needs of the mentally
23 retarded, developmentally disabled, and chronically mentally
24 ill for persons residing in the region and the services
25 provided by public or private agencies and organizations
26 necessary to meet those needs.

27 2. Review and approve an annual plan and budget for the
28 regional program. The format and documentation of the annual
29 plan shall be specified by the division of mental health,
30 mental retardation, and developmental disabilities of the
31 department of human services and the budget format shall be
32 specified by the department of management.

33 3. Submit the annual plan and budget, after approval by
34 each county board of supervisors in the region, to the
35 division of mental health, mental retardation, and

1 developmental disabilities by the date specified by the
2 division.

3 4. Provide that a service coordinator establish an
4 individual program plan for each person in the region who is
5 mentally retarded, developmentally disabled, or chronically
6 mentally ill and eligible for the rights pursuant to section
7 225C.28. An interdisciplinary team deemed appropriate by the
8 service coordinator shall assist in the development of the
9 plan. A party may appeal to the regional governing board a
10 decision regarding the individual program plan. The party may
11 appeal to the department of human services a decision of the
12 regional governing board regarding the individual program
13 plan.

14 5. Review and evaluate the quality, effectiveness, and
15 efficiency of services being provided by the regional program.

16 6. Appoint a director of the regional program who shall
17 meet standards of training and experience specified by the
18 division of mental health, mental retardation, and
19 developmental disabilities of the department of human
20 services.

21 7. Establish general policy guidelines within which the
22 regional director shall execute and operate the regional
23 program.

24 8. Annually audit the expenditure of funds of the regional
25 board and submit the audit to the auditor of state.

26 The regional governing board shall submit a report to the
27 division of mental health, mental retardation, and
28 developmental disabilities of the department of human services
29 at least semiannually, regarding the actions taken by the
30 board, as specified by the division. The regional governing
31 board shall submit an annual report specifying the board's
32 proceedings and a statement of receipts and expenditures
33 during the preceding fiscal year by October 1 following the
34 fiscal year to each county board of supervisors in the region
35 and to the division of mental health, mental retardation, and

1 developmental disabilities of the department of human
2 services.

3 Each regional governing board may submit to each county
4 board of supervisors in the region an annual request for
5 financial assistance from the county to operate the regional
6 program. The request shall be in the form and at the time
7 determined by the county boards of supervisors comprising the
8 region. The regional governing board may also take actions
9 deemed necessary and appropriate to secure private, federal,
10 and other public funds to help provide financial support for
11 the regional program.

12 Sec. 3. NEW SECTION. 225C.34 DUTIES OF DIVISION OF
13 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
14 DISABILITIES OF THE DEPARTMENT OF HUMAN SERVICES.

15 The mental health and mental retardation commission shall
16 adopt rules pursuant to chapter 17A to:

17 1. Establish an appeal process for individuals receiving
18 services pursuant to sections 225C.31 and 225C.33.

19 2. Require standards for rights pursuant to section
20 225C.28 and for services provided by section 225C.31.

21 3. Create an ethics review process for rights pursuant to
22 section 225C.28 and for services provided by section 225C.31.

23 4. Establish an enforcement and monitoring mechanism for
24 sections 225C.28 through 225C.33.

25 5. Establish standards for governance and administration
26 of regional programs provided by the regional governing board.

27 6. Establish standards for staffing and provision of case
28 management services.

29 Sec. 4. NEW SECTION. 225C.35 REVIEW OF PLAN AND FUNDING
30 ALLOCATION.

31 The division of mental health, mental retardation, and
32 developmental disabilities shall determine the time lines
33 necessary for the submission of the annual plan and budget of
34 each regional governing board, pursuant to section 225C.31.

35 Sec. 5. NEW SECTION. 225C.36 CRITERIA FOR ANNUAL PLAN

1 AND BUDGET.

2 1. The annual plan and budget of the regional governing
3 board shall include, but not be limited to, consideration
4 regarding:

5 a. Compliance with section 225C.28.

6 b. The needs of the mentally retarded, developmentally
7 disabled, and chronically mentally ill in the region for which
8 the plan and budget are being reviewed.

9 c. The need for the regional governing board to maintain a
10 reasonable degree of flexibility and freedom to design, staff,
11 and administer the services for the mentally retarded,
12 developmentally disabled, and the chronically mentally ill in
13 a manner that the regional governing board deems appropriate.

14 d. The demonstrated relevancy, quality, effectiveness, and
15 efficiency of the services provided by the regional governing
16 board.

17 e. The adequacy of the accountability of the expenditure
18 of funds appropriated by the general assembly to pay for
19 services.

20 2. The annual plan and budget of the state, shall include,
21 but not be limited to, the following considerations:

22 a. Compliance with section 225C.28.

23 b. The needs of the mentally retarded, developmentally
24 disabled, and chronically mentally ill in the state.

25 c. The state's need for a reasonable degree of statewide
26 standardization and control of services for the mentally
27 retarded, developmentally disabled, and chronically mentally
28 ill.

29 d. The need for the regional governing boards to maintain
30 a reasonable degree of flexibility and freedom to design,
31 staff, and administer the services for the mentally retarded,
32 developmentally disabled, and the chronically mentally ill in
33 a manner that the regional governing boards deem appropriate.

34 e. The need for providing the services to meet the
35 essential needs of the mentally retarded, developmentally

1 disabled, and chronically mentally ill and appropriately
2 designed and executed and receive continuing state financial
3 support from the general assembly.

4 f. The demonstrated relevancy, quality, effectiveness, and
5 efficiency of the services provided by the regional governing
6 boards.

7 g. The adequacy of the accountability of the expenditure
8 of funds appropriated by the general assembly to pay for
9 services.

10 Sec. 6. NEW SECTION. 225C.37 EXPENDITURE REVIEW --
11 REALLOCATION.

12 The division of mental health, mental retardation, and
13 developmentally disabled of the department of human services
14 shall review the expenditures of each region periodically, as
15 determined by the division. The division may request a
16 regional governing board to reimburse the division for state
17 funds expended in a manner not provided for in the approved
18 plan and budget. The funds allocated to a regional governing
19 board not so reimbursing, shall be decreased in the succeeding
20 fiscal year by the amount not returned to the state as
21 requested.

22 Sec. 7. NEW SECTION. 225C.41 ADDITIONAL POWERS AND
23 DUTIES.

24 In addition to the duties and powers otherwise provided in
25 this chapter, the division of mental health, mental
26 retardation, and developmental disabilities shall:

27 1. a. Review and evaluate, at times and in the manner as
28 the division deems appropriate, the relevancy, quality,
29 effectiveness, and efficiency of programs provided by the
30 regional governing boards.

31 b. Develop and operate a regional information system for
32 client data and tracking that utilizes a unique client
33 identification system, except as is necessary for deter-
34 mination of legal settlement.

35 2. Provide consultative services to counties seeking to

1 establish a regional governing board and program, and provide
2 other consultative services to regional governing boards as
3 the division deems feasible and appropriate.

4 3. Adopt rules, pursuant to chapter 17A, necessary or
5 appropriate to implement the objectives and provisions of
6 sections 225C.25 through 225C.42.

7 Sec. 8. NEW SECTION. 225C.____ APPEAL.

8 The department of human services shall adopt an appeal
9 process by which a regional governing board or an affected
10 party may appeal a decision of the regional governing board or
11 of the department.

12 Sec. 9. NEW SECTION. 225C.42 REGIONAL DIRECTORS.

13 The director of a regional program employed by a regional
14 governing board shall serve at the pleasure of the board and
15 shall execute and administer the program at the discretion of
16 the governing board.

17 Sec. 10. DESIGNATION OF REGIONS. After six months
18 following the enactment of this Act, the division of mental
19 health, mental retardation, and developmental disabilities of
20 the department of human services shall establish no more than
21 sixteen regions in the state for purposes of sections 225C.30
22 through 225C.41, if there have not been sixteen regions
23 established by the counties pursuant to chapter 28E.

24 Sec. 11. NEW SECTION. 225C.____ CONFERENCE.

25 1. The division of mental health, mental retardation, and
26 developmental disabilities shall designate an Iowa conference
27 of regional community mental retardation, developmental
28 disabilities, and chronic mental illness programs.

29 2. The conference shall consist of the regional director
30 employed by each regional governing board and one member of
31 each regional governing board appointed by the board, who
32 shall be voting members. The conference shall have an equal
33 number, as is possible, of representatives of chronically
34 mentally ill, developmentally disabled, and mentally retarded
35 persons. The director of the division of mental health,

1 mental retardation, and developmental disabilities of the
2 department of human services and other employees of the
3 division the director may designate, at least two and not more
4 than eight, shall be nonvoting members of the conference.

5 3. The conference shall be convened at least once every
6 six months. Additional meetings may be convened upon the
7 request of two-thirds of the voting membership. The meetings
8 shall be called and chaired by the director of the division or
9 the director's designee.

10 4. The purpose of the conference shall be to serve as an
11 organized forum for the discussion of the following matters:

12 a. Present and proposed rules of the division relating to
13 sections 225C.25 through 225C.42.

14 b. The coordination and integration of regional program
15 services and state services for the mentally retarded,
16 developmentally disabled, and the chronically mentally ill.

17 c. Other matters as members may bring before the
18 conference relating to programs provided by regional governing
19 boards or the relationship between the boards.

20 d. A review of the adequacy of financing for services.

21 5. The conference may organize itself in such manner and
22 adopt such procedures as deemed appropriate.

23 6. A resolution, proclamation, recommendation, or similar
24 pronouncement adopted by the conference shall not be
25 considered a statutory or administrative requirement.

26 Sec. 12. Notwithstanding section 225C.30, the initial
27 terms of members of a regional governing board shall be
28 determined so that one-third of the members serve a three-year
29 term, one-third of the members serve a two-year term, and one-
30 third of the members serve a one-year term, as is possible.

31 Sec. 13. Notwithstanding section 225C.28, the division of
32 mental health, mental retardation, and developmental
33 disabilities of the department of human services shall
34 establish and adopt a statewide plan for the case management
35 system within a regionalized framework for the implementation

1 of section 225C.28. The plan shall be adopted by January 1,
2 1988.

3 Sec. 14. Notwithstanding section 225C.28, the division of
4 mental health, mental retardation, and developmental
5 disabilities of the department of human services shall assure
6 that each eligible recipient of the rights specified in
7 section 225C.28 receives a comprehensive evaluation and
8 diagnosis coordinated by an interdisciplinary team by June 30,
9 1988. However, the evaluation and diagnosis is not required
10 to be provided to an eligible recipient who has undergone a
11 similar evaluation and diagnosis after January 1, 1987.

12 Sec. 15. Notwithstanding section 225C.28, the division of
13 mental health, mental retardation, and developmental
14 disabilities of the department of human services shall assure
15 that each eligible recipient of the rights pursuant to section
16 225C.28, has an individual program plan developed by an
17 interdisciplinary team by September 1, 1988 which assures the
18 least restrictive environment and age-appropriate services
19 pursuant to section 225C.28, subsection 6 and proper
20 vocational training and employment options pursuant to section
21 225C.28, subsection 7. The division shall undertake the
22 planned implementation of services and programs identified in
23 the individual program plans of eligible recipients. Progress
24 towards compliance shall be annually reported by the division
25 to the general assembly. The report shall include, but not be
26 limited to, the incremental development of options achieved
27 toward compliance with section 225C.28, subsections 6 and 7,
28 and the number of individuals served by the services. Full
29 implementation and compliance with section 225C.28, shall
30 occur no later than December 31, 1992.

31 Sec. 16. NEW SECTION. 225C.30 RULES.

32 1. The Iowa state commission on civil rights shall adopt
33 rules pursuant to chapter 17A to guarantee the rights pursuant
34 to section 225C.28, subsection 3.

35 2. The department of employment services shall adopt rules

1 pursuant to chapter 17A to guarantee the rights pursuant to
2 section 225C.28, subsection 8.

3 3. The division of insurance shall adopt rules pursuant to
4 chapter 17A to guarantee the rights pursuant to section
5 225C.28, subsection 9.

6 4. The mental health and mental retardation commission,
7 jointly with the division of vocational rehabilitation of the
8 department of education, shall adopt rules pursuant to chapter
9 17A to guarantee the rights pursuant to section 225C.28,
10 subsection 7.

11 5. The mental health and mental retardation commission
12 shall adopt rules pursuant to chapter 17A to guarantee the
13 rights pursuant to section 225C.28, subsections 1, 2, 4, 5, 6,
14 and 10. The division of mental health, mental retardation and
15 developmental disabilities, of the department of human
16 services shall coordinate the adoption of an compliance of the
17 administrative rules adopted to enforce section 225C.28.

18 EXPLANATION

19 This bill creates regional governing boards for the
20 management and services for the bill of rights for the
21 mentally retarded, developmentally disabled, and the
22 chronically mentally ill. The county boards of supervisors
23 may jointly establish the boards through chapter 28E
24 agreements. The bill limits the number of regions at sixteen.

25 The bill specifies the membership of the regional governing
26 boards and specifies the memberships of the boards. The
27 department of human services is required to adopt
28 administrative rules for an appeals process, standards,
29 ethics, and enforcement and monitoring for services relating
30 to the bill of rights for the mentally retarded,
31 developmentally disabled, and chronically mentally ill.

32 The bill provides for the adoption of a statewide plan for
33 a case management system, time lines for a comprehensive
34 evaluation and diagnosis, and time lines for individual
35 program plans, towards the implementation of the bill of

1 rights.

2 The bill specifies the state agencies responsible for the
3 adoption of rules relating to rights of the bill of rights.

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SENATE FILE 497

S-3236

1 Amend Senate File 497 as follows:
2 1. Page 4, line 12, by striking the figure
3 "225C.34" and inserting the following: "225C.32".
4 2. Page 4, line 18, by striking the words and
5 figures "sections 225C.31 and 225C.33" and inserting
6 the following: "section 225C.31".
7 3. Page 4, line 24, by striking the figure
8 "225C.33" and inserting the following: "225C.31".
9 4. Page 4, line 29, by striking the figure
10 "225C.35" and inserting the following: "225C.33".
11 5. Page 4, line 35, by striking the figure
12 "225C.36" and inserting the following: "225C.34".
13 6. Page 6, line 10, by striking the figure
14 "225C.37" and inserting the following: "225C.35".
15 7. Page 6, line 22, by striking the figure
16 "225C.41" and inserting the following: "225C.36".
17 8. Page 7, line 6, by striking the figure
18 "225C.42"
19 and inserting the following: "225C.40".
20 9. Page 7, line 7, by striking the figure "225C. ___"
21 and inserting the following: "225C.37".
22 10. Page 7, line 12, by striking the figure
23 "225C.42" and inserting the following: "225C.38".
24 11. Page 7, line 22, by striking the figure
25 "225C.41" and inserting the following: "225C.36".
26 12. Page 7, line 24, by striking the figure
27 "225C. ___" and inserting the following: "225C.39".
28 13. Page 8, line 13, by striking the figure
29 "225C.42" and inserting the following: "225C.40".
30 14. Page 9, line 31, by striking the figure
31 "225C.30" and inserting the following: "225C.40".
32 15. Page 10, line 16, by striking the words "an
33 compliance of" and inserting the following: "and
34 compliance with".

S-3236

Filed March 23, 1987

BY ROBERT M. CARR

SENATE FILE 497

S-3251

1 Amend Senate File 497 as follows:
2 1. Page 6, lines 10 and 11, by striking the words
3 "REVIEW -- REALLOCATION" and inserting the following:
4 "REVIEW".
5 2. Page 6, by striking lines 15 through 21 and
6 inserting the following: "determined by the
7 division."

S-3251

Filed March 24, 1987

BY ROBERT M. CARR

SSB # 220
Human Resources

SENATE FILE 497
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the bill of rights of persons with mental
2 retardation, developmental disabilities, or chronic mental
3 illness by establishing regional governing boards, regional
4 monitoring boards, and specifying responsibilities of the
5 division of mental health, mental retardation, and
6 developmental disabilities of the department of human
7 services.

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

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Carr*
COMMITTEE: *Human Resources*
3/17/87

1 Section 1. NEW SECTION. 225C.30 REGIONAL GOVERNING
2 BOARD.

3 The counties shall establish no more than sixteen regional
4 governing boards in the state through chapter 28E agreements.
5 The department of human services shall coordinate the
6 establishment of the boards. Each governing board shall have
7 a member of each board of supervisors from each county in the
8 region and an equal number of consumer representatives. Each
9 county board of supervisors shall appoint a member from the
10 board, and a consumer representative from names submitted by
11 advocacy organizations, as members of the regional governing
12 board. The term of office of a board member shall be three
13 years beginning January 1. A vacancy shall be filled for an
14 unexpired term in the same manner as the original appointment.
15 A board member may be removed from office by the board of
16 supervisors which appointed the member for neglect of official
17 duty or misconduct in office, after the member is provided a
18 written statement of reasons for removal and an opportunity
19 for a meeting with the board of supervisors. A board member
20 shall be paid a per diem amount determined by the board, but
21 not greater than the highest per diem for members of other
22 boards approved by the county board of supervisors.

23 Board members shall be reimbursed for necessary travel
24 expenses for each meeting attended. The mileage reimbursement
25 shall not exceed the mileage reimbursement pursuant to section
26 79.9. A board member shall receive only reimbursement for one
27 per diem payment regardless of the number of meetings
28 scheduled by the board for that day.

29 Sec. 2. NEW SECTION. 225C.31 REGIONAL BOARD DUTIES.

30 The regional governing board shall select a chairperson and
31 a vice chairperson, one of which shall be a member of a county
32 board of supervisors. Each regional governing board shall
33 review and coordinate the services available for persons with
34 mental retardation, developmental disabilities, and chronic
35 mental illness. The board shall require the necessary

1 services pursuant to administrative rules adopted by the
2 mental health and mental retardation commission, including but
3 not limited to, case management review and oversight and
4 monitoring of the services being provided within the region.

5 A regional governing board shall accept and expend state
6 and federal funds available directly to the board for all or
7 any part of the cost of the duties of the board. The board
8 may accept property by gift, devise, bequest, or otherwise
9 obtained and may sell or exchange any property so accepted and
10 apply the proceeds from the sale or the property received in
11 exchange to provide the required services.

12 Each regional governing board shall:

13 1. Examine and evaluate the needs of the mentally
14 retarded, developmentally disabled, and chronically mentally
15 ill for persons residing in the region and the services
16 provided by public or private agencies and organizations
17 necessary to meet those needs.

18 2. Review and approve an annual plan and budget for the
19 regional program. The format and documentation of the annual
20 plan and budget shall be specified by the division of mental
21 health, mental retardation, and developmental disabilities of
22 the department of human services.

23 3. Submit the annual plan and budget, after approval by
24 each county board of supervisors in the region, to the
25 division of mental health, mental retardation, and
26 developmental disabilities by the date specified by the
27 division. The submission shall constitute the regional
28 governing board's official application for state funds.

29 4. Submit to each county board of supervisors in the
30 region an annual request for financial assistance from the
31 county to operate the regional program. The request shall be
32 in the form and at the time determined by the county boards of
33 supervisors comprising the region.

34 5. Take actions deemed necessary and appropriate to secure
35 private, federal, and other public funds to help provide

1 financial support for the regional program.

2 6. Approve and authorize all contracts issued for the
3 providing of services for the regional program.

4 7. Review and evaluate the quality, effectiveness, and
5 efficiency of services being provided by the regional program.

6 8. Appoint a director of the regional program who shall
7 meet standards of training and experience specified by the
8 division of mental health, mental retardation, and
9 developmental disabilities of the department of human
10 services.

11 9. Establish general policy guidelines within which the
12 regional director shall execute and operate the regional
13 program.

14 The regional governing board shall submit a report to the
15 division of mental health, mental retardation, and
16 developmental disabilities of the department of human services
17 at least semiannually, regarding the actions taken by the
18 board, as specified by the division. The regional governing
19 board shall submit an annual report specifying the board's
20 proceedings and a statement of receipts and expenditures
21 during the preceding fiscal year by October 1 following the
22 fiscal year to each county board of supervisors in the region
23 and to the division of mental health, mental retardation, and
24 developmental disabilities of the department of human
25 services. A regional governing board may enter into contracts
26 with private or public agencies for the purchase of services
27 for the mentally retarded, developmentally disabled, and the
28 chronically mentally ill as prescribed by an individual's
29 program plan.

30 Sec. 3. NEW SECTION. 225C.32 REGIONAL ADVISORY BOARDS.

31 The boards of supervisors which have established the
32 regional governing boards pursuant to section 225C.30 shall
33 establish a regional advisory board. Each county board of
34 supervisors within the region shall appoint an equal number of
35 members to the regional advisory board which shall have an

1 equal number of advocates for the mentally retarded,
2 developmentally disabled, and chronically mentally ill;
3 representatives of consumers of services for the mentally
4 retarded, developmentally disabled, and chronically mentally
5 ill; community representatives; providers of services for the
6 mentally retarded, developmentally disabled, and chronically
7 mentally ill; and representatives of political subdivisions.

8 Sec. 4. NEW SECTION. 225C.33 ADVISORY BOARD DUTIES.

9 Each advisory board shall make recommendations to the
10 appropriate governing board pursuant to section 225C.31
11 regarding appropriate actions for the mentally retarded,
12 developmentally disabled, and the chronically mentally ill
13 being served in the region, in areas including but not limited
14 to:

- 15 1. Planning the appropriate development of necessary
16 services.
- 17 2. Determining appropriate staffing patterns necessary to
18 provide the services.
- 19 3. Determining an appropriate array of services for the
20 individuals within the region.
- 21 4. Planning the implementation of the services.
- 22 5. Monitoring for quality assurance throughout the region.
- 23 6. Planning for fiscal consideration and allocation that
24 will support the array of services being provided and respond
25 to the unmet needs existing in the region.

26 An advisory board shall report to the appropriate regional
27 governing board and the division of mental health, mental
28 retardation, and developmental disabilities of the department
29 of human services at least semiannually regarding actions
30 taken by the advisory board.

31 Sec. 5. NEW SECTION. 225C.34 DUTIES OF DIVISION OF
32 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
33 DISABILITIES OF THE DEPARTMENT OF HUMAN SERVICES.

34 The mental health and mental retardation commission shall
35 adopt rules pursuant to chapter 17A to:

1 1. Establish an appeal process for individuals receiving
2 services pursuant to sections 225C.31 and 225C.33.

3 2. Require standards for rights pursuant to section
4 225C.28 and for services provided by section 225C.31.

5 3. Create an ethics review process for rights pursuant to
6 section 225C.28 and for services provided by section 225C.31.

7 4. Establish an enforcement and monitoring mechanism for
8 sections 225C.28 through 225C.33.

9 5. Establish standards for governance and administration
10 of regional programs provided by the regional governing board.

11 6. Establish standards for staffing and provision of case
12 management services.

13 Sec. 6. NEW SECTION. 225C.35 REVIEW OF PLAN AND FUNDING
14 ALLOCATION.

15 The division of mental health, mental retardation, and
16 developmental disabilities shall determine the time lines
17 necessary for the submission of the annual plan and budget of
18 each regional governing board, pursuant to section 225C.31.
19 The division shall review the annual plan and budget of each
20 regional governing board. The division may request that a
21 regional board modify the plan or budget, prior to approval of
22 the plan and budget by the division.

23 The division shall allocate funds appropriated by the
24 general assembly to the regional governing boards, in
25 accordance with the approved plans and budgets.

26 Sec. 7. NEW SECTION. 225C.36 CRITERIA FOR ANNUAL PLAN
27 AND BUDGET.

28 Pursuant to section 225C.35, the division of mental health,
29 mental retardation, and developmental disabilities shall
30 establish criteria for approval of the annual plan and budget
31 which shall include, but not be limited to, consideration
32 regarding:

33 1. Compliance with section 225C.28.

34 2. The needs of the mentally retarded, developmentally
35 disabled, and chronically mentally ill in the state.

1 3. The needs of the mentally retarded, developmentally
2 disabled, and chronically mentally ill in the region for which
3 the plan and budget are being reviewed.

4 4. The state's need for a reasonable degree of statewide
5 standardization and control of services for the mentally
6 retarded, developmentally disabled, and chronically mentally
7 ill.

8 5. The need for the regional governing board to maintain a
9 reasonable degree of flexibility and freedom to design, staff,
10 and administer the services for the mentally retarded,
11 developmentally disabled, and the chronically mentally ill in
12 a manner that the regional governing board deems appropriate.

13 6. The need for a reasonable expectation that services
14 meeting the essential needs of the mentally retarded,
15 developmentally disabled, and chronically mentally ill and
16 appropriately designed and executed receive continuing state
17 financial support within the funds appropriated by the general
18 assembly.

19 7. The demonstrated relevancy, quality, effectiveness, and
20 efficiency of the services provided by the regional governing
21 board.

22 8. The adequacy of the accountability of the expenditure
23 of funds appropriated by the general assembly by the regional
24 governing board.

25 Sec. 8. NEW SECTION. 225C.37 EXPENDITURE REVIEW --
26 REALLOCATION.

27 The division of mental health, mental retardation, and
28 developmentally disabled of the department of human services
29 shall review the expenditures of each region periodically, as
30 determined by the division. Upon determination that funds
31 allocated to a regional governing board are not necessary, the
32 division may request that the regional governing board return
33 the funds to the division. The division may reallocate such
34 funds to other regional governing boards. The division may
35 request a regional governing board to reimburse the division

1 for state funds expended in a manner not provided for in the
2 approved plan and budget. The funds allocated to a regional
3 governing board not so reimbursing, shall be decreased in the
4 succeeding fiscal year by the amount not returned to the state
5 as requested.

6 Sec. 9. NEW SECTION. 225C.38 APPEAL.

7 The division of mental health, mental retardation, and
8 developmental disabilities shall adopt an appeal process by
9 which a regional governing board may appeal a decision of the
10 division.

11 Sec. 10. NEW SECTION. 225C.39 PERMITTED EXPENDITURES.

12 Expenditures by a regional governing board necessary to
13 execute the regional program shall receive financial support
14 from the state, except those expenditures specified in section
15 225C.40. Expenditures necessary to execute a regional program
16 shall include expenditures for staff training and staff
17 education when such expenditures are necessary or appropriate
18 to the execution of a regional program.

19 Sec. 11. NEW SECTION. 225C.40 PROHIBITED EXPENDITURES.

20 The following expenditures by a regional governing board
21 are not eligible for financial support from the state:

22 1. The construction, purchase, remodeling, or any similar
23 capital cost of a building or facility, except that the cost
24 shall be eligible for financial support from the state on an
25 annual expense basis in an amount equal to a fair rental value
26 of the space or building being utilized, as determined by the
27 division.

28 2. The capital cost of equipment or similar items in an
29 amount greater than that established and approved by the
30 division.

31 3. Any cost item that does not represent or constitute a
32 real or actual expenditure by the regional governing board for
33 the regional program.

34 4. That part of an expenditure that is obviously and
35 manifestly extravagant in relation to its specific objective

1 and content.

2 5. Any category of expenditure or any portion of any
3 category of expenditure which the division shall determine is
4 unnecessary and inappropriate, to assure the reasonable use of
5 funding allocated by the state or to assure a legitimate
6 interest of the state, and which determination is in accord
7 with the intent and provisions of sections 225C.25 through
8 225C.42. The mental health and mental retardation commission
9 shall adopt rules pursuant to chapter 17A to specify the
10 unnecessary and inappropriate expenditures.

11 Sec. 12. NEW SECTION. 225C.41 ADDITIONAL POWERS AND
12 DUTIES.

13 In addition to the duties and powers otherwise provided in
14 this chapter, the division of mental health, mental
15 retardation, and developmental disabilities shall:

16 1. a. Review and evaluate, at times and in the manner as
17 the division deems appropriate, the relevancy, quality,
18 effectiveness, and efficiency of programs provided by the
19 regional governing boards.

20 b. In developing or operating a regional information
21 system for client data and tracking the division shall not
22 collect any information that would make it possible to
23 identify by name any individual who receives a service from a
24 program provided by a regional governing board. Any
25 information in the possession of the division relating to this
26 paragraph prior to July 1, 1987 shall not be disclosed by the
27 division.

28 2. Provide consultative services to counties seeking to
29 establish a regional governing board and program, and provide
30 other consultative services to regional governing boards as
31 the division deems feasible and appropriate.

32 3. Audit the expenditure of funds provided by the state by
33 regional governing boards at least annually. The division
34 shall submit copies of audit reports to the auditor of state.

35 4. Adopt rules, pursuant to chapter 17A, necessary or

1 appropriate to implement the objectives and provisions of
2 sections 225C.25 through 225C.42.

3 Sec. 13. NEW SECTION. 225C.42 REGIONAL DIRECTORS.

4 The director of a regional program employed by a regional
5 governing board shall function as the chief executive and
6 administrative officer of the regional program and shall
7 execute and administer the program in accordance with the
8 approved plan and budget, the general policy guidelines
9 established by the board, the applicable procedures and
10 regulations, and the provisions of sections 225C.30 through
11 225C.42. The terms and conditions of a director's employment,
12 including tenure of service, shall be as mutually agreed to by
13 the board and the director and shall be specified in writing.

14 Sec. 14. DESIGNATION OF REGIONS. After six months
15 following the enactment of this Act, the division of mental
16 health, mental retardation, and developmental disabilities of
17 the department of human services shall establish no more than
18 sixteen regions in the state for purposes of sections 225C.30
19 through 225C.41, if there have not been sixteen regions
20 established by the counties pursuant to chapter 28E.

21 Sec. 15. CONFERENCE.

22 1. The division of mental health, mental retardation, and
23 developmental disabilities shall designate an Iowa conference
24 of regional community mental retardation, developmental
25 disabilities, and chronic mental illness programs.

26 2. The conference shall consist of the regional director
27 employed by each regional governing board and one member of
28 each regional governing board appointed by the board, who
29 shall be voting members. The director of the division of
30 mental health, mental retardation, and developmental
31 disabilities of the department of human services and other
32 employees of the division the director may designate, at least
33 two and not more than eight, shall be nonvoting members of the
34 conference.

35 3. The conference shall be convened at least once every

1 six months. Additional meetings may be convened upon the
2 request of two-thirds of the voting membership. The meetings
3 shall be called and chaired by the director of the division or
4 the director's designee.

5 4. The purpose of the conference shall be to serve as an
6 organized forum for the discussion of the following matters:

7 a. Present and proposed rules of the division relating to
8 sections 225C.25 through 225C.42.

9 b. The coordination and integration of regional program
10 services and state services for the mentally retarded,
11 developmentally disabled, and the chronically mentally ill.

12 c. Other matters as members may bring before the
13 conference relating to programs provided by regional governing
14 boards or the relationship between the boards.

15 5. The conference may organize itself in such manner and
16 adopt such procedures as deemed appropriate.

17 6. A resolution, proclamation, recommendation, or similar
18 pronouncement adopted by the conference shall not be
19 considered a statutory or administrative requirement.

20 Sec. 16. Notwithstanding section 225C.30, the initial
21 terms of members of a regional governing board shall be
22 determined so that one-third of the members serve a three-year
23 term, one-third of the members serve a two-year term, and one-
24 third of the members serve a one-year term.

25 EXPLANATION

26 This bill creates regional governing boards and regional
27 monitoring boards for the case management and services for the
28 bill of rights for the mentally retarded, developmentally
29 disabled, and the chronically mentally ill. The county boards
30 of supervisors may jointly establish the boards through
31 chapter 28E agreements. The bill limits the number of regions
32 at sixteen.

33 The bill specifies the membership of the regional governing
34 boards and the regional monitoring boards and specifies the
35 memberships of the boards. The department of human services

1 is required to adopt administrative rules for an appeals
2 process, standards, ethics, and enforcement and monitoring for
3 services relating to the bill of rights for the mentally
4 retarded, developmentally disabled, and chronically mentally
5 ill.

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