

SENATE FILE 345  
BY COMMITTEE ON HUMAN RESOURCES

*Substituted for H.F. 621*  
(SUCCESSOR TO SSB 131)

Passed Senate, Date 3/25/91 (p. 744) Passed House, Date 4/9/91 (p. 1174)  
Vote: Ayes 48 Nays 0 Vote: Ayes 96 Nays 0  
Approved April 23, 1991 (p. 1421)

A BILL FOR

1 An Act relating to state programs and institutions serving  
2 persons with mental retardation, developmental disabilities,  
3 or mental illness.

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

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1 Section 1. Section 225C.21, subsection 2, Code 1991, is  
2 amended to read as follows:

3 2. The department shall adopt rules pursuant to chapter  
4 17A establishing minimum standards for the programming of  
5 community, supervised apartment living arrangements. The  
6 department shall approve annually all community, supervised  
7 apartment living arrangements which meet the minimum  
8 standards.

9 Sec. 2. Section 225C.38, subsection 1, paragraph c, Code  
10 1991, is amended to read as follows:

11 c. Except as provided in section 225C.41, a family support  
12 subsidy for a fiscal year shall be in an amount equivalent to  
13 the monthly maximum supplemental security income payment  
14 available in Iowa on July 1 of that fiscal year for an adult  
15 recipient living in the household of another, as formulated  
16 under federal regulations. In addition, the parent or legal  
17 guardian of a family member who is in an out-of-home placement  
18 at the time of application may receive a one-time lump-sum  
19 advance payment of twice the monthly family support subsidy  
20 amount for the purpose of meeting the special needs of the  
21 family in preparing for in-home care.

22 Sec. 3. Section 225C.38, subsection 2, Code 1991, is  
23 amended by striking the subsection and inserting in lieu  
24 thereof the following:

25 2. The department shall administer the family support  
26 subsidy program and the payments made under the program as  
27 follows:

28 a. In each fiscal year, the department shall establish a  
29 figure for the number of family members for whom a family  
30 support subsidy shall be provided at any one time during the  
31 fiscal year. The figure shall be established by dividing the  
32 amount appropriated by the general assembly for family support  
33 subsidy payments during the fiscal year by the family support  
34 subsidy payment amount established in subsection 1, paragraph  
35 "c".

1 b. On or before July 15 in each fiscal year, the  
2 department shall approve the provision of a number of family  
3 support subsidies equal to the figure established in paragraph  
4 "a". During any thirty-day period, the number of family  
5 members for whom a family support subsidy is provided shall  
6 not be less than this figure.

7 Sec. 4. Section 225C.41, Code 1991, is amended by adding  
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
10 funds remaining unexpended on June 30 of any fiscal year shall  
11 not revert to the general fund of the state but shall remain  
12 available to provide family support subsidy payments in the  
13 succeeding fiscal year.

14 Sec. 5. Section 225C.42, Code 1991, is amended to read as  
15 follows:

16 225C.42 ANNUAL EVALUATION OF PROGRAM.

17 1. The department shall conduct an annual evaluation of  
18 the family support subsidy program and shall submit the  
19 evaluation report with recommendations to the governor and  
20 general assembly ~~prior to~~ by September 30 following the end of  
21 the fiscal year. ~~The evaluation shall include, but not be~~  
22 ~~limited to, all of the following:~~

23 2. The evaluation content shall include but is not limited  
24 to all of the following items:

25 a. A statement of the number of children and families  
26 served by the program during the fiscal year and the number  
27 remaining on the waiting list at the end of the fiscal year.

28 b. A description of the children and family needs to which  
29 payments were applied.

30 c. An analysis of the extent to which payments enabled  
31 children to remain in their homes. The analysis shall include  
32 but is not limited to all of the following items concerning  
33 children affected by the payments: the number and percentage  
34 of children who remained with their families; the number and  
35 percentage of children who returned to their home from an out-

1 of-home placement and the type of placement from which the  
2 children returned; and the number of children who received an  
3 out-of-home placement during the fiscal year and the type of  
4 placement.

5 d. An analysis of parent satisfaction with the program.

6 e. An analysis of efforts to encourage program  
7 participation by eligible families.

8 f. The results of a survey of families participating in  
9 the program in order to assess the adequacy of subsidy payment  
10 amounts and the degree of unmet need for services and  
11 supports.

12 3. The evaluation content may include any of the following  
13 items:

14 1. ~~The impact of the family support subsidy program upon~~  
15 ~~children covered by this division in institutions and resi-~~  
16 ~~dential care programs including, to the extent possible,~~  
17 ~~sample case reviews of families who choose not to participate.~~

18 2 a. ~~Case reviews of~~ An overview of the reasons families  
19 who voluntarily terminate terminated participation in the  
20 family support subsidy program for any reason, particularly  
21 when the family member is placed out of the family home,  
22 including and the involvement of the department in offering  
23 suitable alternatives.

24 3. ~~Sample assessments of families receiving family support~~  
25 ~~subsidy payments including adequacy of subsidy and need for~~  
26 ~~services not available.~~

27 4. ~~The efforts to encourage program participation of~~  
28 ~~eligible families.~~

29 5 b. The geographic distribution of families receiving  
30 subsidy payments and, to the extent possible, family members  
31 presumed to be eligible for family support subsidy payments.

32 6. ~~Programmatic and legislative recommendations to further~~  
33 ~~assist families in providing care for family members including~~  
34 ~~eligibility criteria, availability of family support services~~  
35 ~~and parent satisfaction with the program.~~

1 f c. ~~Problems that occur in identifying family members~~  
2 ~~through diagnostic evaluations~~ An overview of problems  
3 encountered by families in applying for the program, including  
4 obtaining documentation of eligibility.

5 ~~8.--The number of beds reduced in state institutions and~~  
6 ~~foster care facilities serving severely mentally, multiply,~~  
7 ~~and autisticly impaired children when the children return~~  
8 ~~home to natural families as a result of the subsidy program.~~  
9 The department shall report caseload figures by eligibility  
10 category as defined by administrative rule.

11 Sec. 6. Section 226.12, Code 1991, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 226.12 MONTHLY REPORTS.

14 The administrator shall assure that the superintendent of  
15 each institute provides monthly reports concerning the  
16 programmatic, environmental, and fiscal condition of the  
17 institute. The administrator or the administrator's designee  
18 shall periodically visit each institute to validate the  
19 information.

20 EXPLANATION

21 This bill relates to state programs and institutions  
22 serving persons with mental retardation, developmental  
23 disabilities, or mental illness.

24 A time frame requirement is deleted in which the department  
25 of human services must annually approve community, supervised  
26 apartment living arrangements which meet minimum standards.

27 Several provisions relate to the family support subsidy  
28 program which provides financial assistance to families of  
29 children who have a developmental disability or other special  
30 need. The subsidy payment amount is based upon the maximum  
31 monthly payment amount for the supplemental security income  
32 (SSI) program. The bill requires that the SSI payment amount  
33 in effect on July 1 will be used in establishing the family  
34 support subsidy payment amount for the entire fiscal year. In  
35 addition, various requirements relating to the annual

1 evaluation of the program are revised.  
2 The department is directed to establish a figure for the  
3 number of family members for whom a family support subsidy  
4 will be provided during a fiscal year. A method for  
5 establishing this figure is provided. By July 15 of each  
6 fiscal year, the department must approve the provision of  
7 family support subsidies in a number equal to this figure.  
8 The number of family members being provided a subsidy cannot  
9 be less than this figure during any 30-day period. Funds  
10 appropriated for family support subsidy payments which remain  
11 unexpended on June 30 of any fiscal year will not revert to  
12 the general fund of the state but will remain available to  
13 provide family support subsidies in the succeeding fiscal  
14 year.

15 Current law requiring the administrator of the division of  
16 mental health, mental retardation, and developmental  
17 disabilities or an inspector appointed by the administrator to  
18 make monthly examinations of the state mental health  
19 institutes is stricken and rewritten. The administrator is  
20 directed to require the institutes' superintendents to make  
21 monthly reports and the administrator or a designee is to  
22 periodically visit the institutes to validate the information  
23 reported.

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SSB 131  
HUMAN RESOURCES

SENATE/HOUSE FILE 345  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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32 to all of the following items:

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34 served by the program during the fiscal year and the number  
35 remaining on the waiting list at the end of the fiscal year.

1 b. A description of the children and family needs to which  
2 payments were applied.

3 c. An analysis of the extent to which payments enabled  
4 children to remain in their homes. The analysis shall include  
5 but is not limited to all of the following items concerning  
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13 d. An analysis of parent satisfaction with the program.

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17 the program in order to assess the adequacy of subsidy payment  
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19 supports.

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21 items:

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29 when the family member is placed out of the family home,  
30 including and the involvement of the department in offering  
31 suitable alternatives.

32 ~~3. Sample assessments of families receiving family support~~  
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3 subsidy payments and, to the extent possible, family members  
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5 6--Programmatic and legislative recommendations to further  
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8 and parent satisfaction with the program.

9 7 c. Problems that occur in identifying family members  
10 through diagnostic evaluations An overview of problems  
11 encountered by families in applying for the program, including  
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13 8--The number of beds reduced in state institutions and  
14 foster care facilities serving severely mentally, multiply,  
15 and autistically impaired children when the children return  
16 home to natural families as a result of the subsidy program.

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18 category as defined by administrative rule.

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28 EXPLANATION

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15 directed to require the institutes' superintendents to make  
16 monthly reports and the administrator or a designee is to  
17 periodically visit the institutes to validate the information  
18 reported.

19 BACKGROUND STATEMENT

20 SUBMITTED BY THE AGENCY

21 A community supervised apartment living arrangement (CSALA)  
22 is the provision of or assistance to secure a residence and  
23 supervision to one or more persons who have mental illness,  
24 mental retardation, or a developmental disability and are  
25 capable of living semi-independently in a community setting.  
26 Currently, section 225C.21 requires the department to annually  
27 approve CSALAs based on assessment of compliance with  
28 standards adopted by the department of human services.

29 National accrediting bodies generally have a maximum period  
30 of approval of three years, while allowing for shorter periods  
31 of approval where there are instances of noncompliance with  
32 standards.

33 The division of mental health, mental retardation, and  
34 developmental disabilities is recommending deleting the  
35 reference to frequency of approval from statute. This should

1 be addressed in administrative rule in a manner consistent  
2 with national accrediting agencies.

3 Currently, the monthly amount of payment a family receives  
4 from the family support subsidy program is equivalent to the  
5 monthly maximum federal supplemental security income payment.  
6 Family support subsidy money is allocated according to the  
7 state fiscal year. The supplemental security income amount  
8 receives a cost-of-living increase in January of each year.  
9 This is based on the federal cost-of-living index which is  
10 determined in December. Since the increase is not known until  
11 half way through the state fiscal year and there is only a  
12 certain amount of money allocated for family support subsidy,  
13 the department must reserve funds that could otherwise be  
14 given to more families. This may result in some allocated  
15 money not getting spent, particularly when the supplemental  
16 security income increase in the next FY is also unknown.

17 On July 1, 1990, changes were made in the eligibility rules  
18 for the subsidy. The rules no longer mandate that a child  
19 must be in jeopardy of an out-of-home placement. Since the  
20 program is relatively new, some changes have been made due to  
21 the newly acquired experience with the program. Also, several  
22 items are proposed to be made optional from "needing to" and  
23 are placed in a "may include" section. An effective  
24 evaluation of the subsidy program does not require these items  
25 to be gathered on an annual basis.

26 The FY '90 audit of administration found the division of  
27 mental health, mental retardation, and developmental  
28 disabilities out of compliance with section 226.12 because  
29 monthly visits to the MHIs are not routinely scheduled for  
30 this specific purpose. With modern methods of communication  
31 there is no sound reason to make monthly visits. The division  
32 already receives detailed reports on finance and client  
33 movement through the use of computers.

34 Legal counsel believes it can be argued that section 226.12  
35 does not technically require monthly visits. However, to

1 clarify the language the change is proposed.

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SENATE FILE 345

AN ACT

RELATING TO STATE PROGRAMS AND INSTITUTIONS SERVING PERSONS WITH MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, OR MENTAL ILLNESS.

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

Section 1. Section 225C.21, subsection 2, Code 1991, is amended to read as follows:

2. The department shall adopt rules pursuant to chapter 17A establishing minimum standards for the programming of community, supervised apartment living arrangements. The department shall approve annually all community, supervised apartment living arrangements which meet the minimum standards.

Sec. 2. Section 225C.38, subsection 1, paragraph c, Code 1991, is amended to read as follows:

c. Except as provided in section 225C.41, a family support subsidy for a fiscal year shall be in an amount equivalent to the monthly maximum supplemental security income payment available in Iowa on July 1 of that fiscal year for an adult recipient living in the household of another, as formulated under federal regulations. In addition, the parent or legal guardian of a family member who is in an out-of-home placement

at the time of application may receive a one-time lump-sum advance payment of twice the monthly family support subsidy amount for the purpose of meeting the special needs of the family in preparing for in-home care.

Sec. 3. Section 225C.38, subsection 2, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

2. The department shall administer the family support subsidy program and the payments made under the program as follows:

a. In each fiscal year, the department shall establish a figure for the number of family members for whom a family support subsidy shall be provided at any one time during the fiscal year. The figure shall be established by dividing the amount appropriated by the general assembly for family support subsidy payments during the fiscal year by the family support subsidy payment amount established in subsection 1, paragraph "c".

b. On or before July 15 in each fiscal year, the department shall approve the provision of a number of family support subsidies equal to the figure established in paragraph "a". During any thirty-day period, the number of family members for whom a family support subsidy is provided shall not be less than this figure.

Sec. 4. Section 225C.41, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, funds remaining unexpended on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain available to provide family support subsidy payments in the succeeding fiscal year.

Sec. 5. Section 225C.42, Code 1991, is amended to read as follows:

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1. The department shall conduct an annual evaluation of the family support subsidy program and shall submit the evaluation report with recommendations to the governor and general assembly prior to by September 30 following the end of the fiscal year. ~~The evaluation shall include, but not be limited to, all of the following:~~

2. The evaluation content shall include but is not limited to all of the following items:

a. A statement of the number of children and families served by the program during the fiscal year and the number remaining on the waiting list at the end of the fiscal year.

b. A description of the children and family needs to which payments were applied.

c. An analysis of the extent to which payments enabled children to remain in their homes. The analysis shall include but is not limited to all of the following items concerning children affected by the payments: the number and percentage of children who remained with their families; the number and percentage of children who returned to their home from an out-of-home placement and the type of placement from which the children returned; and the number of children who received an out-of-home placement during the fiscal year and the type of placement.

d. An analysis of parent satisfaction with the program.

e. An analysis of efforts to encourage program participation by eligible families.

f. The results of a survey of families participating in the program in order to assess the adequacy of subsidy payment amounts and the degree of unmet need for services and supports.

3. The evaluation content may include any of the following items:

~~1. The impact of the family support subsidy program upon children covered by this division in institutions and residential care programs including, to the extent possible, sample case reviews of families who choose not to participate.~~

~~2 a. Case reviews of An overview of the reasons families who voluntarily terminate terminated participation in the family support subsidy program for any reason, particularly when the family member is placed out of the family home, including and the involvement of the department in offering suitable alternatives.~~

~~3. Sample assessments of families receiving family support subsidy payments including adequacy of subsidy and need for services not available.~~

~~4. The efforts to encourage program participation of eligible families.~~

5 b. The geographic distribution of families receiving subsidy payments and, to the extent possible, family members presumed to be eligible for family support subsidy payments.

6. Programmatic and legislative recommendations to further assist families in providing care for family members including eligibility criteria, availability of family support services and parent satisfaction with the program.

7 c. Problems that occur in identifying family members through diagnostic evaluations An overview of problems encountered by families in applying for the program, including obtaining documentation of eligibility.

8. The number of beds reduced in state institutions and foster care facilities serving severely mentally, multiply, and antisocially impaired children when the children return home to natural families as a result of the subsidy program.

The department shall report caseload figures by eligibility category as defined by administrative rules.

Sec. 6. Section 226.12, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

226.12 MONTHLY REPORTS.

The administrator shall assure that the superintendent of each institute provides monthly reports concerning the programmatic, environmental, and fiscal condition of the institute. The administrator or the administrator's designee

shall periodically visit each institute to validate the information.

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JOE J. WELSH  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 345, Seventy-fourth. General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 23, 1991

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TERRY E. BRANSTAD  
Governor

SF 345