

*Substituted for  
S.F. 2225 3-21-94*

FILED FEB 23 1994

SENATE FILE 2196  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2035)

Passed Senate, Date 3/7/94 (p. 556)  
Vote: Ayes 48 Nays 0  
Approved May 4, 1994

Passed House, Date 4-8-94 (p. 1301)  
Vote: Ayes 97 Nays 0

**A BILL FOR**

1 An Act relating to medical assistance provisions involving the  
2 medical assistance advisory council and services to persons  
3 with disabilities.

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

S-5070 FILED MARCH 3, 1994

**SENATE FILE 2196**

S-5076

1 Amend Senate File 2196 as follows:  
2 1. Page 1, lines 18 and 19, by striking the words  
3 "association for retarded citizens," and inserting the  
4 following: "the arc of Iowa which was formerly known  
5 as the association for retarded citizens of Iowa,".

*out of order 3/7/94* By MAGGIE TINSMAN

S-5076 FILED MARCH 3, 1994

*S.F. 2196*

**SENATE FILE 2196**

S-5105

1 Amend Senate File 2196 as follows:  
2 1. Page 1, lines 18 and 19, by striking the words  
3 "association for retarded citizens" and inserting the  
4 following: "the Iowa psychiatric nurse managers  
5 network, the arc of Iowa which was formerly known as  
6 the association for retarded citizens of Iowa, the  
7 alliance for the mentally ill of Iowa".  
8 2. By striking page 2, line 33 through page 3,  
9 line 1 and inserting the following: "section, persons  
10 with mental disorders resulting from Alzheimer's  
11 disease or substance abuse shall not be considered  
12 chronically mentally ill."

By MAGGIE TINSMAN

S-5105 FILED MARCH 7, 1994

ADOPTED 3-7-94

SV 75

1 Section 1. Section 249A.4, subsection 8, unnumbered  
2 paragraph 1, Code 1993, is amended to read as follows:

3 Shall advise and consult at least semiannually with a  
4 council composed of the president presidents of the following  
5 organizations, or ~~the~~ a president's representative who is a  
6 member of the professional organization represented by the  
7 president; ~~of:~~ the Iowa medical society, the Iowa osteopathic  
8 medical association, the Iowa state dental society, the Iowa  
9 state nurses association, the Iowa pharmacists association,  
10 the Iowa podiatry society, the Iowa optometric association,  
11 the community mental health centers association of Iowa, the  
12 Iowa psychological association, the Iowa hospital association,  
13 the Iowa osteopathic hospital association, opticians'  
14 association of Iowa, Inc., the Iowa hearing aid society, the  
15 Iowa speech, language, and hearing association, the Iowa  
16 health care association, the Iowa association for home care,  
17 the Iowa council of health care centers, and the Iowa  
18 association of homes for the aging, association for retarded  
19 citizens, Iowa state association of counties, and the Iowa  
20 governor's planning council for developmental disabilities,  
21 together with one person designated by the Iowa state board of  
22 chiropractic examiners; one state representative from each of  
23 the two major political parties appointed by the speaker of  
24 the house, one state senator from each of the two major  
25 political parties appointed by the president of the senate,  
26 after consultation with the majority leader and the minority  
27 leader of the senate, 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, appointed  
30 by the governor for staggered terms of two years each, none of  
31 whom shall be members of, or practitioners of, or have a  
32 pecuniary interest in any of the professions or businesses  
33 represented by any of the several professional groups and  
34 associations specifically represented on the council under  
35 this subsection, and at least one of whom shall be a recipient

1 of medical assistance; the director of public health, or a  
2 representative designated by the director; and the dean of the  
3 college of medicine, university of Iowa, or a representative  
4 designated by the dean.

5 Sec. 2. Section 249A.4, subsection 8, Code 1993, is  
6 amended by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The director shall consider the  
8 advice and consultation offered by the council in the  
9 director's preparation of medical assistance budget  
10 recommendations.

11 Sec. 3. Section 249A.26, Code Supplement 1993, is amended  
12 to read as follows:

13 249A.26 CANDIDATE-SERVICES-FUND--- COUNTY PARTICIPATION IN  
14 FUNDING FOR SERVICES TO PERSONS WITH DISABILITIES.

15 ~~1.---A-state-candidate-services-fund-is-created-in-the~~  
16 ~~office-of-the-treasurer-of-state-under-the-authority-of-the~~  
17 ~~department.---The-fund-shall-consist-of-moneys-appropriated-to~~  
18 ~~the-fund-and-moneys-received-from-counties-pursuant-to-this~~  
19 ~~section.---Notwithstanding-section-8.33, moneys-in-the~~  
20 ~~candidate-services-fund-which-are-unobligated-or-unexpended-on~~  
21 ~~June-30-of-any-fiscal-year-shall-not-revert-to-the-general~~  
22 ~~fund-of-the-state-but-shall-remain-in-the-candidate-services~~  
23 ~~fund-and-be-used-for-the-purposes-of-this-section.---Any~~  
24 ~~interest-or-other-earnings-on-the-moneys-in-the-candidate~~  
25 ~~services-fund-shall-remain-in-the-candidate-services-fund-and~~  
26 ~~shall-be-used-for-the-purposes-of-this-section.~~

27 2. The county of legal settlement shall be billed pay for  
28 fifty percent of the nonfederal share of the cost of case  
29 management provided to adults, day treatment, and partial  
30 hospitalization provided under the medical assistance program  
31 for persons with mental retardation, a developmental  
32 disability, or chronic mental illness. For purposes of this  
33 section, ~~persons-with-mental-disorders-resulting-from~~  
34 ~~Alzheimer's-disease-or-substance-abuse-shall-not-be-considered~~  
35 ~~chronically-mentally-ill~~ chronic mental illness does not

1 include organic mental disorders.

2 Sec. 4. Section 249A.25, Code 1993, is repealed.

3 EXPLANATION

4 This bill relates to medical assistance provisions  
5 involving the medical assistance advisory council and services  
6 to persons with disabilities.

7 The bill repeals the statute which establishes the enhanced  
8 mental health, mental retardation, and developmental  
9 disabilities services plan oversight committee. The committee  
10 was created to perform various planning and oversight duties  
11 associated with the implementation of enhanced services  
12 available to persons with disabilities under the medical  
13 assistance program. The committee includes members  
14 representing state and county officials and legislative  
15 appointees.

16 The bill adds representatives of the Iowa state association  
17 of counties and the Iowa governor's planning council for  
18 developmental disabilities to the medical assistance advisory  
19 council. These interests have been represented on the  
20 enhanced services oversight committee which would be  
21 eliminated by the bill. The bill requires the director of  
22 human services to consider the advice and consultation offered  
23 by the council when preparing medical assistance budget  
24 recommendations.

25 The bill also repeals the candidate services fund used for  
26 moneys appropriated for the provision of certain medical  
27 assistance services for persons with disabilities.

28 The bill also amends the provision which requires the  
29 county of legal settlement to pay for 50 percent of the  
30 nonfederal share of the cost of certain medical assistance  
31 services provided to persons with disabilities. Current law  
32 does not apply to services provided to a person with chronic  
33 mental illness resulting from Alzheimer's disease or substance  
34 abuse. The bill replaces this exclusion with an exclusion of  
35 chronic mental illness resulting from organic mental

1 disorders.

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SENATE FILE 2196  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2035)  
(AS AMENDED AND PASSED BY THE SENATE MARCH 7, 1994)

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date 4-8-94  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 97 Nays 0  
Approved May 4, 1994

**A BILL FOR**

1 An Act relating to medical assistance provisions involving the  
2 medical assistance advisory council and services to persons  
3 with disabilities.

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

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S.F. 2196

1 Section 1. Section 249A.4, subsection 8, unnumbered  
2 paragraph 1, Code 1993, is amended to read as follows:

3 Shall advise and consult at least semiannually with a  
4 council composed of the president presidents of the following  
5 organizations, or the a president's representative who is a  
6 member of the professional organization represented by the  
7 president,~~-of:~~ the Iowa medical society, the Iowa osteopathic  
8 medical association, the Iowa state dental society, the Iowa  
9 state nurses association, the Iowa pharmacists association,  
10 the Iowa podiatry society, the Iowa optometric association,  
11 the community mental health centers association of Iowa, the  
12 Iowa psychological association, the Iowa hospital association,  
13 the Iowa osteopathic hospital association, opticians'  
14 association of Iowa, Inc., the Iowa hearing aid society, the  
15 Iowa speech, language, and hearing association, the Iowa  
16 health care association, the Iowa association for home care,  
17 the Iowa council of health care centers, and the Iowa  
18 association of homes for the aging, the Iowa psychiatric nurse  
19 managers network, the arc of Iowa which was formerly known as  
20 the association for retarded citizens of Iowa, the alliance  
21 for the mentally ill of Iowa, Iowa state association of  
22 counties, and the Iowa governor's planning council for  
23 developmental disabilities, together with one person  
24 designated by the Iowa state board of chiropractic examiners;  
25 one state representative from each of the two major political  
26 parties appointed by the speaker of the house, one state  
27 senator from each of the two major political parties appointed  
28 by the president of the senate, after consultation with the  
29 majority leader and the minority leader of the senate, each  
30 for a term of two years; ~~the-president-or-the-president's~~  
31 ~~representative-of-the-association-for-retarded-citizens~~; four  
32 public representatives, appointed by the governor for  
33 staggered terms of two years each, none of whom shall be  
34 members of, or practitioners of, or have a pecuniary interest  
35 in any of the professions or businesses represented by any of

1 section, persons with mental disorders resulting from  
2 Alzheimer's disease or substance abuse shall not be considered  
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4 Sec. 4. Section 249A.25, Code 1993, is repealed.

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1 the several professional groups and associations specifically  
 2 represented on the council under this subsection, and at least  
 3 one of whom shall be a recipient of medical assistance; the  
 4 director of public health, or a representative designated by  
 5 the director; and the dean of the college of medicine,  
 6 university of Iowa, or a representative designated by the  
 7 dean.

8 Sec. 2. Section 249A.4, subsection 8, Code 1993, is  
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10 NEW UNNUMBERED PARAGRAPH. The director shall consider the  
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16 249A.26 CANDIDATE-SERVICES-FUND--- COUNTY PARTICIPATION IN  
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18 ~~1.---A-state-candidate-services-fund-is-created-in-the~~  
 19 ~~office-of-the-treasurer-of-state-under-the-authority-of-the~~  
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 21 ~~the-fund-and-moneys-received-from-counties-pursuant-to-this~~  
 22 ~~section.---Notwithstanding-section-8-337,-moneys-in-the~~  
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 26 ~~fund-and-be-used-for-the-purposes-of-this-section.---Any~~  
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30 2. The county of legal settlement shall be-billed pay for  
 31 fifty percent of the nonfederal share of the cost of case  
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 33 hospitalization provided under the medical assistance program  
 34 for persons with mental retardation, a developmental  
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SSB-2035  
Human Resources

SENATE/HOUSE FILE 2196  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

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

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28 ~~Alzheimer's-disease-or-substance-abuse-shall-not-be-considered~~  
29 ~~chronically-mentally-ill~~ chronic mental illness does not  
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32 EXPLANATION

33 This bill relates to medical assistance provisions  
34 involving the medical assistance advisory council and services  
35 to persons with disabilities.

1 The bill repeals the statute which establishes the enhanced  
2 mental health, mental retardation, and developmental  
3 disabilities services plan oversight committee. The committee  
4 was created to perform various planning and oversight duties  
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17 moneys appropriated for the provision of certain medical  
18 assistance services for persons with disabilities.

19 The bill also amends the provision which requires the  
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21 nonfederal share of the cost of certain medical assistance  
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23 does not apply to services provided to a person with chronic  
24 mental illness resulting from Alzheimer's disease or substance  
25 abuse. The bill replaces this exclusion with an exclusion of  
26 chronic mental illness resulting from organic mental  
27 disorders.

28

#### BACKGROUND STATEMENT

29

#### SUBMITTED BY THE AGENCY

30 The enhanced mental health, mental retardation and  
31 developmental disabilities services plan oversight committee  
32 was established to provide assistance to the department of  
33 human services in developing and implementing a variety of new  
34 noninstitutional services for persons with chronic mental  
35 disabilities. These services have now been developed and

1 implemented and the special budget for these services (i.e.  
2 the candidate services fund) has now been merged into the  
3 regular medical assistance appropriation.

4 The department has concluded that key organizations named  
5 to the enhanced services oversight committee should be added  
6 to the membership of the medical assistance advisory council  
7 and the enhanced services oversight committee should be  
8 deleted from the Iowa Code.

9 Elimination of the candidate services fund appropriation  
10 and development of medical assistance home-and-community-based  
11 waivers have resulted in changes in county financial  
12 responsibility. These changed expectations have been  
13 reflected in legislative intent language, but Code language is  
14 now out of date and unclear.

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## SENATE FILE 2196

## AN ACT

RELATING TO MEDICAL ASSISTANCE PROVISIONS INVOLVING THE  
MEDICAL ASSISTANCE ADVISORY COUNCIL AND SERVICES TO  
PERSONS WITH DISABILITIES.

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

Section 1. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president presidents of the following organizations, or the a president's representative who is a member of the professional organization represented by the president ~~of~~ the Iowa medical society, the Iowa osteopathic medical association, the Iowa state dental society, the Iowa state nurses association, the Iowa pharmacists association, the Iowa podiatry society, the Iowa optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa hospital association, the Iowa osteopathic hospital association, opticians' association of Iowa, Inc., the Iowa hearing aid society, the Iowa speech, language, and hearing association, the Iowa health care association, the Iowa association for home care, the Iowa council of health care centers, and the Iowa association of homes for the aging, the Iowa psychiatric nurse managers network, the arc of Iowa which was formerly known as the association for retarded citizens of Iowa, the alliance for the mentally ill of Iowa, Iowa state association of counties, and the Iowa governor's planning council for developmental disabilities, 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 president of the senate, after consultation with the

majority leader and the minority leader of the senate, each for a term of two years; ~~the president or the president's representative of the association for retarded citizens~~; four public representatives, appointed by the governor for staggered terms of two years each, 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 director of public health, or a representative designated by the director; and the dean of the college of medicine, university of Iowa, or a representative designated by the dean.

Sec. 2. Section 249A.4, subsection 8, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall consider the advice and consultation offered by the council in the director's preparation of medical assistance budget recommendations.

Sec. 3. Section 249A.26, Code Supplement 1993, is amended to read as follows:

249A.26 ~~CANDIDATE-SERVICES-FUND~~--- COUNTY PARTICIPATION IN FUNDING FOR SERVICES TO PERSONS WITH DISABILITIES.

~~1---A state candidate services fund is created in the office of the treasurer of state under the authority of the department. The fund shall consist of moneys appropriated to the fund and moneys received from counties pursuant to this section. Notwithstanding section 8:337 moneys in the candidate services fund which are unobligated or unexpended on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain in the candidate services fund and be used for the purposes of this section. Any interest or other earnings on the moneys in the candidate services fund shall remain in the candidate services fund and shall be used for the purposes of this section.~~

2: The county of legal settlement shall ~~be-billed~~ pay for fifty percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or substance abuse shall not be considered chronically mentally ill.

Sec. 4. Section 249A.25, Code 1993, is repealed.

---

LEONARD L. BOSWELL  
President of the Senate

---

HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2196, Seventy-fifth General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved May 4<sup>m</sup>, 1994

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TERRY E. BRANSTAD  
Governor