

F I N A L R E P O R T

BILL OF RIGHTS STUDY COMMITTEE

January, 1987

The Bill of Rights Interim Study Committee was created for two years by Senate File 473, which was enacted by the 1985 General Assembly. The second year of the Interim Study Committee was to review action taken by the Department of Human Services regarding the Bill of Rights since the enactment of the Bill of Rights and to review funding options. The following members were appointed in 1985 and continued the appointments in 1986:

Senator Bob Carr, Dubuque, Co-chairperson
Representative Johnie Hammond, Ames, Co-chairperson
Senator Pat Deluhery, Davenport
Senator Larry Murphy, Oelwein
Senator David Readinger, Des Moines
Senator Richard Vande Hoef, Harris
Representative Josephine Gruhn, Spirit Lake
Representative Don Hermann, Bettendorf
Representative Joan Hester, Honey Creek
Representative Jean Lloyd-Jones, Iowa City

MEETING DAYS

The Study Committee was authorized three meeting days and held them on October 8, November 19, and December 3.

CHARGE BY LEGISLATIVE COUNCIL

The Legislative Council specified that the Bill of Rights Interim Study Committee should monitor actions by the Commissioner of Human Services, Department of Human Services, Mental Health and Mental Retardation Commission, Council on Human Services, Division of Mental Health, Mental Retardation, and Developmental Disabilities within the Department of Human Services, the statutory advisory committee within the Department of Human Services, and other agencies affected by the Bill of Rights, and review and propose alternatives to the present funding methods for the mandated services.

PRESENTATIONS

The following individuals made presentations to the Study Committee concerning the Bill of Rights:

1. Mr. Charles Palmer, Deputy Commissioner, Department of Human Services. Mr. Palmer spoke at several of the meetings to review actions taken by the Department of Human Services regarding the Bill of Rights explain the preliminary report released by the Department in April, 1986 regarding the cost estimation of implementation of the Bill of Rights update the members regarding the federal approval of Woodward and Glenwood and explain what action the Department may take in the future regarding the implementation of the Bill of Rights.

2. Mr. Don Kassar of the Department of Human Services. Mr. Kassar appeared before the Committee at several of the meetings to explain the Federal Funding Enhancement Project mandated by the General Assembly during the 1986 Legislative Session and the relationship of that Project to the Bill of Rights.

3. Mr. William Copeland of Copeland Associates, Minneapolis, Minnesota. Mr. Copeland was asked to make a presentation to explain the study he had completed under contract with the Council on Developmental Disabilities to identify federal funding sources for services provided to the mentally retarded and developmentally disabled. He also made comments relative to the Federal Funding Enhancement Project bidding process and contract coordination.

4. Ms. Vicki Ocasio, from the Alzheimer's Disease and Other Related Disorders Association. Ms. Ocasio made comments regarding the need to include individuals affected by Alzheimer's disease under the Bill of Rights.

5. Dr. John Ehrfurth, from Iowa Methodist Medical Center on behalf of the Alzheimer's Disease and Other Related Disorders Association. Dr. Ehrfurth explained the affects of Alzheimer's disease and its relationship to other organic brain syndromes.

6. Dr. William McMordie, from the Veterans' Hospital in Knoxville, Iowa, on behalf of the Brain Injury Association of Iowa. Dr. McMordie explained the rights of brain-injured individuals and advocated for brain-injured individuals of any age to be included under the Bill of Rights.

7. Dr. Neil Graff-Radford, a behavioral neurologist from the University of Iowa Hospitals and Clinics. Dr. Graff-Radford provided the members of the Committee with a definition of "dementia" for inclusion of certain individuals affected with certain organic brain syndromes under the Bill of Rights, if the members of the Committee wished to include such individuals under the Bill of Rights.

8. Dr. Al Healy, Director of the University of Iowa Hospital School. Dr. Healy provided information regarding the categories of disease or disability which may or may not be included under the Bill of Rights.

9. Ms. Mary Etta Lane, from the Association for Retarded Citizens/Iowa. Ms. Lane provided the members of the Committee with the concern that the Bill of Rights be implemented as specified in Senate File 473 (July 1, 1987), and not be delayed.

10. Dr. David Braddock, from the University of Illinois at Chicago. Dr. Braddock was asked to make a presentation to provide information regarding the funding expenditures in Iowa for services to individuals with mental retardation and developmental disabilities, both at the state level and the local level. Dr. Braddock encouraged the members of the Study Committee to make an effort to deinstitutionalize as many individuals as possible and to provide adequate funding for services at the local level for the deinstitutionalized.

11. Mr. Rowe Winecoff of the Community Mental Health Center Association of Iowa. Mr. Winecoff provided suggestions for staggered implementation of the Bill of Rights, if such staggering is necessary in the future. Mr. Winecoff also encouraged cooperation at all levels of government and administration to implement the Bill of Rights as effectively as possible.

12. Ms. Barbara Mack, Chairperson of the Department of Human Services Bill of Rights Advisory Committee. Ms. Mack explained the undertakings of the Advisory Committee since July 1, 1985 and indicated the responsibilities of the Advisory Committee with the second Bill of Rights report by the Department scheduled for Spring, 1987.

13. Ms. Melanie Fein, Department of Human Services. Ms. Fein made presentations at several of the meetings relating to the estimations of cost made by the Department of Human Services relative to the implementation of the Bill of Rights.

14. Mr. Jerry Stilwell, Chairperson of the Governor's Planning Council on Developmental Disabilities. Mr. Stilwell explained the work of the Council on Developmental Disabilities relative to the Bill of Rights and personal experiences regarding services available and needed in the state for persons with developmental disabilities.

15. Mr. Gordon Allen, Assistant Attorney General assigned to the Department of Human Services. Mr. Allen indicated that the Bill of Rights rights portion will take effect with adoption of a methodology of funding, not necessarily providing the dollars for that methodology, and advised the members of the Committee regarding the implementation of the Bill of Rights.

16. Mr. Steve Timmins, Fiscal Analyst with the Legislative Fiscal Bureau. Mr. Timmins provided the Committee with estimations regarding the time lines to make cost estimates for the Bill of Rights implementation, indicating that the results of

the Federal Funding Enhancement Project underway in the Department of Human Services, the determination of which population groups are included under the Bill of Rights and which are not, and the results of the residential care facility waiver study will all have an effect on any cost estimates regarding the implementation of the Bill of Rights.

DISCUSSION OF PROPOSED BILL DRAFT

The members of the Committee discussed a proposed bill draft relating to population groups covered under the Bill of Rights, the effective date, and the agencies responsible for the implementation. The bill draft specified that the brain-injured would be included, not dependent upon the age of onset of the brain injury. The bill draft also included that the population of individuals affected with dementia would also be included under the Bill of Rights. The bill draft delayed the conditional effective date until July 1, 1988. The members of the Committee discussed the following:

1. Populations to be included under the Bill of Rights.
2. The effective date and the statutory construction question if the date in the present legislation is amended.
3. The threat of litigation.
4. The agencies responsible for the implementation of specific rights under the present language in the legislation.
5. The feasibility of a phase-in of the services under the specified specific rights in the legislation.
6. The time line for the Federal Funding Enhancement Project underway at the Department of Human Services and the effect of the results on the Bill of Rights funding possibilities.
7. The feasibility of funding certain demonstration projects relative to the Bill of Rights while the funding and population groups determinations are delayed until the present studies are completed and analyzed.
8. The effect of the county level of government regarding the funding for the Bill of Rights.

After discussion, the proposed bill draft failed to receive the necessary votes to make a recommendation to the Legislative Council and the General Assembly.

CONCLUSION

The members of the Committee indicated that the issues within the implementation of the Bill of Rights are intricately affected by the funding concerns, the results of related studies underway, and the statutory time frame contained in the Bill of Rights as enacted in 1985.