

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2525 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

**CHAPTER 1192**

**APPROPRIATIONS — HEALTH AND HUMAN SERVICES**

*H.F. 2526*

**AN ACT** relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I  
DEPARTMENT ON AGING**

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,662,988
.....	FTEs	36.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The

department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

3. Of the funds appropriated in this section, \$179,964 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

DIVISION II  
DEPARTMENT OF PUBLIC HEALTH

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations made in this section may include amounts carried forward from appropriations and allocations made for the same purposes in the previous fiscal year. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	28,974,840
.....	FTEs	18.00

a. Of the funds appropriated in this subsection, \$7,438,282 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A.

(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state's compliance in the allocation of available funds to comply with 42 U.S.C. § 300x-26 and section 453A.2.

(2) Of the full-time equivalent positions authorized in this subsection, 2.00 full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances.

(3) Of the funds allocated in this lettered paragraph, \$1,796,508 shall be used for youth programs designed to achieve the goals of the initiative, that are directed by youth participants for youth pursuant to section 142A.9.

b. Of the funds appropriated in this subsection, \$17,920,028 shall be used for substance abuse treatment and prevention.

(1) Of the funds allocated in this lettered paragraph, \$943,813 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(a) Of the funds allocated in this subparagraph, \$449,445 shall be utilized for the public purpose of providing grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(b) Of the funds allocated in this subparagraph, \$449,445 shall be utilized for the public purpose of providing grant funding for organizations that provide programming that includes youth development and leadership. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance abuse in children.

(c) The Iowa department of public health shall utilize a request for proposals process to implement the grant program.

(d) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(e) Of the funds allocated for the grant program, \$44,923 shall be used to administer substance abuse prevention grants and for program evaluations.

(2) It is the intent of the general assembly that from the moneys allocated in this lettered paragraph persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Of the funds appropriated in this subsection, \$300,320 shall be used for culturally competent substance abuse treatment pilot projects.

(1) The department shall utilize the amount allocated in this lettered paragraph for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African-American, Asian, and Latino.

(2) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

d. (1) Of the funds appropriated in this subsection, \$3,716,530 shall be used for funding of gambling treatment, including administrative costs and to provide programs which may include but are not limited to outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services. Of the amount allocated in this lettered paragraph, up to \$100,000 may be used for the licensing of gambling treatment programs as provided in section 135.150.

(2) (a) Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of the treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(b) From the amounts designated for gambling and substance abuse treatment, the department may use up to \$100,000 for administrative costs to continue developing and implementing the process in accordance with subparagraph division (a).

(3) The requirement of section 123.53, subsection 3, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2010.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	2,735,062
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, not more than \$738,203 shall be used for the healthy opportunities to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants

that were provided to the grantees that operated the program during the fiscal year ending June 30, 2010.

b. Of the funds appropriated in this subsection, \$329,885 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, \$31,597 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the national foundation of dentistry for the handicapped to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, \$129,279 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, \$187,890 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

f. It is the intent of the general assembly that the department of public health shall implement the recommendations of the postnatal tissue and fluid bank task force created in 2007 Iowa Acts, chapter 147, based upon the report submitted to the general assembly in November 2007, as funding becomes available. The department shall notify the Iowa Code editor and the persons specified in this Act to receive reports when such funding becomes available.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	3,597,313
.....	FTEs	4.10

a. Of the funds appropriated in this subsection, \$160,582 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, \$441,682 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, \$539,868 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$57,013 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, \$788,303 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$408,802 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life.

g. Of the funds appropriated in this subsection, \$145,550 shall be used for cervical and colon cancer screening.

h. Of the funds appropriated in this subsection, \$528,834 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$149,612 shall be used for the prescription drug donation repository program created in chapter 135M.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	5,503,037
.....	FTEs	21.00

a. Of the funds appropriated in this subsection, \$63,592 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with community empowerment areas.

b. Of the funds appropriated in this subsection, \$129,741 is allocated for continuation of an initiative implemented at the university of Iowa and \$117,142 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$1,264,812 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, \$130,214 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, \$143,150 shall be used for the mental health professional shortage area program implemented pursuant to section 135.80.

f. Of the funds appropriated in this subsection, \$40,900 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.80.

g. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated:

(1) For distribution to the Iowa-Nebraska primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... \$ 73,620

(2) For distribution to the Iowa family planning network agencies for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 74,517

(3) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 74,517

(4) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 74,517

(5) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 184,050

(6) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 110,430

(7) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ 294,480

(8) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ 294,480

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h. (1) Of the funds appropriated in this subsection, \$180,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this paragraph for an additional position to assist in the continued implementation.

(2) It is the intent of the general assembly that a board of direct care workers shall be established within the department of public health by July 1, 2014, contingent upon the availability of funds to establish and maintain the board.

(3) The direct care worker advisory council shall submit an interim progress report no later than March 1, 2011, and a final report no later than March 1, 2012, to the governor and the general assembly, that includes but is not limited to all of the following:

(a) Documenting the size of the direct care workforce. The report shall provide the best estimates of the size of the direct care workforce in Iowa by identifying what workforce data is currently being collected, who is currently collecting the data, the gaps in existing data, and the collection methods necessary to address such gaps.

(b) Identifying the information management system required to facilitate credentialing of direct care workers and estimating the costs of development and maintenance of the system.

(c) Reporting the results of any pilot relating to and evaluating the recommendations of the advisory council that address direct care worker training and curricula.

(d) Describing activities relating to developing and delivering an education and outreach campaign to direct care workers and other stakeholders regarding strategies to increase the professionalism of the direct care workforce. The goals of such education and outreach campaign are to bring greater stability to the workforce and meet the needs of direct care workers that exist due to the growth in Iowa's aging and persons with disabilities populations.

(e) Making recommendations regarding the functions and composition of the board of direct care workers, the definitions of and categories for credentialing direct care workers, for deeming the experience level of members of the existing workforce to be the equivalent of other credentials, the form of credentialing to be used, the timeframe for credentialing of direct care workers, and the estimated costs of establishing and maintaining board operations and the methods to be used to fund and sustain such operations.

(4) The department of public health shall report to the persons designated in this Act for submission of reports regarding use of the funds allocated in this lettered paragraph, on or before January 15, 2011.

i. (1) Of the funds appropriated in this subsection, \$135,000 shall be used for allocation to an independent statewide direct care worker association for education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health and long-term care.

(2) Of the funds appropriated in this subsection, \$63,000 shall be used to provide scholarships or other forms of subsidized direct care worker educational conferences, training, or outreach activities.

(3) The association specified in this lettered paragraph shall report to the persons designated in this Act for submission of reports on or before January 1, 2011, the use of the funds allocated in this lettered paragraph, any progress made regarding the initiatives specified and in expanding the association statewide, and the number of scholarships provided, and shall include in the report a copy of the association's internal revenue service form 990.

j. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the Iowa collaborative safety net provider network.

k. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the volunteer health care provider program pursuant to section 135.24.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... \$ 8,045,779

a. Of the funds appropriated in this subsection, \$2,209,696 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, \$5,836,083 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public’s exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	900,352
.....	FTEs	4.50

Of the funds appropriated in this subsection, \$590,380 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	1,475,095
.....	FTEs	5.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	3,287,987
.....	FTEs	130.00

a. Of the funds appropriated in this subsection, not more than \$471,690 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, \$234,229 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department’s sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, not more than \$485,520 shall be used for the state poison control center.

d. Of the funds appropriated in this subsection, \$50,000 shall be used for education, testing, training, and other costs to conform the requirements for certification of emergency medical care providers with national standards.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	956,265
.....	FTEs	10.00

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

DIVISION III
DEPARTMENT OF VETERANS AFFAIRS

Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

.....	\$	960,453
.....	FTEs	15.20

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,630,846

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses participating in the community reentry program.

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... \$ 12,731

Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

..... \$ 900,000

Sec. 5. MERCHANT MARINE BONUS FUND — COUNTY GRANTS. There is appropriated from the merchant marine bonus fund created in section 35A.8 to the department of veterans affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the county commissions of veterans affairs fund under section 35A.16:

..... \$ 90,000

DIVISION IV
DEPARTMENT OF HUMAN SERVICES

Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, and from moneys received under the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 24,376,341

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 12,411,528

Notwithstanding section 8.33, not more than 5 percent of the moneys designated in this subsection that are allocated by the department for contracted services, other than family self-sufficiency grant services allocated under this subsection, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30,



2011, the moneys shall revert.

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,898,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2011, the moneys shall revert.

4. For field operations:

..... \$ 31,296,232

5. For general administration:

..... \$ 3,744,000

6. For state child care assistance:

..... \$ 16,382,687

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-third General Assembly, 2010 Session, for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For mental health and developmental disabilities community services:

..... \$ 4,894,052

8. For child and family services:

..... \$ 32,084,430

9. For child abuse prevention grants:

..... \$ 125,000

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2010, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2010, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 1,037,186

12. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by community empowerment areas as provided in section 28.9:

..... \$ 6,350,000

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2009 or 2010 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the emergency contingency

fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, received by the state during the fiscal year beginning July 1, 2009, and ending June 30, 2010, not otherwise appropriated in this section and remaining available as of July 1, 2010, and received by the state during the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the extent as may be necessary to be used in the following priority order: the family investment program for the fiscal year and for state child care assistance program payments for individuals enrolled in the family investment program who are employed. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program under chapter 239B have been expended.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

c. For the purposes of this lettered paragraph, "employment and training-related programs" means summer youth programs and other employment and training-related programs, as allowed by federal law, that are administered by the department of workforce development.

(1) To the extent other federal funding is not available for employment and training-related programs administered by the department of workforce development and provided the match requirement is met through the employment programs, in addition to the amount appropriated in paragraph "a", funding is appropriated from the same source and for the same fiscal year addressed in paragraph "a", to the department of human services to be used for employment and training-related programs administered by the department of workforce development for the fiscal year beginning July 1, 2010, in accordance with the requirements of this lettered paragraph.

(2) The department of human services shall collaborate with the department of workforce development to secure additional federal funds from the emergency contingency fund for the temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101. This collaboration shall be for the purpose of securing emergency contingency funds to subsidize the administrative costs and wages paid on behalf of individuals participating in the employment and training-related programs administered by the department of workforce development. Subsidized wages, administrative costs, and other costs of the employment and training-related programs shall be eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds. The collaboration between the two agencies shall be formalized through a memorandum of agreement.

(3) Federal funds received as the result of this collaboration shall be transferred to the department of workforce development to be used for the purpose of covering administrative costs and the costs of wages and other costs relating to the employment and training-related programs administered by the department of workforce development. The department of workforce development shall ensure that all expenditures comply with applicable federal requirements and shall be responsible for the repayment of any funds spent in error and any corresponding penalty as well as taking corrective action to address the error. Funds received in excess of the amount of administrative costs and the costs of wages and other federally allowed costs relating to the employment and training-related programs that are eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds, shall be returned by the department of workforce development to the federal government following procedures developed by the federal temporary assistance for needy families agency for that purpose.

(4) The department of workforce development shall provide the department of human services with the necessary information to support the request for emergency contingency funds and to report the expenditure of these funds once received pursuant to federal reporting requirements. The responsibilities of both agencies shall be specified in the memorandum of agreement.

14. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2010, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. The department may transfer funds allocated in this section to the appropriations made in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 5,397,251

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2010-2011.

c. For the diversion subaccount of the FIP account:

..... \$ 1,698,400

A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

d. For the food stamp employment and training program:

..... \$ 68,059

(1) The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50-50 match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall utilize additional funding available through Pub. L. No. 111-118, § 1001 for related administrative costs as necessary to expand categorical federal food assistance program eligibility provisions to 160 percent of the federal poverty level and eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall design the expanded eligibility provisions to include as many food assistance households as is allowed by federal law. The eligibility

provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 20,652,993

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 31,735,539

1. Of the funds appropriated in this section, \$8,241,465 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,518,271 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2010, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. MH/MR/DD/BI community services (local purchase).

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, \$200,000 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	11,877,414
.....	FTEs	520.00

1. The department shall expend up to \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2010, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2010, and ending June 30, 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30, 2009, providing for termination of rules relating to the pilot projects the earlier of October 1, 2006, or when legislative authority is discontinued, the rules relating to the pilot projects, as in effect on June 30, 2009, shall remain in effect until June 30, 2011.

Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with implementation.

Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2010, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	412,546,344
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1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2010, shall be transferred to the department of human services for an integrated substance abuse managed care system. The department shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, not more than \$166,600 shall be used to enhance outreach efforts. The department may transfer funds allocated in this subsection to the appropriations in this division of this Act for general administration, the children's health insurance program, or medical contracts, as necessary, to implement the outreach efforts.

7. Of the funds appropriated in this section, up to \$442,100 may be transferred to the appropriation in this Act for medical contracts to be used for clinical assessment services related to remedial services in accordance with federal law.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

9. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

10. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

11. Of the funds appropriated in this section, the following amounts shall be transferred to the appropriations made in this division of this Act for the state mental health institutes:

- a. Cherokee mental health institute ..... \$ 9,098,425
- b. Clarinda mental health institute ..... \$ 1,977,305
- c. Independence mental health institute ..... \$ 9,045,894
- d. Mount Pleasant mental health institute ..... \$ 5,752,587

12. a. Of the funds appropriated in this section, \$7,108,069 is allocated for the state match for a disproportionate share hospital payment of \$19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment of \$7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state’s allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

13. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the medical assistance appropriation an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of \$7,500,000. <sup>1</sup> The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

14. Of the funds appropriated in this section, up to \$4,601,848 may be transferred to the IowaCare account created in section 249J.24.

15. Of the funds appropriated in this section, \$200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

16. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

17. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

18. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal family opportunity Act.

<sup>1</sup> See chapter 1193, §204 herein

19. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

20. Notwithstanding section 8.33, the portion of the funds appropriated in this section that is the result of the application of the increased federal medical assistance match percentage under the federal American Recovery and Reinvestment Act of 2009, to the amount the state pays the federal government as required under the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, known as clawback payments, for the period October 1, 2008, through December 31, 2010, that remains unobligated or unencumbered at the close of the fiscal year, shall not revert to any fund but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

21. The department may transfer any savings generated due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, Senate File 2088,<sup>2</sup> if enacted, or executive order 20,<sup>3</sup> issued December 16, 2009, to the medical contracts appropriation made in this division of this Act to defray the increased contract costs associated with implementing such efforts.

22. The department shall request a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to add assisted living services to the home and community-based services waiver for the elderly under the medical assistance program. Upon receipt of federal approval of the waiver, the department shall implement assisted living as a service within the home and community-based services elderly waiver. The department shall adopt rules to implement the approved elderly waiver assisted living service.

23. The department of human services shall convene a workgroup with the department of inspections and appeals, county central point of coordination administrators, affected service providers, and other appropriate interests in reviewing the various regulatory requirements applicable to providers of mental health and disability services paid under this and other appropriations. The review shall encompass federal, state, and professional requirements applicable to the providers. The workgroup shall identify opportunities for streamlining regulatory requirements, increasing public access to cost, quality, and outcomes information within the system, and increasing compliance with applicable federal health, safety, and accountability provisions. The workgroup shall hold two meetings and submit a report on or before December 15, 2010, to the persons designated by this Act for submission of reports.

24. a. The department of human services shall amend the medical assistance waiver for the Iowa family planning network to continue the current waiver with the following modifications, to be effective July 1, 2011, which provide for all of the following:

(1) Coverage for women who meet all of the following criteria:

(a) Are uninsured or have health insurance coverage that does not include coverage for benefits provided under the Iowa family planning network.

(b) Have income of up to 300 percent of the federal poverty level.

(c) Are under 55 years of age.

(2) Coverage of pregnancy prevention services for men who meet the income, age, and insurance coverage specifications described in subparagraph (1).

b. Implementation of this subsection is contingent upon approval of the medical assistance waiver for the Iowa family planning network by the centers for Medicare and Medicaid services of the United States department of health and human services and upon availability of funding as determined by the director of the department of human services.<sup>4</sup>

c. Of the funds appropriated in this section, \$25,000 shall be used for administrative costs for renewal and modification of the Iowa family planning network waivers as provided in this subsection.

<sup>2</sup> Chapter 1031 herein

<sup>3</sup> Published in IAB Vol. XXXII, No. 18, (2/24/2010) p. 2102

<sup>4</sup> See chapter 1193, §134 herein



Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	457,210
.....	FTEs	19.00

Sec. 13. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,683,668
.....	FTEs	6.00

The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

.....	\$	18,259,235
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2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2010, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

.....	\$	23,637,040
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2. Of the funds appropriated in this section, \$128,950 is allocated for continuation of the contract for advertising and outreach with the department of public health and \$90,050 is allocated for other advertising and outreach.

3. If the funds appropriated in this section are insufficient to cover the costs of both full coverage services and supplemental dental services, priority in expenditure of funds shall be given to covering the costs of full coverage services.

Sec. 16. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 32,325,964

1. Of the funds appropriated in this section, \$30,956,537 shall be used for state child care assistance in accordance with section 237A.13. It is the intent of the general assembly to appropriate sufficient funding for the state child care assistance program for the fiscal year beginning July 1, 2010, in order to avoid establishment of waiting list requirements by the department in the preceding fiscal year in anticipation that enhanced funding under the federal American Recovery and Reinvestment Act of 2009 will not be replaced for the fiscal year beginning July 1, 2010.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, \$432,453 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$936,974 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or

unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 17. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,777,599  
..... FTEs 125.00

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 11,001,062  
..... FTEs 202.70

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2010.

Sec. 18. EDUCATIONAL EXPENSES AT INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to licensed classroom teachers at institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department of human services:

..... \$ 103,950

Sec. 19. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 79,593,023

2. In order to address a reduction of \$5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to \$29,233,006 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2010, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure

target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2010-2011. Of the funds appropriated in this section, \$1,717,753 is allocated specifically for expenditure for fiscal year 2010-2011 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. a. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to \$7,894,147. The department may continue or amend shelter care provider contracts to include the child welfare emergency services for children that were implemented pursuant to 2008 Iowa Acts, chapter 1187, section 16, subsection 7. An appropriate amount of the funds allocated in this subsection may be used for wraparound and emergency services to prevent the need for shelter care services, including such services for children who have an immediate need for shelter care services but are ineligible due to income, status, or other requirement. The funding shall be expended by providers in a manner that does not impinge upon the availability of beds for eligible children.

b. The child welfare advisory committee created by the council on human services pursuant to section 217.3A, if enacted by 2010 Iowa Acts, Senate File 2088,<sup>5</sup> section 391, or other appropriate existing body, shall develop recommendations to identify the appropriate capacity for child welfare emergency services for implementation during the fiscal year beginning July 1, 2011. The data being collected regarding child welfare emergency services shall be utilized in developing the recommendations. The recommendations shall be submitted on or before December 15, 2010, to the department and the persons designated by this Act to receive reports.

8. Except for federal funds provided by the federal American Recovery and Reinvestment Act of 2009, federal funds received by the state during the fiscal year beginning July 1, 2010, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. Of the funds appropriated in this section, at least \$3,696,285 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$2,062,488 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision

<sup>5</sup> Chapter 1031 herein

of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department’s service areas as determined by the administrator of the department’s division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2010.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts’ or departmental service areas’ distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173, as enacted by this Act.

11. Of the funds appropriated in this section, \$4,522,602 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

12. Of the funds appropriated in this section, \$988,285 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

13. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children’s families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

14. Of the funds appropriated in this section, \$2,875,281 is allocated for the preparation for adult living program pursuant to section 234.46.

15. Of the funds appropriated in this section, \$520,150 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

a. Marshall county:	\$	62,708
b. Woodbury county:	\$	125,682
c. Polk county:	\$	195,892
d. The third judicial district:	\$	67,934
e. The eighth judicial district:	\$	67,934

16. Of the funds appropriated in this section, \$227,306 shall be used for the public purpose of providing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support

of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

17. Of the funds appropriated in this section, \$125,590 is allocated for the elevate approach of providing a support network to children placed in foster care.

18. Of the funds appropriated in this section, \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

19. Of the funds appropriated in this section, \$630,240 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

21. Of the funds appropriated in this section, \$925,306 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, at least \$47,158 shall be used for the child welfare training academy.

Sec. 20. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... \$ 31,856,896

2. The department may transfer funds appropriated in this section to the appropriation made in this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Except for federal funds provided by the federal American Recovery and Reinvestment Act of 2009, federal funds received by the state during the fiscal year beginning July 1, 2010, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2009. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2009. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2010, shall be limited to the amount appropriated for the purposes of this section.

Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

..... \$ 1,167,998

2. The department shall use at least \$289,444 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$25,000 of the amount allocated in this subsection shall be used for administrative costs.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 23. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 33,622

Sec. 24. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,221,979  
..... FTEs 205.06

b. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,139,698  
..... FTEs 114.95

c. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 9,590,653  
..... FTEs 287.85

d. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,613,175  
..... FTEs 116.44

2. The department, as part of efforts to develop and implement the comprehensive mental health and disability services plan as provided in section 225C.6B, shall review services provided by or offered at the state mental health institutes and may modify such services to further the plan and provide cost-effective and necessary services. As part of the review, the department shall consult with stakeholders concerning developing subacute mental health care options at the institutes. In addition, the department shall consider the feasibility of developing treatment facilities of sixteen beds or fewer that would be eligible for federal Medicaid program match; identify provisions to increase the participation of students of medical, dental, psychiatry, psychology, social work, and other health care and behavioral health professions in clinical practice training at the institutions administered by the department; and develop methods for the department and the judicial branch to facilitate regular meetings and other communication between representatives of the criminal justice system, service providers, county central point of coordination administrators, other pertinent state agencies, and other stakeholders to improve the processes for involuntary commitment for chronic substance abuse under chapter 125 and serious mental illness under chapter 229.

Sec. 25. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,982,839

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,312,271

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department’s administration and the department of management concur with a finding by a state resource center’s superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center’s superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2010-2011.

Sec. 26. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

..... \$ 11,295,207

2. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, \$200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C. ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2008, and ending September 30, 2009, beginning October 1, 2009, and ending September 30, 2010, and beginning October 1, 2010, and ending September 30, 2011. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.



Sec. 27. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 14,211,100

1. Of the funds appropriated in this section, \$14,187,556 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county’s proportion of the state’s population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county’s proportion of the state’s general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$23,544 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county’s county management plan approved by the board of supervisors. A county without an approved county management plan shall not receive allocated funds until the county’s management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county’s proportion of the state’s population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

7. The governor’s developmental disabilities council is requested to facilitate a workgroup of stakeholders to review the status of residential care facilities in the state and the services provided. The membership of the workgroup may include but is not limited to representatives of county central point of coordination administrators, the departments of aging, human services, and inspections and appeals, the office of the citizens’ aide and other legislative agencies, and the judicial branch. The issues considered by the workgroup may include identifying the characteristics of clients served such as age, disability, reason for admission and level of care provided; the reasons why such facilities have been closing or downsizing and where clients were placed; the types and usage of alternatives to the facilities; the types of services provided to clients such as Medicaid waiver, rehabilitation, mental health, and aging services; workforce employed by the facilities; client access to health care; financing; and practices used for court-ordered placements. The workgroup shall report, providing findings and recommendations, to the governor and persons designated by this Act for submission of reports on or before December 15, 2010.

Sec. 28. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,632,660
.....	FTEs	105.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 29. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	56,207,624
.....	FTEs	2,000.13

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 30. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	16,602,271
.....	FTEs	354.33

1. Of the funds appropriated in this section, \$43,700 allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

3. Of the funds appropriated in this section, \$150,000 shall be used to implement a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based waiver services for adults with disabilities under the medical assistance program.

4. Of the funds appropriated in this section, \$200,000 shall be used to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers.

Sec. 31. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE SERVICES.

1. It is the intent of the general assembly to improve coordination and integration of mental health services and outcomes for children, as well as alignment of the services and outcomes with the child welfare system. The department of human services, in collaboration with providers, shall develop a plan for transitioning administration of the remedial services program from fee-for-service approach to the Iowa plan, behavioral health managed care plan. The transition plan shall address specific strategies for improving service coordination for children and adults; establish vendor performance standards; provide a process for ongoing monitoring of quality of care, performance, and quality improvement technical

assistance for providers; identify methods and standards for credentialing remedial providers; and provide implementation timeframes.

2. The department shall establish a transition committee that includes representatives from departmental staff for Medicaid, child welfare, field, and mental health services, the director of the Iowa plan, a representative of an organization providing remedial services that is also licensed as a community mental health center for children and as a psychiatric medical institution for children, the executive director of the coalition of family and children’s services in Iowa, three remedial services providers designated by the executive director of the coalition, and a remedial services provider who is not a member of the provider organization. The committee shall develop the plan and manage the transition, if the plan is implemented. The plan shall be developed by December 31, 2010. The department may proceed with implementing the plan over the six month period following December 31, 2010, if the department determines that the plan meets the legislative intent identified in subsection 1.

Sec. 32. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services: ..... \$ 84,660

Sec. 33. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2010, the total state funding amount for the nursing facility budget shall not exceed \$153,126,081.

(2) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph “c”, and subsection 3, paragraph “a”, subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2010, are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount. The department shall revise such reimbursement as necessary to adjust the annual accountability measures payment in accordance with 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, and as amended by 2009 Iowa Acts, chapter 182, section 33, to implement a pay-for-performance payment.

(3) For the fiscal year beginning July 1, 2010, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on November 30, 2009.

b. For the fiscal year beginning July 1, 2010, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.34 per prescription or the pharmacy’s usual and customary fee, whichever is lower.

c. (1) For the fiscal year beginning July 1, 2010, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2010.

(2) For the fiscal year beginning July 1, 2010, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2010.

(3) For the fiscal year beginning July 1, 2010, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2010.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall

not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2010, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2010, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2010.

f. For the fiscal year beginning July 1, 2010, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2010, not to exceed a home health agency's actual allowable cost.

g. For the fiscal year beginning July 1, 2010, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2010, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2010.

i. For the fiscal year beginning July 1, 2010, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance. For nonstate-owned psychiatric medical institutions for children, reimbursement shall be determined in accordance with section 249A.31 subject to the rate limitations specified in executive order number 19<sup>6</sup> issued October 8, 2009.

j. For the fiscal year beginning July 1, 2010, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2010, except for area education agencies, local education agencies, infant and toddler services providers, targeted case management, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2010, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2010.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2010, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall remain at the rate in effect on June 30, 2010; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2010, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2010, inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2010, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

o. For the fiscal year beginning July 1, 2010, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2010.

p. For the fiscal year beginning July 1, 2010, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on January 31, 2010.

q. Unless otherwise provided in this section, the department shall continue the reduction in payments to medical assistance program providers for the fiscal year beginning July 1, 2010,

<sup>6</sup> Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

and ending June 30, 2011, in the percentage amount applicable to the respective provider as specified under Executive Order 19.<sup>7</sup>

2. For the fiscal year beginning July 1, 2010, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2010, notwithstanding section 234.38, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$15.54, the rate for children ages 6 through 11 years shall be \$16.16, the rate for children ages 12 through 15 years shall be \$17.69, and the rate for children and young adults ages 16 and older shall be \$17.93. The maximum supervised apartment living foster care rate and the preparation for adult living program maintenance rate for children and young adults ages 16 and older shall be \$18.87.

5. For the fiscal year beginning July 1, 2010, the maximum reimbursement rates for social services providers reimbursed under a purchase of social services contract shall remain at the rates in effect on June 30, 2010, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, the rates may be adjusted under any of the following circumstances:

a. If a new service was added after June 30, 2010, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

6. For the fiscal year beginning July 1, 2010, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2010.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. For the fiscal year beginning July 1, 2010, remedial service providers shall receive the same level of reimbursement under the same methodology in effect on June 30, 2010.

9. a. For the fiscal year beginning July 1, 2010, the combined service and maintenance components of the reimbursement rate paid for shelter care services and alternative child welfare emergency services purchased under a contract shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

b. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2010, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the preceding fiscal year.

10. For the fiscal year beginning July 1, 2010, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. Beginning July 1, 2010, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2010.

<sup>7</sup> Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

11. For the fiscal year beginning July 1, 2010, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2010, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2010. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

12. For the fiscal year beginning July 1, 2010, reimbursements for providers reimbursed by the department of human services may be modified if appropriated funding is allocated for that purpose from the senior living trust fund created in section 249H.4.

13. The department may adopt emergency rules to implement this section.

#### Sec. 34. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, mental retardation, developmental disabilities, and brain injury commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

2. If during the fiscal year beginning July 1, 2010, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 35. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 36. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for fiscal year 2010-2011.

DIVISION V  
 SENIOR LIVING TRUST FUND,  
 PHARMACEUTICAL SETTLEMENT ACCOUNT,  
 IOWACARE ACCOUNT, HEALTH CARE  
 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY  
 ASSURANCE TRUST FUND, AND UNDERGROUND STORAGE TANK FUND

Sec. 37. DEPARTMENT ON AGING. There is appropriated from the senior living trust fund created in section 249H.4 to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management and including program administration and costs associated with implementation:

..... \$ 8,486,698

1. a. Of the funds appropriated in this section, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

2. Notwithstanding section 249H.7, the department on aging shall distribute funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department on aging or the area agencies on aging.

3. Of the funds appropriated in this section, \$60,000 shall be used to provide dementia-specific education to direct care workers and other providers of long-term care to enhance existing or scheduled efforts through the Iowa caregivers association, the Alzheimer’s association, and other organizations identified as appropriate by the department.

4. Of the funds appropriated in this section, \$51,000 shall be used to provide funding for the legal hotline for older Iowans.

5. Of the funds appropriated in this section, up to \$193,000 shall be used to provide state matching funds for the senior community services employment program.

Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated from the senior living trust fund created in section 249H.4 to the Iowa finance authority for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the rent subsidy program, to provide reimbursement for rent expenses to eligible persons:

..... \$ 700,000

Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2010, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the funds appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 39. DEPARTMENT OF HUMAN SERVICES. Any funds remaining in the senior living trust fund created in section 249H.4 following the appropriations from the senior living trust fund made in this division of this Act to the department on aging, the department of inspections and appeals, and the Iowa finance authority, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, including program administration and costs associated with implementation. In order to carry out the purposes of this section, the department may transfer funds appropriated in this section to supplement other appropriations made to the department of human services.

Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made for medical contracts under the medical assistance program:  
 ..... \$ 4,027,613

Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:  
 ..... \$ 27,284,584

a. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

c. Contingent upon implementation of 2010 Iowa Acts, Senate File 2356, <sup>8</sup> the university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed \$20,000,000.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

<sup>8</sup> Chapter 1134 herein



For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 49,020,031

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

3. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356,<sup>9</sup> there is appropriated from the IowaCare account created in section 249J.24, to the state board of regents for distribution to university of Iowa physicians for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 12,000,000<sup>10</sup>

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 51,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of \$48,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds \$48,000,000. The amount paid in excess of \$48,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of \$48,000,000 shall be allocated only if federal funds are available to match the amount allocated.

b. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 6, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of \$38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

c. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph "a", subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2010, and December 31, 2010, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

<sup>9</sup> Chapter 1134 herein

<sup>10</sup> See chapter 1193, §205 herein

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph “a”, subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2011, and June 30, 2011, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

5. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356,<sup>11</sup> there is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For payment to the regional provider network specified by the department pursuant to 2010 Iowa Acts, Senate File 2356,<sup>12</sup> section 2,<sup>13</sup> amending section 249J.7, if enacted, for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... \$ 6,000,000

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

6. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356,<sup>14</sup> there is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For payment to nonparticipating providers for covered services provided in accordance with section 249J.24A:

..... \$ 2,000,000<sup>15</sup>

Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the costs of medical examinations for the expansion population pursuant to section 249J.6:

..... \$ 556,800

2. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:

..... \$ 100,000

3. For other health promotion partnership activities pursuant to section 249J.14:

..... \$ 600,000

4. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:

..... \$ 125,000

5. For administrative costs associated with chapter 249J:

..... \$ 1,132,412

6. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14:

..... \$ 1,000,000

7. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:

<sup>11</sup> Chapter 1134 herein

<sup>12</sup> Chapter 1134 herein

<sup>13</sup> According to enrolled Act; the phrase “section 1” probably intended

<sup>14</sup> Chapter 1134 herein

<sup>15</sup> See chapter 1193, §206 herein

..... \$ 50,000

8. For medical contracts:

..... \$ 1,300,000

9. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:

..... \$ 290,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 43. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For the inspection and certification of assisted living programs and adult day care services, including program administration and costs associated with implementation:

..... \$ 1,339,527

Sec. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 13,900,000

1. Of the funds appropriated in this section, \$7,500,000 shall be used for nursing facility reimbursement under the medical assistance program in accordance with the nursing facility reimbursement provisions of division IV of this Act, to continue application of the administrative rules changes relating to nursing facility reimbursement and payment procedures made pursuant to 2010 Iowa Acts, Senate File 2366,<sup>16</sup> if enacted, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, and to restore the 5 percent reduction made in nursing facility reimbursement in accordance with executive order number 19<sup>17</sup> issued October 8, 2009.

2. The costs associated with the implementation of this section shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

Sec. 45. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the following designated departments for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

1. To the department of public health:

..... \$ 635,000

<sup>16</sup> Chapter 1182 herein

<sup>17</sup> Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

a. Of the funds appropriated in this subsection, \$500,000 is allocated for addictive disorders to be used for substance abuse treatment and prevention.

b. Of the funds appropriated in this subsection, \$35,000 is allocated for chronic conditions to be used as follows:

(1) \$20,000 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

(2) \$15,000 shall be used for child health specialty clinics.

c. Of the funds appropriated in this subsection, \$100,000 is allocated for public protection to be used for the state poison control center.

2. To the department of human services for:

a. Child and family services:

..... \$ 925,000

(1) Of the funds appropriated in this paragraph, \$600,000 shall be used for the purposes of juvenile delinquent graduated sanction services.

(2) Of the funds appropriated in this paragraph, \$200,000 shall be allocated to a county with a population of more than 300,000 to be used for continuation of a grant to support child care center services provided to children with mental, physical, or emotional challenges in order for the children to remain in a home or family setting.

(3) Of the funds appropriated in this paragraph, \$25,000 shall be used for the public purpose of providing a grant to a child welfare services provider headquartered in a county with a population between 189,000 and 196,000 in the latest preceding certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger’s syndrome program, to be used for support services for children with autism spectrum disorder and their families.

(4) Of the funds appropriated in this section, \$100,000 shall be used for a one-time grant to support startup costs for a child protection center to be operated in a hospital in a county in northeast Iowa with a population between 120,000 and 135,000. Population numbers used in this subsection are from the latest preceding certified federal census.

b. Family support subsidy:

..... \$ 100,000

The funds appropriated in this paragraph shall be used for the family support center component of the comprehensive family support program under section 225C.47.

c. Child support recovery:

..... \$ 250,000

d. Juvenile institutions:

..... \$ 600,000

(1) Of the funds appropriated in this paragraph, \$200,000 shall be used for operation of the Iowa juvenile home at Toledo.

(2) Of the funds appropriated in this paragraph, \$400,000 shall be used for operation of the state training school at Eldora.

e. Mental health institutes:

..... \$ 350,000

(1) Of the funds appropriated in this paragraph, \$100,000 shall be used for the state mental health institute at Cherokee.

(2) Of the funds appropriated in this paragraph, \$100,000 shall be used for the state mental health institute at Clarinda.

(3) Of the funds appropriated in this paragraph, \$100,000 shall be used for the state mental health institute at Independence.

(4) Of the funds appropriated in this paragraph, \$50,000 shall be used for the state mental health institute at Mount Pleasant.

f. MI/MR/DD state cases:

..... \$ 1,000,000

g. Sexually violent predators:

..... \$ 800,000

h. Field operations:

..... \$ 2,340,000

Sec. 46. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2011-2012. Notwithstanding any section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the general fund of the state, the senior living trust fund, the health care trust fund, and the quality assurance trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VI  
MH/MR/DD SERVICES  
ALLOWED GROWTH FUNDING  
FY 2010-2011

Sec. 47. 2009 Iowa Acts, chapter 179, section 1, is amended to read as follows:

SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2010-2011.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2010-2011 as provided in this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

	\$ 62,157,491
	<u>48,697,893</u>

~~2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.~~

Sec. 48. 2009 Iowa Acts, chapter 179, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 1. Of the amount appropriated in this section, \$12,000,000 shall be distributed as provided in this subsection.

a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:

(1) The county is levying for the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2010, or the county is levying for at least 90 percent of the maximum amount allowed for the county’s services fund and that levy rate is more than \$2 per \$1,000 of the assessed value of all taxable property in the county.

(2) In the fiscal year beginning July 1, 2008, the county’s mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county’s actual gross expenditures for that fiscal year.

b. A county’s allocation of the amount appropriated in this subsection shall be determined based upon the county’s proportion of the general population of the counties eligible to receive an allocation under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The allocations made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2010.

NEW SUBSECTION. 2. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2010-2011, and shall be credited to the

allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 36,551,143

**NEW SUBSECTION. 3.** The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2010-2011 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... \$ 49,626,596

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2010:

..... \$ 14,187,556

**NEW SUBSECTION. 4. a.** After applying the applicable statutory distribution formulas to the amounts indicated in subsection 3 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county’s preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable.

b. An ending balance percentage for each county shall be determined by expressing the county’s ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2008, in the county’s mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county’s gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county’s services fund on or before July 1, 2008, and the county’s services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county’s ending balance for purposes of calculating an ending balance percentage under this subsection.

c. For purposes of calculating withholding factors and for ending balance amounts used for other purposes under law, the county ending balances shall be adjusted, using forms developed for this purpose by the county finance committee, to disregard the temporary funding increase provided to the counties for the fiscal year through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a county may adjust the ending balance amount by rebating to the department all or a portion of the allowed growth and MH/DD services fund moneys the county received for the fiscal year beginning July 1, 2009, in accordance with 2008 Iowa Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182, section 55, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2010, in order to be counted. The amount rebated by a county shall be subtracted dollar-for-dollar from the county’s ending balance amount for the fiscal year beginning July 1, 2008, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2010. The rebates received by the department shall be credited to the property tax relief fund and distributed as additional funding for the fiscal year beginning July 1, 2010, in accordance with the formula provisions in this section.

d. The withholding factor for a county shall be the following applicable percent:

(1) For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county’s services fund for the fiscal year.

(2) For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph

shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(3) For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for a county that is subject to this subparagraph, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

(4) For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

NEW SUBSECTION. 5. The total withholding amounts applied pursuant to subsection 4 shall be equal to a withholding target amount of \$13,075,453. If the department of human services determines that the amount to be withheld in accordance with subsection 4 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 4 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 4, paragraph "d".

DIVISION VII  
PRIOR APPROPRIATIONS AND  
RELATED CHANGES

LEAD TRAINING AND  
CERTIFICATION PROGRAMS

Sec. 49. Section 135.105A, subsection 5, Code Supplement 2009, is amended to read as follows:

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. The fees shall be used for any of the department's duties under this division, including but not limited to the costs of full-time equivalent positions for program services and investigations. Fees received shall be considered repayment receipts as defined in section 8.2.

CERTIFIED RETIREMENT COMMUNITIES

Sec. 50. Section 231.24, subsection 9, Code Supplement 2009, is amended to read as follows:

9. ~~Program administration deferral. If in the fiscal year beginning July 1, 2009, the department on aging's appropriations or authorized full-time equivalent positions are reduced, the~~ The department may defer the implementation of the certified retirement communities program until such time as the department has the resources to administer the program, as determined by the director.

AREA AGENCY ON AGING  
BOARD TRAINING

Sec. 51. Section 231.33, subsection 19, Code Supplement 2009, is amended by striking the subsection.

DEMENTIA TRAINING

Sec. 52. 2008 Iowa Acts, chapter 1140, section 3, is amended to read as follows:

SEC. 3. IMPLEMENTATION — CONTINGENCY. The department of elder affairs on aging shall implement ~~on or before July 1, 2010,~~ the initial provisions for expanding and improving training and education of those who regularly deal with persons with Alzheimer's disease and

similar forms of irreversible dementia and for providing funding for public awareness efforts and educational efforts in accordance with section 231.62, as enacted by this Act, contingent upon the availability of funding as determined by the director.

CHILD WELFARE DECATEGORY  
FY 2008-2009 NONREVERSION

Sec. 53. 2008 Iowa Acts, chapter 1187, section 16, subsection 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188, subsection 5, moneys from the allocations made in this subsection or made from any other source for the decategorization of child welfare and juvenile justice funding initiative under section 232.188, that are designated as carryover funding that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2009, following the transfer made pursuant to 2010 Iowa Acts, Senate File 2366,<sup>18</sup> section 19, if enacted, shall not revert but shall be used until the close of the fiscal year beginning July 1, 2010, as follows: the first \$1,925,000 shall be transferred to the appropriation for medical assistance to be used to reduce the waiting lists for the medical assistance home and community-based services waivers, and the remainder shall be used for the purposes of continuing the initiative in the fiscal year.

REGIONAL SERVICE NETWORK  
PILOT PROJECT

Sec. 54. 2008 Iowa Acts, chapter 1187, section 59, subsection 9, paragraph a, is amended to read as follows:

a. The department of human services may implement a pilot project for a regional service network established for mental health, mental retardation, and developmental disabilities services paid from the services funds under section 331.424A. The initial term of the pilot project is limited to the ~~two-year~~ period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011.

VIETNAM CONFLICT VETERANS  
BONUS FUND

Sec. 55. 2008 Iowa Acts, chapter 1187, section 68, as amended by 2009 Iowa Acts, chapter 182, section 82, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2009~~ 2010.

INJURED VETERANS GRANT PROGRAM

Sec. 56. 2008 Iowa Acts, chapter 1187, section 69, as amended by 2009 Iowa Acts, chapter 182, section 83, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2009~~ 2010.

HEALTH CARE COVERAGE  
EXPANSION

Sec. 57. 2008 Iowa Acts, chapter 1188, section 16, as amended by 2009 Iowa Acts, chapter 182, section 84, is amended to read as follows:

SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS — COVERING CHILDREN — APPROPRIATION. There is appropriated from the general fund

<sup>18</sup> Chapter 1182 herein



of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

FY 2008-2009 .....	\$	4,800,000
FY 2009-2010 .....	\$	4,207,001
FY 2010-2011 .....	\$	24,800,000
		<u>10,049,532</u>

PATIENT DECISION  
MAKING — PILOT PROJECT

Sec. 58. 2008 Iowa Acts, chapter 1188, section 36, subsections 1 and 2, are amended to read as follows:

1. The department of public health shall establish a ~~two-year~~ community coalition for patient treatment wishes across the health care continuum pilot project, beginning July 1, 2008, and ending June 30, ~~2010~~ 2012, in a county with a population of between ~~fifty one hundred seventy-five thousand and one two hundred twenty-five thousand and in one contiguous rural county~~. The pilot project shall utilize the process based upon the national physicians orders for life sustaining treatment program initiative, including use of a standardized physician order for scope of treatment form. The process shall require validation of the physician order for scope of treatment form by the signature of an individual other than the patient or the patient’s legal representative who is not an employee of the patient’s physician. The pilot project may include applicability to chronically ill, frail, and elderly or terminally ill individuals in hospitals licensed pursuant to chapter 135B, nursing facilities or residential care facilities licensed pursuant to chapter 135C, or hospice programs as defined in section 135J.1.

2. The department of public health shall convene an advisory council, consisting of representatives of entities with interest in the pilot project, including but not limited to the Iowa hospital association, the Iowa medical society, organizations representing health care facilities, representatives of health care providers, and the Iowa trial lawyers association, to develop recommendations for expanding the pilot project statewide. The advisory council shall report its findings and recommendations, including recommendations for legislation, to the governor and the general assembly by January 1, ~~2010~~ 2012.

MEDICAID PROGRAMS — PROCESS  
REQUIREMENTS

Sec. 59. 2009 Iowa Acts, chapter 118, section 38, subsection 3, is amended by striking the subsection.

GENERAL FUND ADDICTIVE DISORDERS — TOBACCO USE PREVENTION AND  
CONTROL INITIATIVE

Sec. 60. 2009 Iowa Acts, chapter 182, section 2, subsection 1, paragraph a, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Notwithstanding section 8.33, moneys allocated in this paragraph “a” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

IOWA VETERANS HOME

Sec. 61. 2009 Iowa Acts, chapter 182, section 3, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The funds appropriated in this subsection to the Iowa veterans home that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year

in accordance with this lettered paragraph. The first \$500,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2010, the department of management shall transfer not more than \$1,000,000 to the appropriation to the department of human services for field operations. Any remaining funding shall be used for purposes of the Iowa veterans home.

TEMPORARY ASSISTANCE FOR NEEDY  
FAMILIES BLOCK GRANT

Sec. 62. 2009 Iowa Acts, chapter 182, section 5, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the family investment program until the close of the succeeding fiscal year.

BEHAVIORAL HEALTH SERVICES  
ACCOUNT — MEDICAL ASSISTANCE

Sec. 63. 2009 Iowa Acts, chapter 182, section 9, subsection 16, paragraph b, is amended to read as follows:

b. The department shall continue to maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts, chapter 1187, section 9, subsection 20. Notwithstanding section 8.33, other than funds remaining from the appropriation allocations made for implementation of the emergency mental health crisis services and system, for implementation of the mental health services system for children and youth, and for training of child welfare services providers in 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph "c", subparagraphs (1), (2), and (6), as authorized in 2009 Iowa Acts, chapter 182, section 72, funds remaining in the account that remain unencumbered or unobligated at the end of any the fiscal year shall not revert but shall remain available in succeeding fiscal years and shall be used only in accordance with appropriations from the account for health and human services-related purposes are appropriated to the department to be used for the medical assistance program.

STATE SUPPLEMENTARY  
ASSISTANCE PROGRAM

Sec. 64. 2009 Iowa Acts, chapter 182, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

NEIGHBORHOOD AFFORDABLE  
HOUSING — CHILD DEVELOPMENT  
PROGRAM

Sec. 65. 2009 Iowa Acts, chapter 182, section 14, subsection 9, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until expended.

IOWACARE

Sec. 66. 2009 Iowa Acts, chapter 182, section 48, subsection 3, unnumbered paragraph 2 and paragraph "a", are amended to read as follows:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 46,000,000  
47,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of ~~\$41,000,000~~ \$45,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds \$45,000,000. The amount paid in excess of \$45,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of \$45,000,000 shall be allocated only if federal funds are available to match the amount allocated.

HEALTH CARE TRUST FUND ADDICTIVE DISORDERS — TOBACCO USE PREVENTION AND CONTROL INITIATIVE

Sec. 67. 2009 Iowa Acts, chapter 182, section 60, subsection 1, paragraph b, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding section 8.33, moneys allocated in this paragraph "b" that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

ADDICTIVE DISORDERS — NONREVERSION

Sec. 68. **ADDICTIVE DISORDERS NONREVERSION DIRECTIVE.** The authority provided in this division of this Act for nonreversion of the appropriations for addictive disorders allocated for the tobacco use prevention and control initiative, as referenced in this section, is limited to \$500,000 and shall be realized by applying the authority to such appropriations in the following order until the limitation amount is reached:

1. The allocation made from the general fund of the state in 2009 Iowa Acts, chapter 182, section 60, subsection 1, paragraph "b".
2. The allocation made from the health care trust fund in 2009 Iowa Acts, chapter 182, section 2, subsection 1, paragraph "a".

Sec. 69. 2009 Iowa Acts, chapter 182, section 5A, as enacted by 2010 Iowa Acts, Senate File 2151,<sup>19</sup> section 2, is amended by adding the following new subsection:

4. a. For the purposes of this subsection, "employment and training-related programs" means summer youth programs and other employment and training-related programs, as allowed by federal law, that are administered by the department of workforce development. To the extent other federal funding is not available for employment and training-related programs administered by the department of workforce development and provided the match requirement is met through the employment programs, in addition to the amount appropriated in subsection 1, funding is appropriated from the same source and for the same fiscal year addressed in subsection 1, to the department of human services to be used for employment and training-related programs administered by the department of workforce development for the fiscal year beginning July 1, 2009, in accordance with the requirements of this subsection.

<sup>19</sup> Chapter 1181 herein

b. The department of human services shall collaborate with the department of workforce development to secure additional federal funds from the emergency contingency fund for the temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101. This collaboration shall be for the purpose of securing emergency contingency funds to subsidize the administrative costs and wages paid on behalf of individuals participating in the employment and training-related programs and administered by the department of workforce development. Such costs shall be eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds. The collaboration between the two agencies shall be formalized through a memorandum of agreement.

c. Federal funds received as the result of this collaboration shall be transferred to the department of workforce development for the purpose of covering the administrative costs and wages paid on behalf of individuals participating in the employment and training-related programs administered by the department of workforce development. The department of workforce development shall ensure that all expenditures comply with applicable federal requirements and shall be responsible for the repayment of any funds spent in error and any corresponding penalty as well as taking corrective action to address the error. Funds received in excess of the amount of subsidized wages eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds, shall be returned by the department of workforce development to the federal government following procedures developed by the federal temporary assistance for needy families agency for that purpose.

d. The department of workforce development shall provide the department of human services with the necessary information to support the request for emergency contingency funds and to report the expenditure of these funds once received pursuant to federal reporting requirements. The responsibilities of both agencies shall be specified in the memorandum of agreement.

INTELLECTUAL DISABILITIES WAIVER

Sec. 70. INTELLECTUAL DISABILITIES WAIVER — STATEWIDE METHODOLOGY. In administering the medical assistance home and community-based services intellectual disability waiver, the total number of openings at any one time shall be limited to the number approved for the waiver by the secretary of the United States department of health and human services and available funding. Beginning July 1, 2010, the department shall implement a statewide method of allocating waiver slots and shall design a methodology for prioritizing the allocation of slots, subject to federal approval. The department shall convene a workgroup to develop criteria to prioritize individuals on the waiting list, subject to federal approval.

FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT  
FEDERAL FISCAL YEAR 2009-2010

Sec. 71. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:  
..... \$ 18,120,842

Funds appropriated in this section are the additional funding anticipated to be received from the federal government under the federal American Recovery and Reinvestment Act of 2009 for the federal child care and development block grant, and include the allocation made from the funds for infant and toddler care quality in 2009 Iowa Acts, chapter 183, section 62. The department shall expend the remainder of the funds appropriated in this section for the state child care assistance program under section 237A.13, as provided in the federal law making the funds available and in conformance with chapter 17A.

## FOOD ESTABLISHMENT INSPECTIONS

*\*Sec. 72. FOOD ESTABLISHMENT INSPECTIONS. Notwithstanding any contrary provisions of section 137F.3A or other applicable law, if within ninety calendar days of the effective date of this division of this Act a county operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce chapters 137C, 137D, and 137F, in a multicounty area consisting of fifteen or more counties elects not to renew the agreement for the multicounty area, and the department has determined that the quality of service provided by the county has been acceptable or better, the department shall enter into an agreement with the county for the county to continue such enforcement activity for the food establishments, home food establishments, food processing plants, and hotels located within the county.\**

## Sec. 73. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending section 135.105A applies to any fees collected pursuant to section 135.105A during or after the fiscal year beginning July 1, 2009.

DIVISION VIII  
INTERSTATE COMPACT FOR JUVENILES

Sec. 74. Section 232.2, subsection 29, Code Supplement 2009, is amended to read as follows:

29. "Juvenile" means the same as "child". However, in the interstate compact ~~on~~ for juveniles, ~~sections 232.171 and 232.172~~ section 232.173, "juvenile" means a person defined as a juvenile in the law of a state which is a party to the compact.

Sec. 75. Section 232.172, Code 2009, is amended to read as follows:

**232.172 Confinement of delinquent juvenile.**

1. For a juvenile under the jurisdiction of this state who is subject to the interstate compact for juveniles under section 232.173, the confinement of the juvenile in an institution located within another compacting state shall be as provided under the compact.

2. This subsection applies to the confinement of a delinquent juvenile under the jurisdiction of this state in an institution located within a noncompacting state, as defined in section 232.173, that entered into the interstate compact on juveniles under section 232.171, Code 2009. In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of a the delinquent juvenile, such authorities may, pursuant to the out-of-state confinement amendment to the interstate compact on juveniles in section 232.171, Code 2009, confine or order the confinement of a the delinquent juvenile in a compact institution within another party state.

Sec. 76. NEW SECTION. 232.173 Interstate compact for juveniles.1. *Article I — Purpose.*

a. The compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. § 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

b. It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

\* Item veto; see message at end of the Act

(1) Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state.

(2) Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected.

(3) Return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return.

(4) Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services.

(5) Provide for the effective tracking and supervision of juveniles.

(6) Equitably allocate the costs, benefits, and obligations of the compacting states.

(7) Establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders.

(8) Insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines.

(9) Establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact.

(10) Establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators.

(11) Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance.

(12) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity.

(13) Coordinate the implementation and operation of the compact with the interstate compact for the placement of children, the interstate compact for adult offender supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

c. It is the policy of the compacting states that the activities conducted by the interstate commission created in this compact are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

2. *Article II — Definitions.* As used in this compact, unless the context clearly requires a different construction:

a. “*Bylaws*” means those bylaws established by the interstate commission for its governance, or for directing or controlling its actions or conduct.

b. “*Compact administrator*” means the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

c. “*Compacting state*” means any state which has enacted the enabling legislation for this compact.

d. “*Commissioner*” means the voting representative of each compacting state appointed pursuant to article III of this compact.

e. “*Court*” means any court having jurisdiction over delinquent, neglected, or dependent children.

f. “*Deputy compact administrator*” means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

g. “*Interstate commission*” means the interstate commission for juveniles created by article III of this compact.

h. “*Juvenile*” means any person defined as a juvenile in any member state or by the rules of the interstate commission, including persons who are any of the following:

(1) An accused delinquent, meaning a person charged with an offense that, if committed by an adult, would be a criminal offense.

(2) An adjudicated delinquent, meaning a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

(3) An accused status offender, meaning a person charged with an offense that would not be a criminal offense if committed by an adult.

(4) An adjudicated status offender, meaning a person found to have committed an offense that would not be a criminal offense if committed by an adult.

(5) A nonoffender, meaning a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

i. “*Noncompacting state*” means any state which has not enacted the enabling legislation for this compact.

j. “*Probation or parole*” means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

k. “*Rule*” means a written statement by the interstate commission promulgated pursuant to article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

l. “*State*” means a state of the United States, the District of Columbia or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

### 3. *Article III — Interstate commission for juveniles.*

a. The compacting states hereby create the interstate commission for juveniles. The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers, and duties set forth in this compact, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

b. The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision created in this compact. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

c. In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners, but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, interstate compact for adult offender supervision, interstate compact for the placement of children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the interstate commission shall be ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio, nonvoting members, including members of other national organizations, in such numbers as shall be determined by the commission.

d. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

e. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

f. The interstate commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive

committee shall have the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and interstate commission staff; administer enforcement and compliance with the provisions of the compact, its bylaws, and rules; and perform such other duties as directed by the interstate commission or set forth in the bylaws.

g. Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

h. The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

i. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(1) Relate solely to the interstate commission's internal personnel practices and procedures.

(2) Disclose matters specifically exempted from disclosure by statute.

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential.

(4) Involve accusing any person of a crime, or formally censuring any person.

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(6) Disclose investigative records compiled for law enforcement purposes.

(7) Disclose information contained in or related to an examination or operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity.

(8) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity.

(9) Specifically relate to the interstate commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

j. For every meeting closed pursuant to this provision, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote, reflected in the vote of each member on the question. All documents considered in connection with any action shall be identified in such minutes.

k. The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

4. *Article IV — Powers and duties of the interstate commission.* The commission shall have the following powers and duties:



- a. To provide for dispute resolution among compacting states.
  - b. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.
  - c. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission.
  - d. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
  - e. To establish and maintain offices which shall be located within one or more of the compacting states.
  - f. To purchase and maintain insurance and bonds.
  - g. To borrow, accept, hire, or contract for services of personnel.
  - h. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including but not limited to an executive committee as required by article III which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder.
  - i. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.
  - j. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
  - k. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.
  - l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.
  - m. To establish a budget and make expenditures and levy dues as provided in article VIII of this compact.
  - n. To sue and be sued.
  - o. To adopt a seal and bylaws governing the management and operation of the interstate commission.
  - p. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
  - q. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.
  - r. To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.
  - s. To establish uniform standards of the reporting, collecting, and exchanging of data.
  - t. The interstate commission shall maintain its corporate books and records in accordance with the bylaws.
5. *Article V — Organization and operation of the interstate commission.*
- a. *Bylaws.* The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including but not limited to all of the following:
    - (1) Establishing the fiscal year of the interstate commission.
    - (2) Establishing an executive committee and such other committees as may be necessary.
    - (3) Provide for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission.
    - (4) Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting.
    - (5) Establishing the titles and responsibilities of the officers of the interstate commission.

(6) Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations.

(7) Providing “start-up” rules for initial administration of the compact.

(8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

*b. Officers and staff.*

(1) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(2) The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the interstate commission.

*c. Immunity, defense, and indemnification.*

(1) The commission’s executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(2) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person’s employment or duties for acts, errors, or omissions occurring within such person’s state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Nothing in this subparagraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(3) The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner’s representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The interstate commission shall indemnify and hold the commissioner of a compacting state, or the commissioner’s representatives or employees, or the interstate commission’s representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

*6. Article VI — Rulemaking functions of the interstate commission.*

a. The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

b. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the model state administrative procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate commission deems appropriate consistent with due process requirements under the Constitution of the United States as now or hereafter interpreted by the United States supreme court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

c. When promulgating a rule, the interstate commission shall, at a minimum, do all of the following:

(1) Publish the proposed rule's entire text stating the reasons for that proposed rule.

(2) Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available.

(3) Provide an opportunity for an informal hearing if petitioned by ten or more persons.

(4) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

d. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States district court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this lettered paragraph, evidence is substantial if it would be considered substantial evidence under the model state administrative procedures Act.

e. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

f. The existing rules governing the operation of the interstate compact on juveniles superseded by this compact shall be null and void twelve months after the first meeting of the interstate commission created hereunder.

g. Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety days after the effective date of the emergency rule.

7. *Article VII — Oversight, enforcement, and dispute resolution by the interstate commission.*

a. *Oversight.*

(1) The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

b. *Dispute resolution.*

(1) The compacting states shall report to the interstate commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

(2) The interstate commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and noncompacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(3) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in article XI of this compact.

8. *Article VIII — Finance.*

a. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

b. The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

c. The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

d. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

9. *Article IX — The state council.* Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator, or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in interstate commission activities and other duties as may be determined by that state, including but not limited to development of policy concerning operations and procedures of the compact within that state.

10. *Article X — Compacting states, effective date, and amendment.*

a. Any state, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in article II of this compact is eligible to become a compacting state.

b. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

c. The interstate commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

11. *Article XI — Withdrawal, default, termination, and judicial enforcement.*

a. *Withdrawal.*

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

*b. Technical assistance, fines, suspension, termination, and default.*

(1) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the interstate commission may impose any or all of the following penalties:

(a) Remedial training and technical assistance as directed by the interstate commission.

(b) Alternative dispute resolution.

(c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission.

(d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(2) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws or duly promulgated rules, and any other grounds designated in commission bylaws and rules.

(3) The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination.

(4) Within sixty days of the effective date of termination of a defaulting state, the commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(5) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(6) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(7) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.

*c. Judicial enforcement.* The interstate commission may, by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with the provisions of the compact, its

duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

*d. Dissolution of compact.*

(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

*12. Article XII — Severability and construction.*

a. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of this compact shall be liberally construed to effectuate its purposes.

*13. Article XIII — Binding effect of compact and other laws.*

*a. Other laws.*

(1) Nothing in this compact prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(2) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

*b. Binding effect of the compact.*

(1) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states.

(2) All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

## DIVISION IX MISCELLANEOUS

Sec. 77. Section 135.12, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

**135.12 Office of minority and multicultural health — established — duties.**

1. The office of minority and multicultural health is established in the department. The purpose of the office is to improve the health of racial and ethnic minorities by bridging communication, delivery, and service requirements, and by providing customized services and practical approaches to problems and issues encountered by organizations and communities working to address the needs of these populations.

2. The office of minority and multicultural health shall be responsible for all of the following:

a. Serving as the liaison and advocate for the department on minority and multicultural health matters.

b. Assisting academic institutions, state agencies, community groups, and other entities in institutionalizing cultural competency within the health care workforce and delivery system through education, training, and practice to effectively address cross-cultural disparity and achieve health equity.

c. Promoting community strategic planning.

d. Reviewing the impact of programs, regulations, and health care resource policies on the delivery of and access to minority and multicultural health services.

Sec. 78. Section 135N.3, subsection 2, Code 2009, is amended to read as follows:

2. The committee shall review and make recommendations to the ~~director~~ center for congenital and inherited disorders advisory committee established by rule of the department pursuant to chapter 136A concerning but not limited to the following:

Sec. 79. Section 135N.5, subsection 1, Code 2009, is amended to read as follows:

1. The committee shall meet ~~no less than four times per year~~ as often as deemed necessary and is subject to chapters 21 and 22 relating to open meetings and public records. To the maximum extent possible, the committee shall coordinate meeting schedules and staffing with the center for congenital and inherited disorders advisory committee established by rule of the department pursuant to chapter 136A.

*\*Sec. 80. Section 232.188, subsection 5, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:*

*Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project ~~until the close of the succeeding fiscal year and for the next two succeeding fiscal years.~~ Such moneys shall be known as "carryover funding". Moneys may be made available to a funding pool from one or more of the following sources:\**

Sec. 81. Section 237A.3A, subsection 3, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* If the department adopts rules establishing a limitation on the number of hours for which substitute care may be utilized by the provider, such a limitation shall not apply to or incorporate substitute care utilized when the provider is engaged in jury duty or in official duties connected with the provider's membership on a state board, committee, or other policy-related body.

Sec. 82. Section 453A.35, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The proceeds derived from the sale of stamps and the payment of taxes, fees, and penalties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. However, of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, and credited to the general fund of the state under this subsection, there is appropriated, annually, to the health care trust fund created in section 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven hundred ninety-six~~ sixteen thousand ~~four hundred~~ dollars.

Sec. 83. Section 692A.115, Code Supplement 2009, is amended to read as follows:

**692A.115 Employment where dependent adults reside.**

1. A Unless authorized as provided in subsection 2, a sex offender shall not be an employee of a facility providing services for dependent adults or at events where dependent adults participate in programming and shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.

2. An adult sex offender who is a patient or resident of a health care facility as defined in section 135C.1, a participant in a medical assistance program home and community-based services waiver program, or a participant in a medical assistance state plan employment services as part of the participant's habilitation plan shall not be considered to be in violation of subsection 1.

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\* Item veto; see message at end of the Act

Sec. 84. 2010 Iowa Acts, Senate File 2088,<sup>20</sup> section 361, subsection 2, if enacted, is amended to read as follows:

2. If a provision of this Act or another enactment of the Eighty-third General Assembly repeals section 135.173 and creates the early childhood Iowa state board in new Code chapter 256I,<sup>21</sup> the early childhood Iowa state board shall fulfill the responsibilities assigned to the early childhood Iowa council in subsection 1 and the department of ~~education~~ education management shall propose corrective legislation for the provisions of this division of this Act in accordance with section 2.16 for consideration by the Eighty-fourth General Assembly, 2011 Regular Session.

Sec. 85. 2010 Iowa Acts, Senate File 2088,<sup>22</sup> section 399, as enacted, is amended to read as follows:

SEC. 399. REPEAL. Sections 135.28, ~~135N.1, 135N.2, 135N.3, 135N.4, 135N.5, 135N.6,~~ and 142C.16, Code 2009, are repealed.

*Approved April 29, 2010, with exceptions noted.*

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2526, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. House File 2526 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 72 of the bill in its entirety. This provision deals with food establishment inspections and contracting with a municipal corporation to fulfill the department's regulatory and inspection statutory responsibilities. I disapprove this language because it takes away the department's discretion to maximize staff and resources, and to enter into contracts based upon efficient government, which is especially important during these difficult economic times.

I am unable to approve the item designated as Section 80 of the bill in its entirety. This provision permits unexpended decategorization funding to carry forward for two succeeding fiscal years beyond the current fiscal year. Given the difficult economic times, the additional time to expend these funds is not prudent and should not be allowed. Other than capital expenditures, a two-year carry forward is not commonly allowed in Iowa law. Furthermore, this does not conform to reasonable government accounting practices.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2526 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

<sup>20</sup> Chapter 1031 herein

<sup>21</sup> See chapter 1031, §280, 308 herein

<sup>22</sup> Chapter 1031 herein