

CHAPTER 1127
VOCATIONAL REHABILITATION
S.F. 2204

AN ACT relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law.

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

Section 1. Section 85.70, Code 1995, is amended to read as follows:

85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.

An employee who has sustained an injury resulting in permanent partial or permanent total disability, for which compensation is payable under this chapter, and who cannot return to gainful employment because of such disability, shall upon application to and approval by the industrial commissioner be entitled to a twenty-dollar weekly payment from the employer in addition to any other benefit payments, during each full week in which the employee is actively participating in a vocational rehabilitation program recognized by the ~~state board for vocational education~~ vocational rehabilitation services division of the department of education. The industrial commissioner's approval of such application for payment may be given only after a careful evaluation of available facts, and after consultation with the employer or the employer's representative. Judicial review of the decision of the industrial commissioner may be obtained in accordance with the terms of the Iowa administrative procedure Act and in section 86.26. Such additional benefit payment shall be paid for a period not to exceed thirteen consecutive weeks except that the industrial commissioner may extend the period of payment not to exceed an additional thirteen weeks if the circumstances indicate that a continuation of training will in fact accomplish rehabilitation.

Sec. 2. Section 256.7, subsection 2, Code 1995, is amended to read as follows:

2. Constitute the state board for vocational education under ~~chapters~~ chapter 258 and 259.

Sec. 3. Section 259.3, Code 1995, is amended to read as follows:

259.3 BOARD AND DIVISION.

~~The state board of education is the board for vocational education under this chapter.~~ The division of vocational rehabilitation services is established in the department of education. The director of the department of education shall cooperate with the United States secretary of education in carrying out the federal law cited in sections 259.1 and 259.2 providing for the vocational rehabilitation of individuals with disabilities. The board ~~for vocational~~ of education shall adopt rules under chapter 17A for the administration of this chapter.

Sec. 4. Section 259.4, subsections 3, 4, 5, 8, 9, 12, and 13, Code 1995, are amended by striking the subsections.

Sec. 5. Section 259.4, subsection 6, Code 1995, is amended to read as follows:

6. Utilize in the rehabilitation of individuals with disabilities existing educational and other facilities as are advisable and practicable, including public and private educational institutions, community rehabilitation programs, public or private establishments, plants, factories, and the services of individuals specially qualified for the instruction and vocational rehabilitation of individuals with disabilities.

Sec. 6. Section 259.4, subsection 11, Code 1995, is amended to read as follows:

11. Do those things necessary to secure the rehabilitation of those individuals entitled to the benefits of this chapter, including ~~but not limited to, the use of public agencies and~~

~~community rehabilitation programs as practicable in securing employment for those individuals with severe disabilities.~~

Sec. 7. Section 259.4, subsection 15, Code 1995, is amended to read as follows:

15. Provide financial and other necessary assistance to public or private agencies in the development, or expansion, operation, or maintenance of community rehabilitation programs, or programs in other public agencies, needed for the rehabilitation of individuals with disabilities.

Sec. 8. Section 259.5, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

259.5 REPORT TO GOVERNOR.

The division shall report biennially to the governor the condition of vocational rehabilitation within the state, designating the educational institutions, establishments, plants, factories, and other agencies in which training is being given, and include a detailed statement of expenditures of the state and federal funds in the rehabilitation of individuals with disabilities.

Sec. 9. Section 259.7, Code 1995, is amended to read as follows:

259.7 FUND.

All the moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of individuals with disabilities, to be used by the ~~board~~ director of the department of education in carrying out the provisions of this chapter or for related purposes.

Sec. 10. Section 259.9, Code 1995, is amended to read as follows:

259.9 AGREEMENT CONTINUED.

The agreement between the ~~board for vocational education~~ director of the department of education and the ~~secretary of the United States department of health and human services~~ commissioner of the United States social security administration relating to making determinations of disability under Title II and Title XVI of the federal Social Security Act as amended, 42 U.S.C. ch. 7, completed prior to July 1, 1986 remains in effect.

Sec. 11. CENTER NAMED. The northwest section of the Jessie M. Parker vocational rehabilitation building at the capitol complex in Des Moines shall be named the Juliet Saxton Center.

Approved April 17, 1996

CHAPTER 1128

MISCELLANEOUS PUBLIC HEALTH ADMINISTRATION PROVISIONS S.F. 2171

AN ACT relating to public health administration, including the duties of the director of public health, primary care recruitment and retention, professional licensure, and health data.

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

Section 1. Section 135.11, Code 1995, is amended by adding the following new subsection: