

## DEPARTMENT OF HUMAN SERVICES

### **217.1 Programs of department.**

There is established a department of human services to administer programs designed to improve the well-being and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance including costs of medical care, rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of juvenile offenders, care and treatment of persons with mental illness or mental retardation, and other related programs as provided by law.

[C71, 73, 75, 77, 79, 81, § 217.1]

83 Acts, ch 96, § 63, 159; 96 Acts, ch 1129, § 38

### **217.2 Council on human services.**

There is created within the department of human services a council on human services which shall act in a policy-making and advisory capacity on matters within the jurisdiction of the department. The council shall consist of seven members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of human services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. Members of the council shall serve for six-year staggered terms.

Each term shall commence and end as provided by section 69.19.

All members of the council shall be electors of the state of Iowa. No more than four members shall belong to the same political party and no more than two members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

[C71, 73, 75, 77, 79, 81, § 217.2; 81 Acts, ch 78, § 20, 21]

83 Acts, ch 96, § 157, 159

### **Footnotes**

Confirmation, see § 2.32

### **217.3 Duties of council.**

The council on human services shall:

1. Organize annually and select a chairperson and vice chairperson.
2. Adopt and establish policy for the operation and conduct of the department of human services, subject to any guidelines which may be adopted by the general assembly, and the implementation of all services and programs thereunder.
3. Report immediately to the governor any failure by the director or any administrator of the department of

human services to carry out any of the policy decisions or directives of the council.

4. Approve the budget of the department of human services prior to submission to the governor. Prior to approval of the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include a review of options for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council and the executive committee of the medical assistance advisory council created in section 249A.4B, and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.

5. Insure that all programs administered or services rendered by the department directly to any citizen or through a local board of welfare to any citizen are coordinated and integrated so that any citizen does not receive a duplication of services from various departments or local agencies that could be rendered by one department or local agency. If the council finds that such is not the case, it shall hear and determine which department or local agency shall provide the needed service or services and enter an order of their determination by resolution of the council which must be concurred in by at least a majority of the members. Thereafter such order or resolution of the council shall be obeyed by all state departments and local agencies to which it is directed.

6. Adopt all necessary rules recommended by the director or administrators of divisions hereinafter established prior to their promulgation pursuant to chapter 17A.

7. Approve the establishment of any new division or reorganization, consolidation or abolition of any established division prior to the same becoming effective.

8. Recommend to the governor the names of individuals qualified for the position of director of human services when a vacancy exists in the office.

[C71, 73, 75, 77, 79, 81, § 217.3]

83 Acts, ch 96, § 157, 159; 89 Acts, ch 283, § 18; 95 Acts, ch 205, §36; 98 Acts, ch 1155, §7; 2005 Acts, ch 120, §1

#### **217.4 Meetings of council.**

The council shall meet at least monthly. Additional meetings shall be called by the chairperson or upon written request of any three members thereof as necessary to carry out the duties of the council. The chairperson shall preside at all meetings or in the absence of the chairperson the vice chairperson shall preside. The members of the council shall be paid a per diem as specified in section 7E.6 and their reasonable and necessary expenses.

[C71, 73, 75, 77, 79, 81, § 217.4]

90 Acts, ch 1256, §36

#### **Footnotes**

Mileage expense rate, see § 70A.9

#### **217.5 Director of human services.**

The chief administrative officer for the department of human services is the director of human services. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be selected primarily for administrative ability.

The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

[C71, 73, 75, 77, 79, 81, § 217.5]

83 Acts, ch 96, § 157, 159; 88 Acts, ch 1134, § 43

## **Footnotes**

Confirmation, see § 2.32

### **217.6 Rules and regulations.**

The director is hereby authorized to recommend to the council for adoption such rules and regulations as are necessary to carry into practice the programs of the various divisions and to establish such divisions and to assign or reassign duties, powers, and responsibilities within the department, all with the approval of the council on human services, within the department as the director deems necessary and appropriate for the proper administration of the duties, functions and programs with which the department is charged. Any action taken, decision made, or administrative rule adopted by any administrator of a division may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule. The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter.

The department of human services may be initially divided into the following divisions of responsibility: the division of child and family services, the division of mental health and disability services, the division of administration, and the division of planning, research and statistics.

[C71, 73, 75, 77, 79, 81, § 217.6; 81 Acts, ch 78, § 20, 22]

83 Acts, ch 96, § 64, 159; 94 Acts, ch 1170, §27; 2006 Acts, ch 1115, §21

### **217.7 Administrators of divisions.**

The director may appoint an administrator of each of the divisions. The administrators shall be selected on the basis of their particular professional qualifications, education, and background relative to the assigned responsibilities of their divisions.

[C71, 73, 75, 77, 79, 81, § 217.7]

88 Acts, ch 1134, §44

### **217.8 Division of child and family services.**

The administrator of the division of child and family services shall be qualified by training, experience, and education in the field of welfare and social problems. The administrator is charged with the administration of programs involving neglected, dependent, and delinquent children, child welfare, family investment program, and aid to persons with disabilities and shall administer and be in control of other related programs established for the general welfare of families, adults, and children as directed by the director.

[C50, 54, 58, 62, 66, § 218.79; C71, 73, 75, 77, 79, 81, § 217.8; 81 Acts, ch 27, § 2; 82 Acts, ch 1260, § 17]

90 Acts, ch 1239, § 3; 93 Acts, ch 97, § 24; 96 Acts, ch 1129, § 113

### **217.9 Additional duties.**

The administrator of the division of child and family services may have the additional following duties, powers and responsibilities:

1. Develop a program of basic education, recreation, vocational training and guidance for social adjustment.
2. Administer programs and statutes involved with child placement, employment and supervision of state boards.
3. Prepare a budget and such report or reports as required by law or as directed by the director.
4. Develop a program in corrective institutions for juveniles designed to rehabilitate the inmates and patients and institute a program of placement and parole supervision for all parolees of said corrective institutions for juveniles.

[C50, 54, 58, 62, 66, § 218.80; C71, 73, 75, 77, 79, 81, § 217.9]

**217.9A Commission on children, youth, and families.** Repealed by 98 Acts, ch 1206, § 19. See §28.3.

### **217.10 Administrator of division of mental health and disability services.**

The administrator of the division of mental health and disability services shall be qualified as provided in section 225C.3, subsection 3. The administrator's duties are enumerated in section 225C.4.

[C50, 54, 58, 62, 66, § 218.75; C71, 73, 75, 77, 79, 81, § 217.10; 81 Acts, ch 78, § 20, 23, 50]

94 Acts, ch 1170, §28; 2006 Acts, ch 1115, §22

### **217.11 Family development and self-sufficiency council created.**

A family development and self-sufficiency council is established within the department of human services. The council consists of the following persons:

1. The director of the department of human services or the director's designee.
2. The director of the Iowa department of public health or the director's designee.
3. The administrator of the division of community action agencies in the department of human rights or the administrator's designee.
4. The administrator of the division of child and family services of the department of human services or the administrator's designee.
5. The dean of the college of family and consumer sciences at Iowa state university or the dean's designee.
6. The director of the public policy center at the university of Iowa or the director's designee.

7. Two recipients or former recipients of the family investment program, selected by the other members of the council.
8. The head of the department of home economics at the university of northern Iowa or that person's designee.
9. The director of the department of education or the director's designee.
10. The director of the department of workforce development or the director's designee.
11. Two persons representing the business community, selected by the other members of the council.

The department of human services shall contract with the department of human rights to staff and administer grants provided under section 217.12.

88 Acts, ch 1253, § 1; 89 Acts, ch 283, § 19; 91 Acts, ch 109, §2; 93 Acts, ch 97, § 25; 94 Acts, ch 1114, §2, 3; 96 Acts, ch 1106, § 6; 98 Acts, ch 1102, §1

### **217.12 Council duties.**

The family development and self-sufficiency council shall:

1. Identify the factors and conditions that place Iowa families at risk of long-term dependency upon the family investment program. The council shall seek to use relevant research findings and national and Iowa specific data on the family investment program.
2. Identify the factors and conditions that place Iowa families at risk of family instability and foster care placement. The council shall seek to use relevant research findings and national and Iowa specific data on the foster care system.
3. Subject to the availability of funds for this purpose, award grants to public or private organizations for provision of family development services to families at risk of long-term welfare dependency. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:
  - a. Designation of families to be served that meet some criteria of being at risk of long-term welfare dependency, and agreement to serve clients that are referred by the department of human services from the family investment program which meet the criteria. The criteria may include, but are not limited to, factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.
  - b. Designation of the services to be provided for the families served, including assistance regarding job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine education, health and hygiene, child rearing, child education preparation, and goal setting. Grant proposals shall indicate the support groups and support systems to be developed for the families served during the transition between the need for assistance and self-sufficiency.
  - c. Designation of the manner in which other needs of the families will be provided including, but not limited to, child care assistance, transportation, substance abuse treatment, support group counseling, food, clothing, and housing.

*d.* Designation of the training and recruitment of the staff which provides services, and the appropriateness of the training for the purposes of meeting family development and self-sufficiency goals of the families being served.

*e.* Designation of the support available within the community for the program and for meeting subsequent needs of the clients, and the manner in which community resources will be made available to the families being served.

*f.* Designation of the manner in which the program will be subject to audit and to evaluation.

*g.* Designation of agreement provisions for tracking and reporting performance measures developed pursuant to subsection 4.

Not more than five percent of any funds appropriated by the general assembly for the purposes of this subsection may be used for staffing and administration of the grants.

4. In cooperation with the legislative services agency, develop measures to independently evaluate the effectiveness of any grant funded under the program, that include measurement of the grantee's effectiveness in meeting its goals in a quantitative sense through reduction in length of stay on welfare programs or a reduced need for other state child and family welfare services. Families referred to the program shall be selected from those meeting the criteria established in the program as being at risk.

5. Seek to enlist research support from the Iowa research community in meeting the duties outlined in subsections 1 through 4.

6. Seek additional support for the funding of grants under the program, including but not limited to funds available through the federal government in serving families at risk of long-term welfare dependency, and private foundation grants.

7. Make recommendations to the governor and the general assembly on the effectiveness of early intervention programs in Iowa and throughout the country that provide family development services that lead to self-sufficiency for families at risk of long-term welfare dependency.

8. Evaluate and make recommendations regarding the costs and benefits of the expansion of the services provided under the special needs program of the family investment program to include tuition for parenting skills programs, family support and counseling services, child development services, and transportation and child care expenses associated with the programs and services.

88 Acts, ch 1253, §2; 92 Acts, ch 1229, § 1; 93 Acts, ch 97, § 26; 94 Acts, ch 1114, §47; 98 Acts, ch 1218, §67; 99 Acts, ch 192, §33; 99 Acts, ch 195, §5; 2003 Acts, ch 35, §45, 49

Family development and self-sufficiency grant funding; 2006 Acts, ch 1184, §7

### **217.13 Department to provide certain volunteer services volunteer liability.**

1. The department of human services shall establish volunteer programs designed to enhance the services provided by the department. Roles for volunteers may include but shall not be limited to parent aides, friendly visitors, commodity distributors, clerical assistants, medical transporters, and other functions to complement and supplement the department's work with clients. Roles for volunteers shall include conservators and guardians. The department shall adopt rules for programs which are established.

2. *a.* The director shall appoint a coordinator of volunteer services to oversee the provision of services of volunteer conservators and guardians on a volunteer basis to individuals in this state requiring such services.

The coordinator, after consulting with personnel assigned to the district of the department, shall recommend to the director how best to serve the needs of individuals in need of the services of a guardian or conservator. Where possible, the coordinator shall recommend that the services be provided on a multicounty basis.

*b.* The coordinator shall cooperate with the administrators of the divisions of the department in providing these services and shall seek out alternative sources for providing the services required under this section.

3. All volunteers registered with the department and in compliance with departmental rules are considered state employees for purposes of chapter 669. However, this section does not except a conservator or guardian from an action brought under section 658.1A or 658.3. This section does not relieve a guardian or conservator from duties under chapter 633.

88 Acts, ch 1170, §1; 2005 Acts, ch 175, §91

**217.14 Additional powers and duties.** Repealed by 83 Acts, ch 96, § 156, 159. See § 904.108.

**217.15 Administrator of division of administration.**

The administrator of the division of administration shall be qualified in the general field of governmental administration with special training and experience in the areas of competitive bidding, contract letting, accounting and budget preparation.

[C71, 73, 75, 77, 79, 81, § 217.15]

**217.16 Cooperation with other divisions.**

The administrator of the division of administration shall cooperate with the administrators of the other divisions of the department of human services, assist them and the director of the department in the preparation of annual budgets and such other like reports as may be requested by the director or required by law.

[C71, 73, 75, 77, 79, 81, § 217.16]

83 Acts, ch 96, § 157, 159

**217.17 Administrator of division of planning.**

The administrator of the division of planning, research, and statistics shall be qualified in the general field of governmental planning with special training and experience in the areas of preparation and development of plans for future efficient reorganization and administration of government social functions. The administrator of the division of planning, research, and statistics shall cooperate with the administrators of the other divisions of the department of human services assisting them and the director of the department in their planning, research, and statistical problems. The administrator of the division of planning, research, and statistics shall assist the administrators, director, and the council on human services by proposing administrative and organizational changes at both the state and local level to provide more efficient and integrated social services to the citizens of this state. The planning, research, and statistical operations now forming an integral part of the present state functions assigned to the administrators of this department along with their future needs in this regard are all assigned to and shall be administered by the administrator of this division.

[C71, 73, 75, 77, 79, 81, § 217.17]

83 Acts, ch 96, § 65, 159

### **217.18 Official seal.**

The department shall have an official seal with the words "Iowa Department of Human Services" and such other design as the department prescribes engraved thereon. Every commission, order or other paper of an official nature executed by the department may be attested with such seal.

[S13, § 2727-a1; SS15, § 2727-a3; C24, 27, 31, 35, 39, § **3281**; C46, 50, 54, 58, 62, 66, § 217.8; C71, 73, 75, 77, 79, 81, § 217.18]

83 Acts, ch 96, § 157, 159

### **217.19 Expenses.**

The director of said department, the director's staff, assistants and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the performance of official business.

[S13, § 2727-a5; C24, 27, 31, 35, 39, § **3282**; C46, 50, 54, 58, 62, 66, § 217.9; C71, 73, 75, 77, 79, 81, § 217.19]

### **217.20 Trips to other states.**

No authority shall be granted to any person to travel to another state except by approval of the director under guidelines established by the executive council.

[S13, § 2727-a5; C24, 27, 31, 35, 39, § **3284**; C46, 50, 54, 58, 62, 66, § 217.10; C71, 73, 75, 77, 79, 81, § 217.20]

88 Acts, ch 1249, §4

### **217.21 Annual report.**

The department shall, annually, at the time provided by law make a report to the governor and general assembly, and cover therein the annual period ending with June 30 preceding, which report shall embrace:

1. An itemized statement of its expenditures concerning each program under its administration.
2. Adequate and complete statistical reports for the state as a whole concerning all payments made under its administration.
3. Such recommendations as to changes in laws under its administration as the director may deem necessary.
4. The observations and recommendations of the director and the council on human services relative to the programs of the department.
5. Such other information as the director or council on human services may deem advisable, or which may be requested by the governor or by the general assembly.

[S13, § 2727-a9, -a12, -a16, -a34; SS15, § 2727-a3; C24, 27, 31, 35, 39, § **3285**; C46, 50, 54, 58, 62, 66, § 217.11; C71, 73, 75, 77, 79, 81, § 217.21]

83 Acts, ch 96, § 157, 159

**217.22 Transfer hearing.** Repealed by 83 Acts, ch 96, § 156, 159.

**217.23 Personnel merit system reimbursement for damaged property.**

1. The director of human services or the director's designee, shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the department. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

2. The department is hereby authorized to expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed one hundred fifty dollars for each item. The department shall establish rules in accordance with chapter 17A to carry out the purpose of this section.

[C75, 77, 79, 81, § 217.23]

85 Acts, ch 253, §7; 2003 Acts, ch 145, §208

**217.24 to 217.29** Repealed by 77 Acts, ch 154, § 23. See chapter 905.

**217.30 Confidentiality of records report of recipients.**

1. The following information relative to individuals receiving services or assistance from the department shall be held confidential:

*a.* Names and addresses of individuals receiving services or assistance from the department, and the types of services or amounts of assistance provided, except as otherwise provided in subsection 4.

*b.* Information concerning the social or economic conditions or circumstances of particular individuals who are receiving or have received services or assistance from the department.

*c.* Agency evaluations of information about a particular individual.

*d.* Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning a particular individual.

2. Information described in subsection 1 shall not be disclosed to or used by any person or agency except for purposes of administration of the programs of services or assistance, and shall not in any case, except as otherwise provided in subsection 4, paragraph "b", be disclosed to or used by persons or agencies outside the department unless they are subject to standards of confidentiality comparable to those imposed on the department by this division.

3. Nothing in this section shall restrict the disclosure or use of information regarding the cost, purpose, number of persons served or assisted by, and results of any program administered by the department, and other general and statistical information, so long as the information does not identify particular individuals served or assisted.

4. *a.* The general assembly finds and determines that the use and disclosure of information as provided in this subsection are for purposes directly connected with the administration of the programs of services and assistance referred to in this section and are essential for their proper administration.

*b.* Confidential information described in subsection 1, paragraphs "a", "b", and "c", shall be disclosed to

public officials for use in connection with their official duties relating to law enforcement, audits and other purposes directly connected with the administration of such programs, upon written application to and with approval of the director or the director's designee. Confidential information described in subsection 1, paragraphs "a", "b", and "c", shall also be disclosed to public officials for use in connection with their official duties relating to the support and protection of children and families, upon written application to and with the approval of the director or the director's designee.

*c.* It shall be unlawful for any person to solicit, disclose, receive, use, or to authorize or knowingly permit, participate in, or acquiesce in the use of any information obtained from any such report or record for commercial or political purposes.

*d.* The department may disclose information described in subsection 1 to other state agencies or to any other person who is not subject to the provisions of chapter 17A and is providing services to recipients under chapter 239B who are participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills program, if necessary for the recipients to receive the services.

*e.* Information described in subsection 1, paragraphs "a", "b", and "c", is subject to disclosure in accordance with section 235A.15, subsection 10.

5. If it is definitely established that any provision of this section would cause any of the programs of services or assistance referred to in this section to be ineligible for federal funds, such provision shall be limited or restricted to the extent which is essential to make such program eligible for federal funds. The department shall adopt, pursuant to chapter 17A, any rules necessary to implement this subsection.

6. The provisions of this section shall apply to recipients of assistance under chapter 252. The reports required to be prepared by the department under this section shall, with respect to such assistance or services, be prepared by the person or officer charged with the oversight of the poor.

7. Violation of this section shall constitute a serious misdemeanor.

8. The provisions of this section shall take precedence over section 17A.12, subsection 7.

[C39, § 3828.047; C46, 50, 54, 58, § 239.10, 241.25, 249.44; C62, 66, § 239.10, 241.25, 241A.16, 249.44, 249A.18; C71, 73, § 239.10, 241.25, 241A.16, 249.44, 249A.8; C75, 77, 79, 81, § 217.30]

93 Acts, ch 54, § 1; 93 Acts, ch 97, § 8; 97 Acts, ch 41, § 32; 2000 Acts, ch 1088, §1; 2000 Acts, ch 1123, §1; 2004 Acts, ch 1153, §1

### **217.31 Action for damages.**

Any person may institute a civil action for damages under chapter 669 or to restrain the dissemination of confidential records set out in subsection 1, paragraph "b," "c," or "d" of section 217.30, in violation of that section, and any person, agency or governmental body proven to have disseminated or to have requested and received confidential records in violation of subsection 1, paragraph "b," "c," or "d" of section 217.30, shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorneys' fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

Any reasonable grounds that a public employee has violated any provision of this division shall be grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

[C75, 77, 79, 81, § 217.31]

### **217.32 Office space in county.**

Where the department of human services assigns personnel to an office located in a county for the purpose of performing in that county designated duties and responsibilities assigned by law to the department, it shall be the responsibility of the county to provide and maintain the necessary office space and office supplies and equipment for the personnel so assigned in the same manner as if they were employees of the county. The department shall at least annually, or more frequently if the department so elects, reimburse the county for a portion, designated by law, of the cost of maintaining office space and providing supplies and equipment as required by this section, and also for a similar portion of the cost of providing the necessary office space if in order to do so it is necessary for the county to lease office space outside the courthouse or any other building owned by the county. The portion of the foregoing costs reimbursed to the county under this section shall be equivalent to the proportion of those costs which the federal government authorizes to be paid from available federal funds, unless the general assembly directs otherwise when appropriating funds for support of the department.

[C75, 77, 79, 81, § 217.32]

83 Acts, ch 96, § 157, 159

### **217.33 Legal services.**

The director of human services pursuant to a state plan funded in part by the federal government may provide services for eligible persons by contract with nonprofit legal aid organizations.

[C77, 79, 81, § 217.33]

83 Acts, ch 96, § 157, 159

### **217.34 Debt setoff.**

The investigations division of the department of inspections and appeals and the department of human services shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of human services. The department of inspections and appeals, with approval of the department of human services, shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504 in regard to money owed to the state for public assistance overpayments. The department of human services shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504, in regard to collections by the child support recovery unit and the foster care recovery unit.

83 Acts, ch 96, § 160; 83 Acts, ch 153, § 2; 89 Acts, ch 250, § 1; 2003 Acts, ch 145, §209

### **217.35 Fraud and recoupment activities.**

Notwithstanding the requirement for deposit of recovered moneys under section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department of human services to be used for additional fraud and recoupment activities performed by the department of human services or the department of inspections and appeals. The department of human services may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

1. The director of human services determines that the investment can reasonably be expected to increase

recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the previous fiscal year.

2. The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

2005 Acts, ch 175, §92

**217.36** Reserved.

**217.37 Rules for spouse's support.** Repealed by 91 Acts, ch 258, §72. See § 249A.3(9).

**217.38 Restitution to individuals of Japanese ancestry.**

Notwithstanding any other law of this state, payments paid to an eligible individual of Japanese ancestry under section 105 of the Civil Liberties Act of 1988, Pub. L. No. 100-383, Title I, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements and liens, except liens for child support, are not enforceable against these sums for any reason.

89 Acts, ch 285, § 1

**217.39 Persecuted victims of World War II reparations heirs.**

Notwithstanding any other law of this state, payments paid to and income from lost property of a victim of persecution for racial, ethnic, or religious reasons by Nazi Germany or any other Axis regime or as an heir of such victim which is exempt from state income tax as provided in section 422.7, subsection 35, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements, and liens, except liens for child support, are not enforceable against these sums for any reason.

2000 Acts, ch 1103, §1, 3

**217.40 Training for guardians and conservators.**

The department of human services, or a person designated by the director, shall establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the ward, and how to best serve the ward and the ward's interests.

89 Acts, ch 178, § 2

**217.41 Refugee services foundation.**

1. The department of human services shall cause a refugee services foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa and who are not citizens of the United States. The foundation may establish an endowment fund to assist in the financing of its activities. The foundation shall be incorporated under chapter 504.

2. The foundation shall be created in a manner so that donations and bequests to the foundation qualify as tax deductible under federal and state income tax laws. The foundation is not a state agency and shall not exercise sovereign power of the state. The state is not liable for any debts of the foundation.

3. The refugee services foundation shall have a board of directors of five members. One member shall be

appointed by the governor and four members shall be appointed by the director of human services. Members of the board shall serve three-year terms beginning on July 1, and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two members appointed by the director of human services shall be of the same gender or of the same political party.

4. The refugee services foundation may accept and administer trusts deemed by the board to be beneficial. Notwithstanding section 633.63, the foundation may act as trustee of such a trust.

2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §146; 2005 Acts, ch 3, §50

#### **217.41A Electronic health records system task force.**

1. The department of human services shall establish an electronic health records system task force to provide a structure that enables the state to act in a leadership role in the development of state and federal standards for and in the implementation and use of an electronic health records system.

2. The task force shall consist of no more than nine voting members, selected by the director of human services, who represent entities with expertise in developing or implementing electronic health records, including but not limited to the United States veterans administration facilities in the state, multifacility hospital systems in the state, Des Moines university, the university of Iowa hospitals and clinics, and the Iowa healthcare collaborative. In addition, two members of the senate appointed by the president of the senate after consultation with the majority leader and the minority leader of the senate, two members of the house of representatives appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house of representatives, and the commissioner of insurance shall serve as ex officio, nonvoting members of the task force.

3. The task force shall do all of the following:

*a.* Develop an electronic health records system that provides linkages between multiple settings that utilize health records and that is consistent with requirements for community health records and electronic prescribing.

*b.* Evaluate the economic model and the anticipated benefits of electronic health records.

*c.* Provide quarterly updates to the governor and the general assembly regarding progress in the development of national standards and the work of the task force.

2006 Acts, ch 1159, §5

#### **217.42 Service areas offices.**

1. The organizational structure to deliver the department's field services shall be based upon service areas. The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area. The service areas shall be those designated by the department effective January 1, 2002. In determining the service areas, the department shall consider other geographic service areas including but not limited to judicial districts and community empowerment areas. The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify its field operations or the

composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.

2. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county, the department shall provide staff based on its caseweight system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

3. A county or group of counties may voluntarily enter into a chapter 28E agreement with the department to provide funding or staff persons to deliver field services in county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

92 Acts, ch 1079, § 1; 2001 Acts, 2nd Ex, ch 4, §1, 9

### **217.43 Service area advisory boards location of county offices.**

1. The department shall establish a service area advisory board in each service area. Each of the county boards of supervisors of the counties comprising the service area shall appoint two service area advisory board members. The following requirements apply to the appointments made by a county board of supervisors: the membership shall be appointed in accordance with section 69.16, relating to political affiliation, and section 69.16A, relating to gender balance; not more than one of the members shall be a member of the board of supervisors; and appointments shall be made on the basis of interest in maintaining and improving service delivery. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the service area manager. A vacancy on the board shall be filled in the same manner as the original appointment. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery in the counties and communities comprising the service areas.

3. The department shall determine the community in which each county office will be located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

92 Acts, ch 1079, § 2; 93 Acts, ch 54, § 2; 2001 Acts, 2nd Ex, ch 4, §2, 9

### **Footnotes**

Emergency relief duties of service area advisory board, see §251.5

### **217.44 Service areas employee and volunteer record checks.**

1. The department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in service area offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the department may conduct these checks in other states. If the department determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform

an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The department may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the department's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department service area office in a position having direct contact with the department's clients.

2000 Acts, ch 1112, §52; 2001 Acts, 2nd Ex, ch 4, §3, 9