

House Amendment 1704

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1 1 Amend the Senate amendment, H=1702, to House File
1 2 825, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 ~~1.~~ By striking page 1, line 3, through page 20,
1 5 line 44, and inserting the following:
1 6 <#____. Page 1, line 23, by striking the figure
1 7 <2,791,522> and inserting the following: <2,792,116>.
1 8 ~~2.~~ By striking page 1, line 34, through page 2,
1 9 line 1, and inserting the following:
1 10 <2. Of the funds appropriated in this section,
1 11 \$174,198 shall be>.
1 12 ~~3.~~ Page 2, line 17, by striking the figure
1 13 <1,258,710> and inserting the following: <1,759,020>.
1 14 ~~4.~~ Page 2, by inserting after line 24, the
1 15 following:
1 16 <Of the moneys appropriated in this subsection,
1 17 \$30,310 shall be used to continue to provide funding
1 18 to local communities that have previously received
1 19 funding from the centers for disease control and
1 20 prevention of the United States department of health
1 21 and human services for secondhand smoke education
1 22 initiatives.>
1 23 ~~5.~~ By striking page 3, line 30, through page 4,
1 24 line 1, and inserting the following:
1 25 <The amount appropriated in this subsection
1 26 includes \$150,000 in additional funding for childhood
1 27 lead poisoning prevention activities for counties not
1 28 receiving federal funding for this purpose, and of
1 29 this amount, \$50,000 is allocated for a pilot project
1 30 to address lead poisoning prevention and remediation
1 31 activities in a three-county program in north central
1 32 Iowa with a combined population of at least 50,000.>
1 33 ~~6.~~ Page 4, line 13, by striking the figure
1 34 <1,044,151> and inserting the following: <1,379,258>.
1 35 ~~7.~~ Page 4, line 16, by striking the figure
1 36 <335,107> and inserting the following: <670,214>.
1 37 ~~8.~~ Page 4, line 18, by inserting after the
1 38 figure <135.106.> the following: <The department
1 39 shall transfer the funding allocated for the HOPES=HFI
1 40 program to the Iowa empowerment board for distribution
1 41 and shall assist the board in managing the contracting
1 42 for the funding. The funding shall be distributed to
1 43 renew the grants that were provided to the grantees
1 44 that operated the program during the fiscal year
1 45 ending June 30, 2005.>
1 46 ~~9.~~ Page 4, line 26, by striking the figure
1 47 <6,820,423> and inserting the following: <6,964,033>.
1 48 ~~10.~~ Page 4, by inserting after line 27, the
1 49 following:
1 50 <The office of the state medical examiner and the
2 1 commissioner of public safety shall give consideration
2 2 to a proposal offered by Polk county for the state
2 3 criminalistics laboratory to share facilities with
2 4 Polk county.>
2 5 ~~11.~~ Page 4, line 32, by striking the figure
2 6 <994,442> and inserting the following: <1,073,884>.
2 7 ~~12.~~ Page 4, by inserting after line 33, the
2 8 following:
2 9 <11B. IOWA COLLABORATIVE SAFETY NET PROVIDER
2 10 NETWORK
2 11 The purpose of this subsection is to create a
2 12 formal network of safety net providers to do all of
2 13 the following: preserve and expand the health care
2 14 safety net for vulnerable Iowans; emphasize preventive
2 15 services and disease management, reduction of errors,
2 16 continuity of care, and the medical home concept;
2 17 recognize that safety net providers are the primary
2 18 means of access to health care for the uninsured in
2 19 this state; and provide a mechanism to identify the
2 20 extent to which the uninsured in this state access
2 21 health care safety net providers. Of the amount
2 22 appropriated in this division of this Act for the
2 23 medical assistance program, \$1,100,000 is transferred
2 24 to the appropriations made in this subsection. The

2 25 amount transferred is allocated as follows:

2 26 a. To contract for a program to develop an Iowa

2 27 collaborative safety net provider network:

2 28 \$ 450,000

2 29 (1) The Iowa department of public health shall

2 30 issue a request for proposals to select the most

2 31 qualified applicant to develop and administer an Iowa

2 32 collaborative safety net provider network that

2 33 includes community health centers, rural health

2 34 clinics, free clinics, and other safety net providers.

2 35 The department shall coordinate conditions of the

2 36 request for proposals with the data and information

2 37 requirements of the task force on indigent care

2 38 created pursuant to section 249J.14A, as enacted by

2 39 2005 Iowa Acts, House File 841, section 16. The

2 40 request for proposals shall also require the person

2 41 awarded the contract to enroll as a member of the task

2 42 force on indigent care. The person awarded the

2 43 contract shall do all of the following:

2 44 (a) Establish an Iowa safety net provider advisory

2 45 group consisting of representatives of community

2 46 health centers, rural health clinics, free clinics,

2 47 other safety net providers, patients, and other

2 48 interested parties.

2 49 (b) Develop a planning process to logically and

2 50 systematically implement the Iowa collaborative safety

3 1 net provider network.

3 2 (c) In cooperation with the free clinics of Iowa

3 3 and individual free clinics, the Iowa association of

3 4 rural health clinics, and the Iowa/Nebraska primary

3 5 care association, develop a database of all community

3 6 health centers, rural health clinics, free clinics,

3 7 and other safety net providers. The data collected

3 8 shall include the demographics and needs of the

3 9 vulnerable populations served, current provider

3 10 capacity, and the resources and needs of the

3 11 participating safety net providers.

3 12 (d) Develop network initiatives for collaboration

3 13 between community health centers, rural health

3 14 clinics, free clinics, other safety net providers, and

3 15 other health care providers to, at a minimum, improve

3 16 quality, improve efficiency, reduce errors, and

3 17 provide clinical communication between providers. The

3 18 network initiatives shall include, but are not limited

3 19 to, activities that address all of the following:

3 20 (i) Training.

3 21 (ii) Information technology.

3 22 (iii) Financial resource development.

3 23 (iv) A referral system for ambulatory care.

3 24 (v) A referral system for specialty care.

3 25 (vi) Pharmaceuticals.

3 26 (vii) Recruitment of health professionals.

3 27 (2) The Iowa department of public health shall

3 28 issue a request for proposals to provide for an

3 29 evaluation of the performance of the Iowa

3 30 collaborative safety net provider network and its

3 31 impact on the medically underserved.

3 32 b. For an incubation grant program to community

3 33 health centers that receive a total score of 85 based

3 34 on the evaluation criteria of the health resources and

3 35 services administration of the United States

3 36 department of health and human services:

3 37 \$ 650,000

3 38 The Iowa department of public health shall select

3 39 qualified applicants eligible under this lettered

3 40 paragraph, and shall approve grants in prorated

3 41 amounts to all such selected qualified applicants

3 42 based on the total amount of funding appropriated. A

3 43 grantee shall meet all federal requirements for a

3 44 federally qualified health center, including

3 45 demonstrating a commitment to serve all populations in

3 46 the grantee's respective medically underserved

3 47 community and satisfying the administrative,

3 48 management, governance, service-related, utilization

3 49 of funding, and audit requirements unique to federally

3 50 qualified health centers as provided under section 330

4 1 of the federal Public Health Service Act, as amended,

4 2 and as codified at 42 U.S.C. } 254(b). A grant may be

4 3 approved for a two-year period. However, if a grantee

4 4 is approved as a federally qualified health center

4 5 during the grant period, the grant and accompanying

4 6 funding shall be terminated for the remainder of the
4 7 grant period. If a grantee is not approved as a
4 8 federally qualified health center during the grant
4 9 period, the grantee may apply for a subsequent grant
4 10 under this lettered paragraph on a competitive basis.
4 11 A recipient of a grant under this lettered paragraph
4 12 shall provide a local match of 25 percent of the grant
4 13 funds received.>
4 14 #strike>____. Page 6, by striking line 28, and inserting
4 15 the following: <Iowa commission on volunteer service
4 16 created pursuant to chapter 15H to utilize local
4 17 veterans affairs>.
4 18 #strike>____. Page 12, line 2, by striking the figure
4 19 <40,250,000> and inserting the following:
4 20 <40,439,695>.
4 21 #strike>____. Page 12, line 3, by inserting before the
4 22 word <Of> the following: <1.>
4 23 #strike>____. Page 12, by inserting after line 4 the
4 24 following:
4 25 <2. Of the funds appropriated in this section,
4 26 \$100,000 shall be used to provide a grant to an Iowa=
4 27 based nonprofit organization with a history of
4 28 providing tax preparation assistance to low=income
4 29 Iowans in order to expand the usage of the earned
4 30 income tax credit. The purpose of the grant is to
4 31 supply this assistance to underserved areas of the
4 32 state. The grant shall be provided to an organization
4 33 that has existing national foundation support for
4 34 supplying such assistance that can also secure local
4 35 charitable match funding.>
4 36 #strike>____. Page 13, line 6, by striking the figure
4 37 <524,800,000> and inserting the following:
4 38 <519,040,317>.
4 39 #strike>____. Page 15, line 1, by striking the figure
4 40 <3,270,082> and inserting the following: <3,050,082>.
4 41 #strike>____. Page 15, by striking lines 18 through 21.
4 42 #strike>____. Page 15, by striking lines 22 through 34.
4 43 #strike>____. By striking page 15, line 35, through page
4 44 16, line 7.
4 45 #strike>____. Page 16, by inserting after line 28, the
4 46 following:
4 47 <____. The department shall expand coverage under
4 48 the medical assistance program to cover smoking
4 49 cessation drugs.
4 50 _____. The department shall expand coverage under
5 1 the medical assistance program to cover weight
5 2 reduction treatments and drugs.
5 3 _____. The department shall adopt rules to require
5 4 that if a product is to be considered by the
5 5 pharmaceutical and therapeutics committee established
5 6 pursuant to section 249A.20A for inclusion on the
5 7 preferred drug list, the pharmaceutical and
5 8 therapeutics committee shall respond to all inquiries
5 9 regarding the process at least 72 hours prior to a
5 10 meeting of the committee to consider inclusion of the
5 11 product. Additionally, the rules shall require that
5 12 the committee provide a pharmaceutical manufacturer of
5 13 a product with 20 days' prior written notice of
5 14 consideration of the manufacturer's product for
5 15 inclusion on the preferred drug list to allow adequate
5 16 time for preparation of appropriate materials to be
5 17 submitted to the committee for review. The rules
5 18 shall also require that adequate time be provided for
5 19 each interested individual to address the committee
5 20 regarding a product to be considered for inclusion on
5 21 the preferred drug list by the committee. A final
5 22 decision regarding inclusion of a product on the
5 23 preferred drug list shall not be made in an executive
5 24 session of the committee.>
5 25 #strike>____. Page 18, line 29, by striking the figure
5 26 <8,350,752> and inserting the following:
5 27 <15,800,752>.
5 28 #strike>____. Page 18, line 31, by striking the figure
5 29 <7,325,228> and inserting the following:
5 30 <14,375,228>.
5 31 #strike>____. Page 19, line 4, by inserting after the word
5 32 <level.> the following: <The poverty level changes
5 33 shall take effect September 1, 2005.>
5 34 #strike>____. Page 19, line 6, by striking the figure
5 35 <500,000> and inserting the following: <900,000>.
5 36 #strike>____. Page 20, line 12, by striking the figure

5 37 <6,201,283> and inserting the following: <6,226,283>.
5 38 ~~_____~~. Page 20, line 31, by striking the figure
5 39 <76,400,000> and inserting the following:
5 40 <75,200,000>.
5 41 ~~_____~~. Page 22, line 25, by striking the figure
5 42 <2,000,000> and inserting the following: <2,500,000>.
5 43 ~~_____~~. Page 25, line 12, by striking the figure
5 44 <300,000> and inserting the following: <1,000,000>.
5 45 ~~_____~~. Page 25, by inserting after line 26, the
5 46 following:

5 47 <_____. Of the amount appropriated in this section,
5 48 the following amounts are allocated for the indicated
5 49 child welfare system improvements:

5 50 a. For family team meetings and other family
6 1 engagement efforts:
6 2 \$ 900,000
6 3 b. For recruiting, training, and development of
6 4 additional resource families, including but not
6 5 limited to families providing kinship, foster, and
6 6 adoptive care:
6 7 \$ 325,000
6 8 c. For field staff working with families to have
6 9 flexible funding to purchase services and other
6 10 support and to fill urgent family needs:
6 11 \$ 250,000
6 12 d. For funding of shelter care so that 15
6 13 emergency beds are available statewide for the fiscal
6 14 year within the statewide average of 288 beds
6 15 addressed in the department's shelter care plan:
6 16 \$ 200,000
6 17 e. For expansion of community partnerships to
6 18 prevent child abuse:
6 19 \$ 100,000>

6 20 ~~_____~~. Page 25, by inserting after line 26, the
6 21 following:

6 22 <_____. The general assembly finds that it is
6 23 important for adequate, comprehensive mental health
6 24 services to be available to the children of this
6 25 state; that Iowa is seeking to develop a coordinated
6 26 system of mental health care for children through a
6 27 redesign of the children's mental health system; that
6 28 Iowa is one of only two states that have not
6 29 participated in the comprehensive community mental
6 30 health services program for children and their
6 31 families grant offered by the substance abuse and
6 32 mental health services administration (SAMHSA) of the
6 33 United States department of health and human services;
6 34 and that implementing such an initiative requires
6 35 long-term sustainability and support. The general
6 36 assembly expresses appreciation to the department for
6 37 applying to SAMHSA for the comprehensive services
6 38 program grant to implement a six-year project located
6 39 in northeast Iowa. The purpose of the project is to
6 40 create a family-driven, coordinated system of care for
6 41 children with mental illness to serve as a model for
6 42 developing a statewide approach based on family=
6 43 provider partnerships and long-term sustainability.
6 44 The general assembly strongly supports the grant
6 45 application and implementation of the project as vital
6 46 steps in redesigning the children's mental health
6 47 system.

6 48 _____. The department shall revise policies or
6 49 administrative rules applicable when a breastfeeding
6 50 infant is removed from the infant's home in accordance
7 1 with chapter 232, to allow the infant's mother to
7 2 continue to breastfeed the infant when such contact
7 3 with the mother is in the best interest of the
7 4 infant.>

7 5 ~~_____~~. Page 27, by inserting after line 6, the
7 6 following:

7 7 <_____. For continuation of the department's
7 8 minority youth and family projects under the redesign
7 9 of the child welfare system:
7 10 \$ 375,000>

7 11 ~~_____~~. Page 28, line 13, by striking the figure
7 12 <13,074,889> and inserting the following:
7 13 <13,079,889>.

7 14 ~~_____~~. Page 28, line 25, by striking the figure
7 15 <17,329,091> and inserting the following:

7 16 <17,334,091>.
7 17 ~~_____~~. Page 30, line 19, by striking the figure

7 18 <10,514,619> and inserting the following:
7 19 <10,914,619>.
7 20 ~~_____~~. Page 30, line 21, by striking the figure
7 21 <500,000> and inserting the following: <100,000>.
7 22 ~~_____~~. Page 32, by inserting after line 16, the
7 23 following:
7 24 <_____. If the department has data indicating that a
7 25 geographic area has a substantial number of persons
7 26 with mental illness who are homeless and are not being
7 27 served by an existing grantee for that area under the
7 28 formula grant from the federal alcohol, drug abuse,
7 29 and mental health administration to provide mental
7 30 health services for the homeless and the existing
7 31 grantee has expressed a desire to no longer provide
7 32 services or the grantee's contract was terminated by
7 33 the department for nonperformance, the department
7 34 shall issue a request for proposals to replace the
7 35 grantee. Otherwise, the department shall maximize
7 36 available funding by continuing to contract to the
7 37 extent possible with those persons who are grantees as
7 38 of October 1, 2005. The department shall issue a
7 39 request for proposals if additional funding becomes
7 40 available for expansion to persons who are not being
7 41 served and it is not possible to utilize existing
7 42 grantees.>
7 43 ~~_____~~. Page 33, line 13, by striking the figure
7 44 <53,505,000> and inserting the following:
7 45 <53,790,628>.
7 46 ~~_____~~. Page 33, line 25, by striking the figure
7 47 <13,312,196> and inserting the following:
7 48 <13,342,196>.
7 49 ~~_____~~. Page 33, line 26, by striking the figure
7 50 <292.00> and inserting the following: <293.00>.
8 1 ~~_____~~. Page 33, by inserting after line 29, the
8 2 following:
8 3 <Of the funds appropriated in this section, \$30,000
8 4 is allocated to the department of human services for a
8 5 statewide coordinator for the program of all-inclusive
8 6 care for the elderly as defined in section 249H.3.
8 7 The coordinator shall work in collaboration with the
8 8 department of elder affairs in carrying out the
8 9 coordinator's duties.>
8 10 ~~_____~~. Page 35, line 2, by striking the word <be>
8 11 and inserting the following: <not be less than>.
8 12 ~~_____~~. Page 36, by striking lines 16 and 17, and
8 13 inserting the following: <children shall be \$156.03
8 14 per day.>
8 15 ~~_____~~. By striking page 36, line 33, through page
8 16 37, line 5.
8 17 ~~_____~~. Page 39, by striking line 19, and inserting
8 18 the following:
8 19 <11. Beginning on September 1, 2005, for child>.
8 20 ~~_____~~. Page 39, line 23, by striking the figure
8 21 <1998> and inserting the following: <2002>.
8 22 ~~_____~~. Page 40, by striking lines 2 through 6.
8 23 ~~_____~~. Page 40, by inserting after line 8, the
8 24 following:
8 25 <Sec. _____. SHELTER CARE REQUEST FOR PROPOSALS.
8 26 The department of human services shall amend the
8 27 request for proposals issued on April 15, 2005, for a
8 28 program to provide for the statewide availability of
8 29 emergency juvenile shelter care during the fiscal year
8 30 beginning July 1, 2005, to increase the statewide
8 31 daily average number of beds covered under the request
8 32 to 288 beds in order to include 15 unallocated beds
8 33 statewide for emergency placements. However, if the
8 34 date of enactment of this Act does not allow
8 35 sufficient time for the department to amend the
8 36 request for proposals as otherwise required by this
8 37 section, the department shall apply the requirement in
8 38 the negotiations with the program awarded the contract
8 39 and shall include the requirement in the final
8 40 contract.>
8 41 ~~_____~~. Page 41, by inserting after line 25, the
8 42 following:
8 43 <Sec. _____. 2003 Iowa Acts, chapter 178, section
8 44 45, unnumbered paragraph 3, as enacted by 2004 Iowa
8 45 Acts, chapter 1175, section 160, is amended to read as
8 46 follows:
8 47 Notwithstanding section 8.33, moneys appropriated
8 48 in this section that remain unencumbered or

8 49 unobligated at the close of the fiscal year shall not
8 50 revert but shall remain available for expenditure for
9 1 the child and family services until the close of the
9 2 ~~succeeding~~ fiscal year beginning July 1, 2005.>
9 3 ~~#strike>~~____. Page 43, by inserting after line 17 the
9 4 following:
9 5 <Sec. _____. INDIGENT PATIENT PROGRAM. If the
9 6 Eighty-first General Assembly, 2005 Regular Session,
9 7 enacts legislation subsequent to the enactment of 2005
9 8 Iowa Acts, House File 841, relating to the medical and
9 9 surgical treatment of indigent patients as provided in
9 10 chapter 255 that is in conflict with the provisions of
9 11 2005 Iowa Acts, House File 841, including provisions
9 12 relating to the quota under chapter 255, the
9 13 provisions of 2005 Iowa Acts, House File 841, shall
9 14 prevail.>
9 15 ~~#strike>~~____. Page 43, by inserting after line 29, the
9 16 following:
9 17 <____. The provision directing the department of
9 18 human services to amend the request for proposals
9 19 issued on April 15, 2005, to provide for statewide
9 20 emergency juvenile shelter care.
9 21 _____. The provision amending 2003 Iowa Acts,
9 22 chapter 178, section 45, unnumbered paragraph 3, as
9 23 enacted by 2004 Iowa Acts, chapter 1175, section 160.>
9 24 ~~#strike>~~____. Page 45, line 15, by striking the figure
9 25 <50,200,000> and inserting the following:
9 26 <59,647,109>.
9 27 ~~#strike>~~____. Page 46, by striking lines 23 and 24, and
9 28 inserting the following: <to only those persons who
9 29 meet the nursing facility level of care for home and
9 30 community-based services waiver services as
9 31 established on or after July 1, 2005.>
9 32 ~~#strike>~~____. Page 47, by inserting after line 27, the
9 33 following:
9 34 <Sec. _____. 2004 Iowa Acts, chapter 1175, section
9 35 173, subsection 1, is amended by adding the following
9 36 new unnumbered paragraph:
9 37 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
9 38 8.33 and section 426B.5, subsection 1, paragraph "d",
9 39 moneys appropriated in this subsection that remain
9 40 unencumbered or unobligated at the close of the fiscal
9 41 year shall not revert but shall remain available for
9 42 expenditure for the purposes designated until the
9 43 close of the succeeding fiscal year.>
9 44 ~~#strike>~~____. Page 48, line 17, by striking the figure
9 45 <14,507,362> and inserting the following:
9 46 <23,925,724>.
9 47 ~~#strike>~~____. Page 49, by striking lines 4 through 16, and
9 48 inserting the following:
9 49 <a. For an ending balance percentage of less than
9 50 5 percent, a withholding factor of 0 percent. In
10 1 addition, a county that is subject to this lettered
10 2 paragraph shall receive an inflation adjustment equal
10 3 to 3 percent of the gross expenditures reported for
10 4 the county's services fund for the fiscal year.
10 5 b. For an ending balance percentage of 5 or more
10 6 but less than 10 percent, a withholding factor of 0
10 7 percent. In addition, a county that is subject to this
10 8 lettered paragraph shall receive an inflation
10 9 adjustment equal to 2 percent of the gross
10 10 expenditures reported for the county's services fund
10 11 for the fiscal year.
10 12 c. For an ending balance percentage of 10 or more
10 13 but less than 25 percent, a withholding factor of 25
10 14 percent.
10 15 d. For an ending balance percentage of 25 percent
10 16 or more, a withholding percentage of 100 percent.>
10 17 ~~#strike>~~____. Page 49, line 19, by striking the figure
10 18 <4,659,749> and inserting the following: <9,418,362>.
10 19 ~~#strike>~~____. Page 49, by inserting after line 30, the
10 20 following:
10 21 <NEW SUBSECTION. 6. a. In addition to the amount
10 22 to be distributed under subsection 4, for the fiscal
10 23 year beginning July 1, 2005, a county with an ending
10 24 balance percentage under subsection 4 of less than
10 25 zero shall receive a distribution from the sum of the
10 26 following:
10 27 (1) The amounts appropriated in 2004 Iowa Acts,
10 28 chapter 1175, section 132 and section 173, subsection
10 29 1, that were not distributed and did not revert at the

10 30 close of the fiscal year beginning July 1, 2004.
10 31 (2) The amounts appropriated for the fiscal year
10 32 beginning July 1, 2005, for the mental health and
10 33 developmental disabilities community services fund and
10 34 in this section that were not distributed in
10 35 accordance with subsections 3, 4, and 5.
10 36 b. The amount of a county's distribution under
10 37 paragraph "a" shall be equal to the county's
10 38 proportion of the general population of the counties
10 39 eligible to receive a distribution under this
10 40 subsection.
10 41 c. The distribution amount determined under this
10 42 subsection shall be included in the county's allowed
10 43 growth payment determined in accordance with
10 44 subsections 3, 4, and 5.
10 45 Sec. _____. EFFECTIVE DATE. The section of this
10 46 division of this Act amending 2004 Iowa Acts, chapter
10 47 1175, section 173, subsection 1, being deemed of
10 48 immediate importance, takes effect upon enactment.>
10 49 ~~_____~~. Page 49, by inserting after line 32, the
10 50 following:
11 1 <Sec. _____. Section 15H.3, subsection 5, as enacted
11 2 by 2005 Iowa Acts, House File 478, section 3, is
11 3 amended to read as follows:
11 4 5. Members shall serve staggered terms of three
11 5 years beginning ~~and ending as provided by section~~
~~11 6 69.19 July 1.~~ Members of the commission shall serve
11 7 no more than two three-year terms. Any vacancy shall
11 8 be filled in the same manner as the original
11 9 appointment.
11 10 Sec. _____. NEW SECTION. 16.184 TRANSITIONAL
11 11 HOUSING REVOLVING LOAN PROGRAM FUND.
11 12 1. A transitional housing revolving loan program
11 13 fund is created within the authority to further the
11 14 availability of affordable housing for parents that
11 15 are reuniting with their children while completing or
11 16 participating in substance abuse treatment. The
11 17 moneys in the fund are annually appropriated to the
11 18 authority to be used for the development and operation
11 19 of a revolving loan program to provide financing to
11 20 construct affordable transitional housing, including
11 21 through new construction or acquisition and
11 22 rehabilitation of existing housing. The housing
11 23 provided shall be geographically located in close
11 24 proximity to licensed substance abuse treatment
11 25 programs. Preference in funding shall be given to
11 26 projects that reunite mothers with the mothers'
11 27 children.
11 28 2. Moneys transferred by the authority for deposit
11 29 in the transitional housing revolving loan program
11 30 fund, moneys appropriated to the transitional housing
11 31 revolving loan program, and any other moneys available
11 32 to and obtained or accepted by the authority for
11 33 placement in the fund shall be deposited in the fund.
11 34 Additionally, payment of interest, recaptures of
11 35 awards, and other repayments to the transitional
11 36 housing revolving loan program fund shall be credited
11 37 to the fund. Notwithstanding section 12C.7,
11 38 subsection 2, interest or earnings on moneys in the
11 39 transitional housing revolving loan program fund shall
11 40 be credited to the fund. Notwithstanding section
11 41 8.33, moneys that remain unencumbered or unobligated
11 42 at the close of the fiscal year shall not revert but
11 43 shall remain available for the same purpose in the
11 44 succeeding fiscal year.
11 45 3. The authority shall annually allocate moneys
11 46 available in the transitional housing revolving loan
11 47 program fund for the development of affordable
11 48 transitional housing for parents that are reuniting
11 49 with the parents' children while completing or
11 50 participating in substance abuse treatment. The
12 1 authority shall develop a joint application process
12 2 for the allocation of federal low-income housing tax
12 3 credits and the funds available under this section.
12 4 Moneys allocated to such projects may be in the form
12 5 of loans, grants, or a combination of loans and
12 6 grants.
12 7 4. The authority shall adopt rules pursuant to
12 8 chapter 17A to administer this section.>
12 9 ~~_____~~. Page 68, by inserting after line 32, the
12 10 following:

12 11 <Sec. _____. Section 154A.22, Code 2005, is amended
12 12 to read as follows:
12 13 154A.22 ~~DEPOSIT~~ RECEIPT OF FEES.
12 14 1. ~~The~~ Except as otherwise provided in subsection
12 15 2, the department shall deposit all fees collected
12 16 under the provisions of this chapter in the general
12 17 fund of the state. Compensation and travel expenses
12 18 of members and employees of the board, and other
12 19 expenses necessary for the board to administer and
12 20 carry out the provisions of this chapter shall be paid
12 21 from funds appropriated from the general fund of the
12 22 state.
12 23 2. The department may retain ninety percent of the
12 24 revenue generated from an increase in licensure and
12 25 permit fees established pursuant to section 154A.17
12 26 above the licensure and permit fees in effect as of
12 27 June 30, 2005. The moneys retained by the department
12 28 shall be used for any of the board's duties, including
12 29 but not limited to addition of full-time equivalent
12 30 positions for program services and investigations.
12 31 Revenues retained by the department pursuant to this
12 32 subsection shall be considered repayment receipts as
12 33 defined in section 8.2.

12 34 Sec. _____. Section 155.6, Code 2005, is amended to
12 35 read as follows:
12 36 155.6 ~~FUND CREATED~~ RECEIPT OF FEES.
12 37 1. ~~All~~ Except as otherwise provided in subsection
12 38 2, all fees collected under the provisions of this
12 39 chapter shall be paid to the treasurer of state who
12 40 shall deposit the fees in the general fund of the
12 41 state. Funds shall be appropriated to the board to be
12 42 used and expended by the board to pay the compensation
12 43 and travel expenses of members and employees of the
12 44 board, and other expenses necessary for the board to
12 45 administer and carry out the provisions of this
12 46 chapter.
12 47 2. The board may retain ninety percent of the
12 48 revenue generated from an increase in examination,
12 49 licensure, and renewal of licensure fees established
12 50 pursuant to section 155.15 above the examination,
13 1 licensure, and renewal of licensure fees in effect as
13 2 of June 30, 2005. The moneys retained by the board
13 3 shall be used for any of the board's duties, including
13 4 but not limited to addition of full-time equivalent
13 5 positions for program services and investigations.
13 6 Revenues retained by the department pursuant to this
13 7 subsection shall be considered repayment receipts as
13 8 defined in section 8.2.>

13 9 ~~#strike>~~____. Page 73, by inserting after line 33, the
13 10 following:

13 11 <Sec. _____. Section 227.4, Code 2005, is amended to
13 12 read as follows:
13 13 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL
13 14 ILLNESS OR ~~DEVELOPMENTAL DISABILITIES~~ MENTAL
13 15 RETARDATION IN COUNTY CARE FACILITIES.
13 16 The administrator, in cooperation with the
13 17 department of inspections and appeals, shall recommend
13 18 and the mental health, mental retardation,
13 19 developmental disabilities, and brain injury
13 20 commission created in section 225C.5 shall adopt
13 21 standards for the care of and services to persons with
13 22 mental illness or ~~developmental disabilities~~ mental
13 23 retardation residing in county care facilities. The
13 24 standards shall be enforced by the department of
13 25 inspections and appeals as a part of the licensure
13 26 inspection conducted pursuant to chapter 135C. The
13 27 objective of the standards is to ensure that persons
13 28 with mental illness or ~~developmental disabilities~~
13 29 mental retardation who are residents of county care
13 30 facilities are not only adequately fed, clothed, and
13 31 housed, but are also offered reasonable opportunities
13 32 for productive work and recreational activities suited
13 33 to their physical and mental abilities and offering
13 34 both a constructive outlet for their energies and, if
13 35 possible, therapeutic benefit. When recommending
13 36 standards under this section, the administrator shall
13 37 designate an advisory committee representing
13 38 administrators of county care facilities, county
13 39 mental health and developmental disabilities regional
13 40 planning councils, and county care facility resident
13 41 advocate committees to assist in the establishment of

13 42 standards.>
13 43 ~~Page 83, by inserting after line 2, the~~
13 44 following:
13 45 <Sec. _____. Section 249J.8, subsection 4, as
13 46 enacted by 2005 Iowa Acts, House File 841, section 8,
13 47 is amended to read as follows:
13 48 4. The department shall track the impact of the
13 49 out-of-pocket expenditures on ~~patient expansion~~
13 50 population enrollment and shall report the findings on
14 1 at least a quarterly basis to the medical assistance
14 2 projections and assessment council established
14 3 pursuant to section 249J.19. The findings shall
14 4 include estimates of the number of expansion
14 5 population members complying with payment of required
14 6 out-of-pocket expenditures, the number of expansion
14 7 population members not complying with payment of
14 8 required out-of-pocket expenditures and the reasons
14 9 for noncompliance, any impact as a result of the out-
14 10 of-pocket requirements on the provision of services to
14 11 the populations previously served, the administrative
14 12 time and cost associated with administering the
14 13 out-of-pocket requirements, and the benefit to the
14 14 state resulting from the out-of-pocket expenditures.
14 15 To the extent possible, the department shall track the
14 16 income level of the member, the health condition of
14 17 the member, and the family status of the member
14 18 relative to the out-of-pocket information.>
14 19 ~~Page 86, by striking lines 11 and 12, and~~
14 20 inserting the following:
14 21 <Sec. _____. EFFECTIVE DATES.
14 22 1. The amendment in this division of this Act to>
14 23 ~~Page 86, by inserting after line 13, the~~
14 24 following:
14 25 <2. The amendment in this division of this Act to
14 26 section 15H.3, subsection 5, being deemed of immediate
14 27 importance, takes effect upon enactment and is
14 28 retroactively applicable to April 19, 2005.>
14 29 ~~Page 86, by inserting after line 13, the~~
14 30 following:
14 31 <DIVISION ____
14 32 SUBSTITUTE DECISION MAKER ACT
14 33 Sec. _____. NEW SECTION. 231E.1 TITLE.
14 34 This chapter shall be known and may be cited as the
14 35 "Iowa Substitute Decision Maker Act".
14 36 Sec. _____. NEW SECTION. 231E.2 OFFICE OF
14 37 SUBSTITUTE DECISION MAKER == FINDINGS AND INTENT.
14 38 1. a. The general assembly finds that many adults
14 39 in this state are unable to meet essential
14 40 requirements to maintain their physical health or to
14 41 manage essential aspects of their financial resources
14 42 and are in need of substitute decision-making
14 43 services. However, a willing and responsible person
14 44 may not be available to serve as a private substitute
14 45 decision maker or the adult may not have adequate
14 46 income or resources to compensate a private substitute
14 47 decision maker.
14 48 b. The general assembly further finds that a
14 49 process should exist to assist individuals in finding
14 50 alternatives to substitute decision-making services
15 1 and less intrusive means of assistance before an
15 2 individual's independence or rights are limited.
15 3 c. The general assembly further finds that a
15 4 substitute decision maker may be necessary to finalize
15 5 a person's affairs after death when there is no
15 6 willing and appropriate person available to serve as
15 7 the person's personal representative.
15 8 2. a. It is, therefore, the intent of the general
15 9 assembly to establish a state office of substitute
15 10 decision maker and authorize the establishment of
15 11 local offices of substitute decision maker to provide
15 12 substitute decision-making services to adults and
15 13 their estates after their deaths, when no private
15 14 substitute decision maker is available.
15 15 b. It is also the intent of the general assembly
15 16 that the office of substitute decision maker provide
15 17 assistance to both public and private substitute
15 18 decision makers throughout the state in securing
15 19 necessary services for their wards, principals,
15 20 clients, and decedents and to assist substitute
15 21 decision makers, wards, principals, clients, courts,
15 22 and attorneys in the orderly and expeditious handling

15 23 of substitute decision-making proceedings.
15 24 Sec. _____. NEW SECTION. 231E.3 DEFINITIONS.
15 25 As used in this chapter, unless the context
15 26 otherwise requires:
15 27 1. "Client" means an individual for whom a
15 28 representative payee is appointed.
15 29 2. "Commission" means the commission of elder
15 30 affairs.
15 31 3. "Conservator" means conservator as defined in
15 32 section 633.3.
15 33 4. "Court" means court as defined in section
15 34 633.3.
15 35 5. "Decedent" means the individual for whom an
15 36 estate is administered or executed.
15 37 6. "Department" means the department of elder
15 38 affairs established in section 231.21.
15 39 7. "Director" means the director of the department
15 40 of elder affairs.
15 41 8. "Estate" means estate as defined in section
15 42 633.3.
15 43 9. "Guardian" means guardian as defined in section
15 44 633.3.
15 45 10. "Incompetent" means incompetent as defined in
15 46 section 633.3.
15 47 11. "Local office" means a local office of
15 48 substitute decision maker.
15 49 12. "Local substitute decision maker" means an
15 50 individual under contract with the department to act
16 1 as a substitute decision maker.
16 2 13. "Personal representative" means personal
16 3 representative as defined in section 633.3.
16 4 14. "Planning and service area" means a geographic
16 5 area of the state designated by the commission for the
16 6 purpose of planning, developing, delivering, and
16 7 administering services for elders.
16 8 15. "Power of attorney" means a durable power of
16 9 attorney for health care as defined in section 144B.1
16 10 or a power of attorney that becomes effective upon the
16 11 disability of the principal as described in section
16 12 633.705.
16 13 16. "Principal" means an individual for whom a
16 14 power of attorney is established.
16 15 17. "Representative payee" means an individual
16 16 appointed by a government entity to receive funds on
16 17 behalf of a client pursuant to federal regulation.
16 18 18. "State agency" means any executive department,
16 19 commission, board, institution, division, bureau,
16 20 office, agency, or other executive entity of state
16 21 government.
16 22 19. "State office" means the state office of
16 23 substitute decision maker.
16 24 20. "State substitute decision maker" means the
16 25 administrator of the state office of substitute
16 26 decision maker.
16 27 21. "Substitute decision maker" means a guardian,
16 28 conservator, representative payee, attorney in fact
16 29 under a power of attorney, or personal representative.
16 30 22. "Substitute decision making" or "substitute
16 31 decision-making services" means the provision of
16 32 services of a guardian, conservator, representative
16 33 payee, attorney in fact under a power of attorney, or
16 34 personal representative.
16 35 23. "Ward" means the individual for whom a
16 36 guardianship or conservatorship is established.
16 37 Sec. _____. NEW SECTION. 231E.4 STATE OFFICE OF
16 38 SUBSTITUTE DECISION MAKER == ESTABLISHED == DUTIES ==
16 39 DEPARTMENT RULES.
16 40 1. A state office of substitute decision maker is
16 41 established within the department to create and
16 42 administer a statewide network of substitute decision
16 43 makers who provide substitute decision-making services
16 44 if other substitute decision makers are not available
16 45 to provide the services.
16 46 2. The director shall appoint an administrator of
16 47 the state office who shall serve as the state
16 48 substitute decision maker. The state substitute
16 49 decision maker shall be qualified for the position by
16 50 training and expertise in substitute decision-making
17 1 law. The state substitute decision maker shall also
17 2 have knowledge of social services available to meet
17 3 the needs of persons adjudicated incompetent or in

17 4 need of substitute decision making.
17 5 3. The state office shall do all of the following:
17 6 a. Select persons through a request for proposals
17 7 process to establish local offices of substitute
17 8 decision maker in each of the planning and service
17 9 areas. Local offices shall be established statewide
17 10 on or before July 1, 2015.
17 11 b. Monitor and terminate contracts with local
17 12 offices based on criteria established by rule of the
17 13 department.
17 14 c. Retain oversight responsibilities for all local
17 15 substitute decision makers.
17 16 d. Act as substitute decision maker if a local
17 17 office is not available to so act.
17 18 e. Work with the department of human services, the
17 19 Iowa department of public health, the governor's
17 20 developmental disabilities council, and other agencies
17 21 to establish a referral system for the provision of
17 22 substitute decision-making services.
17 23 f. Develop and maintain a current listing of
17 24 public and private services and programs available to
17 25 assist wards, principals, clients, personal
17 26 representatives, and their families and establish and
17 27 maintain relationships with public and private
17 28 entities to assure the availability of effective
17 29 substitute decision-making services for wards,
17 30 principals, clients, and estates.
17 31 g. Provide information and referrals to the public
17 32 regarding substitute decision-making services.
17 33 h. Provide personal representatives for estates
17 34 where a person is not available for that purpose.
17 35 i. Maintain statistical data on the local offices
17 36 including various methods of funding, the types of
17 37 services provided, and the demographics of the wards,
17 38 principals, clients, and decedents and report to the
17 39 general assembly on or before November 1, annually,
17 40 regarding the local offices and recommend any
17 41 appropriate legislative action.
17 42 j. Develop, in cooperation with the judicial
17 43 council as established in section 602.1202, a
17 44 substitute decision-maker education and training
17 45 program. The program may be offered to both public
17 46 and private substitute decision makers. The state
17 47 office shall establish a curriculum committee, which
17 48 includes but is not limited to probate judges, to
17 49 develop the education and training program.
17 50 4. The state office may do any of the following:
18 1 a. Accept and receive gifts, grants, or donations
18 2 from any public or private entity in support of the
18 3 state office.
18 4 b. Accept the services of individual volunteers
18 5 and volunteer organizations.
18 6 c. Employ staff necessary to administer the state
18 7 office and enter into contracts as necessary.
18 8 5. The department shall provide administrative
18 9 support to the state office.
18 10 6. The department shall adopt rules in accordance
18 11 with chapter 17A necessary to create and administer
18 12 the state and local offices, relating to but not
18 13 limited to all of the following:
18 14 a. An application and intake process and standards
18 15 for receipt of substitute decision-making services
18 16 from the state or a local office.
18 17 b. A process for the removal or termination of the
18 18 state or a local substitute decision maker.
18 19 c. An ideal range of staff-to-client ratios for
18 20 the state and local substitute decision makers.
18 21 d. Minimum training and experience requirements
18 22 for professional staff and volunteers.
18 23 e. A fee schedule. The department may establish
18 24 by rule a schedule of reasonable fees for the costs of
18 25 substitute decision-making services provided under
18 26 this chapter. The fee schedule established may be
18 27 based upon the ability of the ward, principal, client,
18 28 or estate to pay for the services but shall not exceed
18 29 the actual cost of providing the services. The state
18 30 office or a local office may waive collection of a fee
18 31 upon a finding that collection is not economically
18 32 feasible. The rules may provide that the state office
18 33 or a local office may investigate the financial status
18 34 of a ward, principal, or client who, or an estate that

18 35 requests substitute decision-making services or for
18 36 whom or which the state or a local substitute decision
18 37 maker has been appointed for the purpose of
18 38 determining the fee to be charged by requiring the
18 39 ward, principal, client, or estate to provide any
18 40 written authorizations necessary to provide access to
18 41 records of public or private sources, otherwise
18 42 confidential, needed to evaluate the individual's or
18 43 estate's financial eligibility. The rules may also
18 44 provide that the state or a local substitute decision
18 45 maker may, upon request and without payment of fees
18 46 otherwise required by law, obtain information
18 47 necessary to evaluate the individual's or estate's
18 48 financial eligibility from any office of the state or
18 49 of a political subdivision or agency of the state that
18 50 possesses public records. In estate proceedings, the
19 1 state or local decision maker shall be compensated
19 2 pursuant to chapter 633, division III, part 8.
19 3 f. Standards and performance measures for
19 4 evaluation of local offices.
19 5 g. Recordkeeping and accounting procedures to
19 6 ensure that the state office and local offices
19 7 maintain confidential, accurate, and up-to-date
19 8 financial, case, and statistical records. The rules
19 9 shall require each local office to file with the state
19 10 office, on an annual basis, an account of all public
19 11 and private funds received and a report regarding the
19 12 operations of the local office for the preceding
19 13 fiscal year.
19 14 h. Procedures for the sharing of records held by
19 15 the court or a state agency with the state office,
19 16 which are necessary to evaluate the state office or
19 17 local offices, to assess the need for additional
19 18 substitute decision makers, or to develop required
19 19 reports.
19 20 Sec. ____ . NEW SECTION. 231E.5 LOCAL OFFICE OF
19 21 SUBSTITUTE DECISION MAKER.
19 22 1. The state substitute decision maker shall
19 23 select persons to provide local substitute decision=
19 24 making services in each of the planning and service
19 25 areas, based upon a request for proposals process
19 26 developed by the department.
19 27 2. The local office shall comply with all
19 28 requirements established for the local office by the
19 29 department and shall do all of the following:
19 30 a. Maintain a staff of professionally qualified
19 31 individuals to carry out the substitute decision=
19 32 making functions.
19 33 b. Identify client needs and local resources to
19 34 provide necessary support services to recipients of
19 35 substitute decision-making services.
19 36 c. Collect program data as required by the state
19 37 office.
19 38 d. Meet standards established for the local
19 39 office.
19 40 e. Comply with minimum staffing requirements and
19 41 caseload restrictions.
19 42 f. Conduct background checks on employees and
19 43 volunteers.
19 44 g. With regard to a proposed ward, the local
19 45 office shall do all of the following:
19 46 (1) Determine the most appropriate form of
19 47 substitute decision making needed, if any, giving
19 48 preference to the least restrictive alternative.
19 49 (2) Determine whether the needs of the proposed
19 50 ward require the appointment of guardian or
20 1 conservator.
20 2 (3) Assess the financial resources of the proposed
20 3 ward based on the information supplied to the local
20 4 office at the time of the determination.
20 5 (4) Inquire and, if appropriate, search to
20 6 determine whether any other person may be willing and
20 7 able to serve as the proposed ward's guardian or
20 8 conservator.
20 9 (5) Determine the form of guardianship or
20 10 conservatorship to request of a court, if any, giving
20 11 preference to the least restrictive form.
20 12 (6) If determined necessary, file a petition for
20 13 the appointment of a guardian or conservator pursuant
20 14 to chapter 633.
20 15 h. With regard to an estate, the local office may

20 16 appoint a personal representative to file a petition
20 17 to open an estate who shall do all of the following:
20 18 (1) Retain legal counsel as described in section
20 19 231E.11 to be compensated from the proceeds of the
20 20 estate pursuant to chapter 633, division III, part 8.
20 21 (2) Liquidate all assets of the estate.
20 22 (3) Distribute the assets of the estate pursuant
20 23 to chapter 633, division VII, parts 7 and 8, and other
20 24 applicable provisions of law.
20 25 3. A local office may do any of the following:
20 26 a. Contract for or arrange for provision of
20 27 services necessary to carry out the duties of a local
20 28 substitute decision maker.
20 29 b. Accept the services of volunteers or
20 30 consultants and reimburse them for necessary expenses.
20 31 c. Employ staff and delegate to members of the
20 32 staff the powers and duties of the local substitute
20 33 decision maker. However, the local office shall
20 34 retain responsibility for the proper performance of
20 35 the delegated powers and duties. All delegations
20 36 shall be to persons who meet the eligibility
20 37 requirements of the specific type of substitute
20 38 decision maker.
20 39 4. An individual acting as the state or a local
20 40 substitute decision maker shall comply with applicable
20 41 requirements for guardians, conservators, or personal
20 42 representatives pursuant to chapter 633, attorneys in
20 43 fact under a power of attorney pursuant to chapter 633
20 44 or a durable power of attorney for health care
20 45 pursuant to chapter 144B, or representative payees
20 46 pursuant to federal law and regulations.
20 47 5. Notwithstanding any provision to the contrary,
20 48 an individual acting as the state or a local
20 49 substitute decision maker shall not be subject to the
20 50 posting of a bond pursuant to chapter 633. An
21 1 individual acting as the state or a local substitute
21 2 decision maker shall complete at least eight hours of
21 3 training annually as certified by the department.
21 4 Sec. _____. NEW SECTION. 231E.6 COURT-INITIATED OR
21 5 PETITION-INITIATED APPOINTMENT OF STATE OR LOCAL
21 6 SUBSTITUTE DECISION MAKER == GUARDIANSHIP OR
21 7 CONSERVATORSHIP == DISCHARGE.
21 8 The court may appoint on its own motion or upon
21 9 petition of any person, the state office or local
21 10 office of substitute decision maker, to serve as
21 11 guardian or conservator for any proposed ward in cases
21 12 in which the court determines that the proceeding will
21 13 establish the least restrictive form of substitute
21 14 decision making suitable for the proposed ward and if
21 15 the proposed ward meets all of the following criteria:
21 16 1. Is a resident of the planning and service area
21 17 in which the local office is located from which
21 18 services would be provided or is a resident of the
21 19 state, if the state office would provide the services.
21 20 2. Is eighteen years of age or older.
21 21 3. Does not have suitable family or another
21 22 appropriate entity willing and able to serve as
21 23 guardian or conservator.
21 24 4. Is incompetent.
21 25 5. Is an individual for whom guardianship or
21 26 conservatorship services are the least restrictive
21 27 means of meeting the individual's needs.
21 28 Sec. _____. NEW SECTION. 231E.7 SUBSTITUTE
21 29 DECISION MAKER=INITIATED APPOINTMENT.
21 30 The state office or local office may on its own
21 31 motion or at the request of the court intervene in a
21 32 guardianship or conservatorship proceeding if the
21 33 state office or local office or the court considers
21 34 the intervention to be justified because of any of the
21 35 following:
21 36 1. An appointed guardian or conservator is not
21 37 fulfilling prescribed duties or is subject to removal
21 38 under section 633.65.
21 39 2. A willing and qualified guardian or conservator
21 40 is not available.
21 41 3. The best interests of the ward require the
21 42 intervention.
21 43 Sec. _____. NEW SECTION. 231E.8 PROVISIONS
21 44 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS ==
21 45 DISCHARGE.
21 46 1. The court shall only appoint or intervene on

21 47 its own motion or act upon the petition of any person
21 48 under section 231E.6 or 231E.7 if such appointment or
21 49 intervention would comply with staffing ratios
21 50 established by the department and if sufficient
22 1 resources are available to the state office or local
22 2 office. Notice of the proposed appointment shall be
22 3 provided to the state office or local office prior to
22 4 the granting of such appointment.

22 5 2. The state office or local office shall maintain
22 6 reasonable personal contact with each ward, principal,
22 7 or client for whom the state office or local office is
22 8 appointed or designated in order to monitor the
22 9 ward's, principal's, or client's care and progress.
22 10 For any estates in which the state office or local
22 11 office is involved, the state office or local office
22 12 shall move estate proceedings forward in a reasonable
22 13 and expeditious manner and shall monitor the progress
22 14 of any legal counsel retained on a regular basis.

22 15 3. Notwithstanding any provision of law to the
22 16 contrary, the state office or local office appointed
22 17 by the court or designated under a power of attorney
22 18 document may access all confidential records
22 19 concerning the ward or principal for whom the state
22 20 office or local office is appointed or designated,
22 21 including medical records and abuse reports.

22 22 4. In any proceeding in which the state or local
22 23 office is appointed or is acting as guardian or
22 24 conservator, the court shall waive court costs or
22 25 filing fees, if the state office or local office
22 26 certifies to the court that the state office or local
22 27 office has waived its fees in their entirety based
22 28 upon the ability of the ward to pay for the services
22 29 of the state office or local office. In any estate
22 30 proceeding, the court costs shall be paid in
22 31 accordance with chapter 633, division VII, part 7.

22 32 5. The state or a local substitute decision maker
22 33 shall be subject to discharge or removal, by the
22 34 court, on the grounds and in the manner in which other
22 35 guardians, conservators, or personal representatives
22 36 are discharged or removed pursuant to chapter 633.

22 37 Sec. _____. NEW SECTION. 231E.9 FEES ==
22 38 APPROPRIATED.

22 39 Fees received by the state office and by local
22 40 offices for services provided as state or local
22 41 substitute decision maker shall be deposited in the
22 42 general fund of the state and the amounts received are
22 43 appropriated to the department for the purposes of
22 44 administering this chapter.

22 45 Sec. _____. NEW SECTION. 231E.10 CONFLICTS OF
22 46 INTEREST == LIMITATIONS.

22 47 Notwithstanding section 633.63 or any other
22 48 provision to the contrary, a local substitute decision
22 49 maker shall not provide direct services to or have an
22 50 actual or the appearance of any conflict of interest
23 1 relating to any individual for whom the local
23 2 substitute decision maker acts in a substitute
23 3 decision-making capacity unless such provision of
23 4 direct services or the appearance of a conflict of
23 5 interest is approved and monitored by the state office
23 6 in accordance with rules adopted by the department.

23 7 Sec. _____. NEW SECTION. 231E.11 DUTY OF ATTORNEY
23 8 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.

23 9 1. The attorney general shall advise the state
23 10 office on legal matters and represent the state office
23 11 in legal proceedings.

23 12 2. Upon the request of the attorney general, a
23 13 county attorney may represent the state office or a
23 14 local office in connection with the filing of a
23 15 petition for appointment as guardian or conservator
23 16 and with routine, subsequent appearances.

23 17 3. A local attorney experienced in probate matters
23 18 may represent the personal representative for all
23 19 routine matters associated with probating an estate.

23 20 Sec. _____. NEW SECTION. 231E.12 LIABILITY.

23 21 All employees and volunteers of the state office
23 22 and local offices operating under this chapter and
23 23 other applicable chapters and pursuant to rules
23 24 adopted under this and other applicable chapters are
23 25 considered employees of the state and state volunteers
23 26 for the purposes of chapter 669 and shall be afforded
23 27 protection under section 669.21 or 669.24, as

23 28 applicable. This section does not relieve a guardian
23 29 or conservator from performing duties prescribed under
23 30 chapter 633.

23 31 Sec. _____. NEW SECTION. 231E.13 IMPLEMENTATION.
23 32 Implementation of this chapter is subject to
23 33 availability of funding as determined by the
23 34 department. The department shall notify the Code
23 35 editor upon implementation of this chapter.

23 36 Sec. _____. Section 235B.6, subsection 2, paragraph
23 37 e, Code 2005, is amended by adding the following new
23 38 subparagraph:

23 39 NEW SUBPARAGRAPH. (11) The state office or a
23 40 local office of substitute decision maker as defined
23 41 in section 231E.3, appointed by the court as a
23 42 guardian or conservator of the adult named in a report
23 43 as the victim of abuse or the person designated to be
23 44 responsible for performing or obtaining protective
23 45 services on behalf of a dependent adult pursuant to
23 46 section 235B.18.

23 47 Sec. _____. Section 633.63, subsection 3, Code 2005,
23 48 is amended to read as follows:

23 49 3. A private nonprofit corporation organized under
23 50 chapter 504, Code 1989, or current chapter 504 or 504A
24 1 is qualified to act as a guardian, as defined in
24 2 section 633.3, ~~subsection 20,~~ or a conservator, as
24 3 defined in section 633.3, ~~subsection 7, where the~~
~~24 4 assets subject to the conservatorship at the time when~~
~~24 5 such corporation is appointed conservator are less~~
~~24 6 than or equal to seventy-five thousand dollars and if~~
24 7 the corporation does not possess a proprietary or
24 8 legal interest in an organization which provides
24 9 direct services to the individual.

24 10 Sec. _____. Section 633.63, Code 2005, is amended by
24 11 adding the following new subsection:

24 12 NEW SUBSECTION. 4. The state or a local
24 13 substitute decision maker as defined in section 231E.3
24 14 is authorized to act in a fiduciary capacity in this
24 15 state in accordance with chapter 231E.>

24 16 ~~#strike>~~____. Page 86, by inserting before line 14, the
24 17 following:

24 18 <DIVISION ____
24 19 LONG=TERM LIVING SYSTEM

24 20 Sec. _____. NEW SECTION. 231F.1 INTENT FOR IOWA'S
24 21 LONG=TERM LIVING SYSTEM.

24 22 1. The general assembly finds and declares that
24 23 the intent for Iowa's long=term living system is to
24 24 ensure all Iowans access to an extensive range of
24 25 high=quality, affordable, and cost=effective long=
24 26 term living options that maximize independence,
24 27 choice, and dignity for consumers.

24 28 2. The long=term living system should be
24 29 comprehensive, offering multiple services and support
24 30 in home, community=based, and facility=based settings;
24 31 should utilize a uniform assessment process to ensure
24 32 that such services and support are delivered in the
24 33 most integrated and life=enhancing setting; and should
24 34 ensure that such services and support are provided by
24 35 a well=trained, motivated workforce.

24 36 3. The long=term living system should exist in a
24 37 regulatory climate that appropriately ensures the
24 38 health, safety, and welfare of consumers, while not
24 39 being overly restrictive or inflexible.

24 40 4. The long=term living system should sustain
24 41 existing informal care systems including family,
24 42 friends, volunteers, and community resources; should
24 43 encourage innovation through the use of technology and
24 44 new delivery and financing models, including housing;
24 45 should provide incentives to consumers for private
24 46 financing of long=term living services and support;
24 47 and should allow Iowans to live independently as long
24 48 as they desire.

24 49 5. Information regarding all components of the
24 50 long=term living system should be effectively
25 1 communicated to all persons potentially impacted by
25 2 the need for long=term living services and support in
25 3 order to empower consumers to plan, evaluate, and make
25 4 decisions about how best to meet their own long=term
25 5 living needs.>

25 6 ~~#strike>~~____. By striking page 86, line 14, through page
25 7 88, line 12.>>

25 8 #2. By renumbering, relettering, or redesignating

25 9 and correcting internal references as necessary.
25 10
25 11
25 12 _____
25 13 HEATON of Henry
25 14
25 15
25 16 _____
25 17 FOEGE of Linn
25 18
25 19
25 20 _____
25 21 SMITH of Marshall
25 22
25 23
25 24 _____
25 25 UPMEYER of Hancock
25 26 HF 825.723 81
25 27 pf:jp/gg/1770