

House Amendment 8477

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1 1 Amend House File 2780 as follows:
1 2 #1. Page 1, lines 13 and 14, by striking the words
1 3 <restricted uniform availability of this care> and
1 4 inserting the following: <restricted uniform
1 5 availability of this care enabled many counties to
1 6 exceed minimum state standards for the services
1 7 resulting in an uneven level of services around the
1 8 state>.
1 9 #2. Page 5, by striking line 20 and inserting the
1 10 following:
1 11 <(1) The service system seeks to empower persons
1 12 to exercise their own choices>.
1 13 #3. Page 5, by striking line 25 and inserting the
1 14 following:
1 15 <(3) The service system seeks to provide services
1 16 and other support that are individualized,>.
1 17 #4. Page 5, by striking line 27 and inserting the
1 18 following:
1 19 <(4) The services system seeks to provide services
1 20 and other supports in a manner>.
1 21 #5. Page 6, line 2, by striking the words <each
1 22 individual> and inserting the following: <the
1 23 individuals>.
1 24 #6. Page 6, line 4, by striking the word
1 25 <individual's> and inserting the following:
1 26 <individuals'>.
1 27 #7. Page 6, line 13, by inserting after the word
1 28 <that> the following: <either meet or>.
1 29 #8. Page 7, line 1, by striking the word <wholly>.
1 30 #9. Page 7, line 2, by inserting after the word
1 31 <funding,> the following: <However, a county may
1 32 apply a copayment requirement for a particular
1 33 disability service to a person with an income equal to
1 34 or less than one hundred fifty percent of the federal
1 35 poverty level, provided the disability service and the
1 36 copayment amount both comply with rules adopted by the
1 37 commission applying uniform standards with respect to
1 38 copayment requirements.>
1 39 #10. Page 7, line 9, by striking the words <based
1 40 upon> and inserting the following: <derived from>.
1 41 #11. Page 8, line 9, by striking the figure <2008>
1 42 and inserting the following: <2007>.
1 43 #12. Page 8, line 14, by inserting after the word
1 44 <case.> the following: <Such services and other
1 45 support do not include medical assistance program
1 46 services or services provided in a state institution.>
1 47 #13. By striking page 8, line 15, through page 10,
1 48 line 23, and inserting the following:
1 49 <Sec. ____ Section 331.440, subsection 3, Code
1 50 2005, is amended to read as follows:
2 1 3. a. An application for services may be made
2 2 through the central point of coordination process of a
2 3 an adult person's county of residence. ~~However, if a~~
2 4 Effective July 1, 2007, if an adult person who is
2 5 subject to a central point of coordination process has
2 6 legal settlement in another county, ~~or the costs of~~
2 7 ~~services or other support provided to the person are~~
2 8 ~~the financial responsibility of the state, an~~
2 9 ~~authorization through the central point of~~
2 10 ~~coordination process shall be coordinated with the~~
2 11 ~~person's county of legal settlement or with the state,~~
2 12 ~~as applicable. The county of residence and county of~~
2 13 ~~legal settlement of a person subject to a central~~
2 14 ~~point of coordination process may mutually agree that~~
2 15 the central point of coordination process functions
2 16 shall be performed by the central point of
2 17 coordination process of the person's county of ~~legal~~
2 18 ~~settlement~~ residence in accordance with the county of
2 19 residence's management plan approved under section
2 20 331.439 and the person's county of legal settlement is
2 21 responsible for the cost of the services or other
2 22 support authorized at the rates reimbursed by the
2 23 county of residence. At the time services or other
2 24 support are authorized, the county of residence shall

2 25 send the county of legal settlement a copy of the
2 26 authorization notice.
2 27 b. However, if the county of legal settlement
2 28 applies for and receives a temporary waiver from the
2 29 risk pool board created in section 426B.5, the county
2 30 of legal settlement may apply a waiting list
2 31 requirement in accordance with the waiver to all or a
2 32 portion of the services or other support approved for
2 33 the person. The risk pool board's approval of a
2 34 temporary waiver is subject to the risk pool board's
2 35 determination that payment for all or a portion of the
2 36 services or other support approved for the person
2 37 would create a financial risk for the county of legal
2 38 settlement. The determination shall be based on an
2 39 analysis which provides for encumbering of moneys in
2 40 the county services fund that are anticipated to be
2 41 expended for the remainder of the fiscal year for the
2 42 persons receiving services or other support funded by
2 43 the services fund at the time of the authorization
2 44 under paragraph "a". The risk pool board shall use
2 45 the requirements established in section 426B.5 for
2 46 basic eligibility for risk pool funding or other
2 47 comparable standards developed by the risk pool board
2 48 for determining whether a financial risk exists for
2 49 the county. The term of a waiver shall not extend
2 50 beyond the end of the fiscal year in which the waiver
3 1 is granted.

3 2 Sec. _____. Section 331.440, Code 2005, is amended
3 3 by adding the following new subsection:
3 4 NEW SUBSECTION. 3A. Effective July 1, 2007, if an
3 5 adult person has no established county of legal
3 6 settlement or the legal settlement is unknown so that
3 7 the person is deemed to be a state case, the person's
3 8 eligibility and the authorization for state case
3 9 services and other support shall be determined by the
3 10 adult person's county of residence in accordance with
3 11 that county's management plan approved under section
3 12 331.439. The costs of the state case services and
3 13 other support provided for the person shall be the
3 14 responsibility of the person's county of legal
3 15 residence. The funding appropriated to the department
3 16 of human services for purposes of the state case
3 17 services and other support shall be distributed as
3 18 provided in the appropriation to the counties of
3 19 residence responsible for the costs.

3 20 Sec. _____. EFFECTIVE DATE == COST PROJECTIONS ==
3 21 LEGISLATIVE INTENT.

3 22 1. Except for this section, this division of this
3 23 Act takes effect July 1, 2007. This section, being
3 24 deemed of immediate importance, takes effect upon
3 25 enactment.

3 26 2. Unless a more equitable approach is identified,
3 27 it is the intent of the general assembly to distribute
3 28 the appropriation made for state case services and
3 29 other support, as defined in this division of this
3 30 Act, for the fiscal year beginning July 1, 2007, on
3 31 the basis of the actual amount expended for state case
3 32 services and other support provided to persons who
3 33 resided in each county during the fiscal year
3 34 beginning July 1, 2006, as adjusted for any increase
3 35 made in the appropriation amount. It is further
3 36 intended that warrants distributing the appropriation
3 37 made for state case services and other support will be
3 38 issued to counties in July 2007.

3 39 3. Each county that would need to amend the
3 40 county's management plan for services approved under
3 41 section 331.439 in order to implement the provisions
3 42 of this division of this Act on July 1, 2007, shall
3 43 develop and submit projections of the costs to the
3 44 county to implement the provisions. The projections
3 45 shall identify costs in the initial and succeeding
3 46 fiscal years. The projections shall be submitted on
3 47 December 1, 2006, along with the county's expenditure
3 48 report submitted pursuant to section 331.439,
3 49 subsection 1, paragraph "a". The projections, along
3 50 with any findings and recommendations identified by
4 1 the county, shall be submitted at the same time to the
4 2 department of human services, the mental health,
4 3 mental retardation, developmental disabilities, and
4 4 brain injury commission, and the general assembly.

4 5 4. It is the intent of the general assembly to

4 6 direct the department of human services to renegotiate
4 7 the contract with the contractor providing managed
4 8 care for mental health services under the medical
4 9 assistance program so that any responsibility for the
4 10 contractor to manage state case services and other
4 11 support, as defined by this division of this Act, will
4 12 end effective June 30, 2007.>
4 13 [#14](#). Page 10, by striking lines 26 through 28 and
4 14 inserting the following:
4 15 <Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2,
4 16 subsection 3, shall not apply to this Act.>
4 17 [#15](#). By renumbering as necessary.
4 18
4 19
4 20 _____
4 21 CARROLL of Poweshiek
4 22
4 23
4 24 _____
4 25 HEDDENS of Story
4 26 HF 2780.301 81
4 27 jp/cf/3893