

Senate Amendment 3259

PAG LIN

1 1 Amend House File 825, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, line 23, by striking the figure
1 4 <2,791,522> and inserting the following: <2,792,116>.
1 5 #2. By striking page 1, line 34, through page 2,
1 6 line 1, and inserting the following:
1 7 <2. Of the funds appropriated in this section,
1 8 \$174,198 shall be>.
1 9 #3. Page 2, by inserting after line 4, the
1 10 following:
1 11 <____. Of the funds appropriated in this section,
1 12 \$61,594 shall be used by the department of elder
1 13 affairs for a statewide coordinator for the program of
1 14 all-inclusive care for the elderly as defined in
1 15 section 249H.3. The coordinator shall work in
1 16 collaboration with the department of human services in
1 17 carrying out the coordinator's duties.>
1 18 #4. Page 2, line 17, by striking the figure
1 19 <1,258,710> and inserting the following: <2,259,020>.
1 20 #5. Page 2, by inserting after line 24, the
1 21 following:
1 22 <Of the moneys appropriated in this subsection,
1 23 \$30,310 shall be used to continue to provide funding
1 24 to local communities that have previously received
1 25 funding from the centers for disease control and
1 26 prevention of the United States department of health
1 27 and human services for secondhand smoke education
1 28 initiatives.>
1 29 #6. Page 3, line 14, by striking the figure
1 30 <1,264,299> and inserting the following: <1,274,299>.
1 31 #7. Page 3, by inserting after line 19, the
1 32 following:
1 33 <Of the funds appropriated in this subsection,
1 34 \$10,000 shall be used to continue the grant to a free
1 35 clinic, as defined in section 135.24, operating in one
1 36 county to continue the partnership and test program
1 37 for a buying cooperative approach for purchasing
1 38 prescription drugs at a price less than retail. The
1 39 prescription drugs purchased through the approach
1 40 shall be provided to patients of the free clinic who
1 41 are uninsured or underinsured.>
1 42 #8. By striking page 3, line 30, through page 4,
1 43 line 1, and inserting the following:
1 44 <The amount appropriated in this subsection
1 45 includes \$150,000 in additional funding for childhood
1 46 lead poisoning prevention activities for counties not
1 47 receiving federal funding for this purpose, and of
1 48 this amount, \$50,000 is allocated for a pilot project
1 49 to address lead poisoning prevention and remediation
1 50 activities in a three-county program in north central
2 1 Iowa with a combined population of at least 50,000.>
2 2 #9. Page 4, line 13, by striking the figure
2 3 <1,044,151> and inserting the following: <1,379,258>.
2 4 #10. Page 4, line 16, by striking the figure
2 5 <335,107> and inserting the following: <670,214>.
2 6 #11. Page 4, line 18, by inserting after the
2 7 figure <135.106.> the following: <The department
2 8 shall transfer the funding allocated for the HOPES=HFI
2 9 program to the Iowa empowerment board for distribution
2 10 and shall assist the board in managing the contracting
2 11 for the funding. The funding shall be distributed to
2 12 renew the grants that were provided to the grantees
2 13 that operated the program during the fiscal year
2 14 ending June 30, 2005.>
2 15 #12. Page 4, line 26, by striking the figure
2 16 <6,820,423> and inserting the following: <6,964,033>.
2 17 #13. Page 4, by inserting after line 27 the
2 18 following:
2 19 <The office of the state medical examiner and the
2 20 commissioner of public safety shall give consideration
2 21 to a proposal offered by Polk county for the state
2 22 criminalistics laboratory to share facilities with
2 23 Polk county.>
2 24 #14. Page 4, line 32, by striking the figure

2 25 <994,442> and inserting the following: <1,124,684>.
2 26 #15. Page 4, by inserting after line 33, the
2 27 following:
2 28 <11B. SAFETY NET PROVIDERS
2 29 The purpose of this subsection is to create a
2 30 formal network of providers to preserve and expand the
2 31 health care safety net for vulnerable Iowans, to
2 32 recognize that safety net providers are the means of
2 33 access to health care for the uninsured in this state,
2 34 and to provide a mechanism to identify the extent to
2 35 which the uninsured in the state access health care
2 36 safety net providers. Of the amount appropriated in
2 37 this division of this Act for the medical assistance
2 38 program, \$1,100,000 is transferred to the
2 39 appropriation made in this subsection.
2 40 a. For provision of developmental support services
2 41 to safety net providers as provided in this
2 42 subsection:
2 43 \$ 450,000
2 44 The Iowa department of public health shall contract
2 45 with the Iowa/Nebraska primary care association to
2 46 administer a network of community health centers
2 47 (CHCs), rural health clinics (RHCs), and free clinics,
2 48 with use of the free clinics as sources of referral to
2 49 the CHCs and RHCs, to provide developmental support
2 50 services including all of the following:
3 1 (1) Promotion of the concept of quality, primary,
3 2 preventive, and ameliorative health care through a
3 3 comprehensive primary health care delivery system.
3 4 (2) Provision of a forum to allow primary care
3 5 practitioners, health care center and clinic
3 6 administrators, health department professionals, and
3 7 political and community leaders to interact and share
3 8 information.
3 9 (3) Partnering with existing relevant
3 10 organizations and associations to monitor federal and
3 11 state legislation to assure that the primary care
3 12 needs of Iowans are adequately reflected in public
3 13 policy.
3 14 (4) Partnering with existing relevant
3 15 organizations and associations to sponsor conferences,
3 16 training opportunities, and workshops on topics of
3 17 interest.
3 18 (5) Provision of a linkage between the safety net
3 19 providers and the expansion population under chapter
3 20 249J, if enacted by 2005 Iowa Acts, House File 841.
3 21 b. For incubation grants to community health
3 22 centers that receive a total score of 85 based on the
3 23 evaluation criteria of the federal health resources
3 24 and services administration:
3 25 \$ 650,000
3 26 A recipient of an incubation grant under this
3 27 paragraph "b" shall provide a local match of twenty=
3 28 five percent of the grant funds received.>
3 29 #16. Page 6, by striking line 28, and inserting
3 30 the following: <Iowa commission on volunteer service
3 31 created pursuant to chapter 15H to utilize local
3 32 veterans affairs>.
3 33 #17. Page 12, line 2, by striking the figure
3 34 <40,250,000> and inserting the following:
3 35 <40,222,720>.
3 36 #18. Page 13, line 6, by striking the figure
3 37 <524,800,000> and inserting the following:
3 38 <507,250,212>.
3 39 #19. Page 15, by striking lines 22 through 34.
3 40 #20. Page 16, by inserting after line 28, the
3 41 following:
3 42 <____. The department shall expand coverage under
3 43 the medical assistance program to cover smoking
3 44 cessation drugs.
3 45 _____. The department shall expand coverage under
3 46 the medical assistance program to cover weight
3 47 reduction treatments and drugs.
3 48 _____. The department shall adopt rules to require
3 49 that if a product is to be considered by the
3 50 pharmaceutical and therapeutics committee established
4 1 pursuant to section 249A.20A for inclusion on the
4 2 preferred drug list, the pharmaceutical and
4 3 therapeutics committee shall respond to all inquiries
4 4 regarding the process at least 72 hours prior to a
4 5 meeting of the committee to consider inclusion of the

4 6 product. Additionally, the rules shall require that
4 7 the committee provide a pharmaceutical manufacturer of
4 8 a product with 20 days' prior written notice of
4 9 consideration of the manufacturer's product for
4 10 inclusion on the preferred drug list to allow adequate
4 11 time for preparation of appropriate materials to be
4 12 submitted to the committee for review. The rules
4 13 shall also require that adequate time be provided for
4 14 each interested individual to address the committee
4 15 regarding a product to be considered for inclusion on
4 16 the preferred drug list by the committee. A final
4 17 decision regarding inclusion of a product on the
4 18 preferred drug list shall not be made in an executive
4 19 session of the committee.>

4 20 #21. Page 18, line 29, by striking the figure
4 21 <8,350,752> and inserting the following:
4 22 <17,750,752>.

4 23 #22. Page 18, line 31, by striking the figure
4 24 <7,325,228> and inserting the following:
4 25 <16,325,228>.

4 26 #23. Page 19, line 6, by striking the figure
4 27 <500,000> and inserting the following: <900,000>.

4 28 #24. Page 20, line 31, by striking the figure
4 29 <76,400,000> and inserting the following:
4 30 <81,908,683>.

4 31 #25. Page 22, line 25, by striking the figure
4 32 <2,000,000> and inserting the following: <3,000,000>.

4 33 #26. Page 25, line 12, by striking the figure
4 34 <300,000> and inserting the following: <1,000,000>.

4 35 #27. Page 25, by inserting after line 26 the
4 36 following:

4 37 <____. Of the amount appropriated in this section,
4 38 the following amounts are allocated for the indicated
4 39 child welfare system improvements:

- 4 40 a. For family team meetings and other family
4 41 engagement efforts:
4 42 \$ 900,000
4 43 b. For recruiting, training, and development of
4 44 additional resource families, including but not
4 45 limited to families providing kinship, foster, and
4 46 adoptive care:
4 47 \$ 325,000
4 48 c. For field staff working with families to have
4 49 flexible funding to purchase services and other
4 50 support and to fill urgent family needs:
5 1 \$ 750,000
5 2 d. For funding of shelter care so that 15
5 3 emergency beds are available statewide for the fiscal
5 4 year within the statewide average of 288 beds
5 5 addressed in the department's shelter care plan:
5 6 \$ 200,000
5 7 e. For expansion of community partnerships to
5 8 prevent child abuse:
5 9 \$ 100,000>

5 10 #28. Page 25, line 34, by striking the figure
5 11 <32,250,000> and inserting the following:
5 12 <32,275,732>.

5 13 #29. Page 27, by inserting after line 6 the
5 14 following:

- 5 15 <____. For continuation of the department's
5 16 minority youth and family projects under the redesign
5 17 of the child welfare system:
5 18 \$ 375,000>

5 19 #30. Page 29, line 6, by striking the figure
5 20 <12,600,000> and inserting the following:
5 21 <12,650,344>.

5 22 #31. Page 29, line 9, by striking the figure
5 23 <7,050,000> and inserting the following: <7,073,088>.

5 24 #32. Page 30, line 10, by striking the figure <1.>

5 25 #33. Page 30, line 19, by striking the figure
5 26 <10,514,619> and inserting the following:
5 27 <11,014,619>.

5 28 #34. Page 30, by striking lines 20 through 31.

5 29 #35. Page 32, by inserting after line 16 the
5 30 following:

5 31 <____. If the department has data indicating that a
5 32 geographic area has a substantial number of persons
5 33 with mental illness who are homeless and are not being
5 34 served by an existing grantee for that area under the
5 35 formula grant from the federal alcohol, drug abuse,
5 36 and mental health administration to provide mental

5 37 health services for the homeless and the existing
5 38 grantee has expressed a desire to no longer provide
5 39 services or the grantee's contract was terminated by
5 40 the department for nonperformance, the department
5 41 shall issue a request for proposals to replace the
5 42 grantee. Otherwise, the department shall maximize
5 43 available funding by continuing to contract to the
5 44 extent possible with those persons who are grantees as
5 45 of October 1, 2005. The department shall issue a
5 46 request for proposals if additional funding becomes
5 47 available for expansion to persons who are not being
5 48 served and it is not possible to utilize existing
5 49 grantees.>

5 50 #36. Page 33, line 13, by striking the figure
6 1 <53,505,000> and inserting the following:
6 2 <53,924,358>.

6 3 #37. Page 33, line 25, by striking the figure
6 4 <13,312,196> and inserting the following:
6 5 <13,342,196>.

6 6 #38. Page 33, line 26, by striking the figure
6 7 <292.00> and inserting the following: <293.00>.

6 8 #39. Page 33, by inserting after line 29, the
6 9 following:
6 10 <Of the funds appropriated in this section, \$30,000
6 11 is allocated to the department of human services for a
6 12 statewide coordinator for the program of all-inclusive
6 13 care for the elderly as defined in section 249H.3.
6 14 The coordinator shall work in collaboration with the
6 15 department of elder affairs in carrying out the
6 16 coordinator's duties.>

6 17 #40. Page 35, line 2, by striking the word <be>
6 18 and inserting the following: <not be less than>.

6 19 #41. Page 36, line 16, by striking the figure <3>
6 20 and inserting the following: <6>.

6 21 #42. Page 39, line 23, by striking the figure
6 22 <1998> and inserting the following: <2002>.

6 23 #43. Page 40, by striking lines 2 through 6.
6 24 #44. Page 40, by inserting after line 8, the
6 25 following:
6 26 <Sec. _____. SHELTER CARE REQUEST FOR PROPOSALS.
6 27 The department of human services shall amend the
6 28 request for proposals issued on April 15, 2005, for a
6 29 program to provide for the statewide availability of
6 30 emergency juvenile shelter care during the fiscal year
6 31 beginning July 1, 2005, to increase the statewide
6 32 daily average number of beds covered under the request
6 33 to 288 beds in order to include 15 unallocated beds
6 34 statewide for emergency placements. However, if the
6 35 date of enactment of this Act does not allow
6 36 sufficient time for the department to amend the
6 37 request for proposals as otherwise required by this
6 38 section, the department shall apply the requirement in
6 39 the negotiations with the program awarded the contract
6 40 and shall include the requirement in the final
6 41 contract.>

6 42 #45. Page 41, by inserting after line 25, the
6 43 following:
6 44 <Sec. _____. 2003 Iowa Acts, chapter 178, section
6 45 45, unnumbered paragraph 3, as enacted by 2004 Iowa
6 46 Acts, chapter 1175, section 160, is amended to read as
6 47 follows:
6 48 Notwithstanding section 8.33, moneys appropriated
6 49 in this section that remain unencumbered or
6 50 unobligated at the close of the fiscal year shall not
7 1 revert but shall remain available for expenditure for
7 2 the child and family services until the close of the
7 3 ~~preceding~~ fiscal year beginning July 1, 2005.>

7 4 #46. Page 43, by inserting after line 29, the
7 5 following:
7 6 <_____. The provision directing the department of
7 7 human services to amend the request for proposals
7 8 issued on April 15, 2005, to provide for statewide
7 9 emergency juvenile shelter care.
7 10 _____. The provision amending 2003 Iowa Acts,
7 11 chapter 178, section 45, unnumbered paragraph 3, as
7 12 enacted by 2004 Iowa Acts, chapter 1175, section 160.>

7 13 #47. Page 45, line 15, by striking the figure
7 14 <50,200,000> and inserting the following:
7 15 <77,753,926>.

7 16 #48. Page 46, by striking lines 23 and 24, and
7 17 inserting the following: <to only those persons who

7 18 meet the nursing facility level of care for home and
7 19 community-based services waiver services as
7 20 established on or after July 1, 2005.>

7 21 #49. Page 48, line 17, by striking the figure
7 22 <14,507,362> and inserting the following:
7 23 <19,167,111>.

7 24 #50. Page 49, by inserting after line 32, the
7 25 following:

7 26 <Sec. _____. NEW SECTION. 16.184 TRANSITIONAL
7 27 HOUSING REVOLVING LOAN PROGRAM FUND.

7 28 1. A transitional housing revolving loan program
7 29 fund is created within the authority to further the
7 30 availability of affordable housing for parents that
7 31 are reuniting with their children while completing or
7 32 participating in substance abuse treatment. The
7 33 moneys in the fund are annually appropriated to the
7 34 authority to be used for the development and operation
7 35 of a revolving loan program to provide financing to
7 36 construct affordable transitional housing, including
7 37 through new construction or acquisition and
7 38 rehabilitation of existing housing. The housing
7 39 provided shall be geographically located in close
7 40 proximity to licensed substance abuse treatment
7 41 programs. Preference in funding shall be given to
7 42 projects that reunite mothers with the mothers'
7 43 children.

7 44 2. Moneys transferred by the authority for deposit
7 45 in the transitional housing revolving loan program
7 46 fund, moneys appropriated to the transitional housing
7 47 revolving loan program, and any other moneys available
7 48 to and obtained or accepted by the authority for
7 49 placement in the fund shall be deposited in the fund.
7 50 Additionally, payment of interest, recaptures of
8 1 awards, and other repayments to the transitional
8 2 housing revolving loan program fund shall be credited
8 3 to the fund. Notwithstanding section 12C.7,
8 4 subsection 2, interest or earnings on moneys in the
8 5 transitional housing revolving loan program fund shall
8 6 be credited to the fund. Notwithstanding section
8 7 8.33, moneys that remain unencumbered or unobligated
8 8 at the close of the fiscal year shall not revert but
8 9 shall remain available for the same purpose in the
8 10 succeeding fiscal year.

8 11 3. The authority shall annually allocate moneys
8 12 available in the transitional housing revolving loan
8 13 program fund for the development of affordable
8 14 transitional housing for parents that are reuniting
8 15 with the parents' children while completing or
8 16 participating in substance abuse treatment. The
8 17 authority shall develop a joint application process
8 18 for the allocation of federal low-income housing tax
8 19 credits and the funds available under this section.
8 20 Moneys allocated to such projects may be in the form
8 21 of loans, grants, or a combination of loans and
8 22 grants.

8 23 4. The authority shall adopt rules pursuant to
8 24 chapter 17A to administer this section.>

8 25 #51. Page 68, by inserting after line 32 the
8 26 following:

8 27 <Sec. _____. Section 154A.22, Code 2005, is amended
8 28 to read as follows:

8 29 154A.22 DEPOSIT RECEIPT OF FEES.

8 30 1. The Except as otherwise provided in subsection
8 31 2, the department shall deposit all fees collected
8 32 under the provisions of this chapter in the general
8 33 fund of the state. Compensation and travel expenses
8 34 of members and employees of the board, and other
8 35 expenses necessary for the board to administer and
8 36 carry out the provisions of this chapter shall be paid
8 37 from funds appropriated from the general fund of the
8 38 state.

8 39 2. The department may retain ninety percent of the
8 40 revenue generated from an increase in licensure and
8 41 permit fees established pursuant to section 154A.17
8 42 above the licensure and permit fees in effect as of
8 43 June 30, 2005. The moneys retained by the department
8 44 shall be used for any of the board's duties, including
8 45 but not limited to addition of full-time equivalent
8 46 positions for program services and investigations.
8 47 Revenues retained by the department pursuant to this
8 48 subsection shall be considered repayment receipts as

8 49 defined in section 8.2.

8 50 Sec. _____. Section 155.6, Code 2005, is amended to
9 1 read as follows:

9 2 155.6 ~~FUND CREATED RECEIPT OF FEES.~~

9 3 1. ~~All~~ Except as otherwise provided in subsection
9 4 2, all fees collected under the provisions of this
9 5 chapter shall be paid to the treasurer of state who
9 6 shall deposit the fees in the general fund of the
9 7 state. Funds shall be appropriated to the board to be
9 8 used and expended by the board to pay the compensation
9 9 and travel expenses of members and employees of the
9 10 board, and other expenses necessary for the board to
9 11 administer and carry out the provisions of this
9 12 chapter.

9 13 2. The board may retain ninety percent of the
9 14 revenue generated from an increase in examination,
9 15 licensure, and renewal of licensure fees established
9 16 pursuant to section 155.15 above the examination,
9 17 licensure, and renewal of licensure fees in effect as
9 18 of June 30, 2005. The moneys retained by the board
9 19 shall be used for any of the board's duties, including
9 20 but not limited to addition of full-time equivalent
9 21 positions for program services and investigations.
9 22 Revenues retained by the department pursuant to this
9 23 subsection shall be considered repayment receipts as
9 24 defined in section 8.2.>

9 25 #52. Page 73, by inserting after line 33 the
9 26 following:

9 27 <Sec. _____. Section 227.4, Code 2005, is amended to
9 28 read as follows:

9 29 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL
9 30 ILLNESS OR ~~DEVELOPMENTAL DISABILITIES~~ MENTAL
9 31 RETARDATION IN COUNTY CARE FACILITIES.

9 32 The administrator, in cooperation with the
9 33 department of inspections and appeals, shall recommend
9 34 and the mental health, mental retardation,
9 35 developmental disabilities, and brain injury
9 36 commission created in section 225C.5 shall adopt
9 37 standards for the care of and services to persons with
9 38 mental illness or ~~developmental disabilities~~ mental
9 39 retardation residing in county care facilities. The
9 40 standards shall be enforced by the department of
9 41 inspections and appeals as a part of the licensure
9 42 inspection conducted pursuant to chapter 135C. The
9 43 objective of the standards is to ensure that persons
9 44 with mental illness or ~~developmental disabilities~~
9 45 mental retardation who are residents of county care
9 46 facilities are not only adequately fed, clothed, and
9 47 housed, but are also offered reasonable opportunities
9 48 for productive work and recreational activities suited
9 49 to their physical and mental abilities and offering
9 50 both a constructive outlet for their energies and, if
10 1 possible, therapeutic benefit. When recommending
10 2 standards under this section, the administrator shall
10 3 designate an advisory committee representing
10 4 administrators of county care facilities, county
10 5 mental health and developmental disabilities regional
10 6 planning councils, and county care facility resident
10 7 advocate committees to assist in the establishment of
10 8 standards.>

10 9 #53. Page 74, by inserting after line 27 the
10 10 following:

10 11 <Sec. _____. NEW SECTION. 231E.1 TITLE.
10 12 This chapter shall be known and may be cited as the
10 13 "Iowa Substitute Decision Maker Act".

10 14 Sec. _____. NEW SECTION. 231E.2 OFFICE OF
10 15 SUBSTITUTE DECISION MAKER == FINDINGS AND INTENT.

10 16 1. a. The general assembly finds that many adults
10 17 in this state are unable to meet essential
10 18 requirements to maintain their physical health or to
10 19 manage essential aspects of their financial resources
10 20 and are in need of substitute decision-making
10 21 services. However, a willing and responsible person
10 22 may not be available to serve as a private substitute
10 23 decision maker or the adult may not have adequate
10 24 income or resources to compensate a private substitute
10 25 decision maker.

10 26 b. The general assembly further finds that a
10 27 process should exist to assist individuals in finding
10 28 alternatives to substitute decision-making services
10 29 and less intrusive means of assistance before an

10 30 individual's independence or rights are limited.
10 31 c. The general assembly further finds that a
10 32 substitute decision maker may be necessary to finalize
10 33 a person's affairs after death when there is no
10 34 willing and appropriate person available to serve as
10 35 the person's personal representative.
10 36 2. a. It is, therefore, the intent of the general
10 37 assembly to establish a state office of substitute
10 38 decision maker and authorize the establishment of
10 39 local offices of substitute decision maker to provide
10 40 substitute decision-making services to adults and
10 41 their estates after their deaths, when no private
10 42 substitute decision maker is available.
10 43 b. It is also the intent of the general assembly
10 44 that the office of substitute decision maker provide
10 45 assistance to both public and private substitute
10 46 decision makers throughout the state in securing
10 47 necessary services for their wards, principals,
10 48 clients, and decedents and to assist substitute
10 49 decision makers, wards, principals, clients, courts,
10 50 and attorneys in the orderly and expeditious handling
11 1 of substitute decision-making proceedings.
11 2 Sec. _____. NEW SECTION. 231E.3 DEFINITIONS.
11 3 As used in this chapter, unless the context
11 4 otherwise requires:
11 5 1. "Client" means an individual for whom a
11 6 representative payee is appointed.
11 7 2. "Commission" means the commission of elder
11 8 affairs.
11 9 3. "Conservator" means conservator as defined in
11 10 section 633.3.
11 11 4. "Court" means court as defined in section
11 12 633.3.
11 13 5. "Decedent" means the individual for whom an
11 14 estate is administered or executed.
11 15 6. "Department" means the department of elder
11 16 affairs established in section 231.21.
11 17 7. "Director" means the director of the department
11 18 of elder affairs.
11 19 8. "Estate" means estate as defined in section
11 20 633.3.
11 21 9. "Guardian" means guardian as defined in section
11 22 633.3.
11 23 10. "Incompetent" means incompetent as defined in
11 24 section 633.3.
11 25 11. "Local office" means a local office of
11 26 substitute decision maker.
11 27 12. "Local substitute decision maker" means an
11 28 individual under contract with the department to act
11 29 as a substitute decision maker.
11 30 13. "Personal representative" means personal
11 31 representative as defined in section 633.3.
11 32 14. "Planning and service area" means a geographic
11 33 area of the state designated by the commission for the
11 34 purpose of planning, developing, delivering, and
11 35 administering services for elders.
11 36 15. "Power of attorney" means a durable power of
11 37 attorney for health care as defined in section 144B.1
11 38 or a power of attorney that becomes effective upon the
11 39 disability of the principal as described in section
11 40 633.705.
11 41 16. "Principal" means an individual for whom a
11 42 power of attorney is established.
11 43 17. "Representative payee" means an individual
11 44 appointed by a government entity to receive funds on
11 45 behalf of a client pursuant to federal regulation.
11 46 18. "State agency" means any executive department,
11 47 commission, board, institution, division, bureau,
11 48 office, agency, or other executive entity of state
11 49 government.
11 50 19. "State office" means the state office of
12 1 substitute decision maker.
12 2 20. "State substitute decision maker" means the
12 3 administrator of the state office of substitute
12 4 decision maker.
12 5 21. "Substitute decision maker" means a guardian,
12 6 conservator, representative payee, attorney in fact
12 7 under a power of attorney, or personal representative.
12 8 22. "Substitute decision making" or "substitute
12 9 decision-making services" means the provision of
12 10 services of a guardian, conservator, representative

12 11 payee, attorney in fact under a power of attorney, or
12 12 personal representative.

12 13 23. "Ward" means the individual for whom a
12 14 guardianship or conservatorship is established.

12 15 Sec. _____. NEW SECTION. 231E.4 STATE OFFICE OF
12 16 SUBSTITUTE DECISION MAKER == ESTABLISHED == DUTIES ==
12 17 DEPARTMENT RULES.

12 18 1. A state office of substitute decision maker is
12 19 established within the department to create and
12 20 administer a statewide network of substitute decision
12 21 makers who provide substitute decision-making services
12 22 if other substitute decision makers are not available
12 23 to provide the services.

12 24 2. The director shall appoint an administrator of
12 25 the state office who shall serve as the state
12 26 substitute decision maker. The state substitute
12 27 decision maker shall be qualified for the position by
12 28 training and expertise in substitute decision-making
12 29 law. The state substitute decision maker shall also
12 30 have knowledge of social services available to meet
12 31 the needs of persons adjudicated incompetent or in
12 32 need of substitute decision making.

12 33 3. The state office shall do all of the following:

12 34 a. Select persons through a request for proposals
12 35 process to establish local offices of substitute
12 36 decision maker in each of the planning and service
12 37 areas. Local offices shall be established statewide
12 38 on or before July 1, 2015.

12 39 b. Monitor and terminate contracts with local
12 40 offices based on criteria established by rule of the
12 41 department.

12 42 c. Retain oversight responsibilities for all local
12 43 substitute decision makers.

12 44 d. Act as substitute decision maker if a local
12 45 office is not available to so act.

12 46 e. Work with the department of human services, the
12 47 Iowa department of public health, the governor's
12 48 developmental disabilities council, and other agencies
12 49 to establish a referral system for the provision of
12 50 substitute decision-making services.

13 1 f. Develop and maintain a current listing of
13 2 public and private services and programs available to
13 3 assist wards, principals, clients, personal
13 4 representatives, and their families and establish and
13 5 maintain relationships with public and private
13 6 entities to assure the availability of effective
13 7 substitute decision-making services for wards,
13 8 principals, clients, and estates.

13 9 g. Provide information and referrals to the public
13 10 regarding substitute decision-making services.

13 11 h. Provide personal representatives for estates
13 12 where a person is not available for that purpose.

13 13 i. Maintain statistical data on the local offices
13 14 including various methods of funding, the types of
13 15 services provided, and the demographics of the wards,
13 16 principals, clients, and decedents and report to the
13 17 general assembly on or before November 1, annually,
13 18 regarding the local offices and recommend any
13 19 appropriate legislative action.

13 20 j. Develop, in cooperation with the judicial
13 21 council as established in section 602.1202, a
13 22 substitute decision-maker education and training
13 23 program. The program may be offered to both public
13 24 and private substitute decision makers. The state
13 25 office shall establish a curriculum committee, which
13 26 includes but is not limited to probate judges, to
13 27 develop the education and training program.

13 28 4. The state office may do any of the following:

13 29 a. Accept and receive gifts, grants, or donations
13 30 from any public or private entity in support of the
13 31 state office.

13 32 b. Accept the services of individual volunteers
13 33 and volunteer organizations.

13 34 c. Employ staff necessary to administer the state
13 35 office and enter into contracts as necessary.

13 36 5. The department shall provide administrative
13 37 support to the state office.

13 38 6. The department shall adopt rules in accordance
13 39 with chapter 17A necessary to create and administer
13 40 the state and local offices, relating to but not
13 41 limited to all of the following:

13 42 a. An application and intake process and standards
13 43 for receipt of substitute decision-making services
13 44 from the state or a local office.
13 45 b. A process for the removal or termination of the
13 46 state or a local substitute decision maker.
13 47 c. An ideal range of staff-to-client ratios for
13 48 the state and local substitute decision makers.
13 49 d. Minimum training and experience requirements
13 50 for professional staff and volunteers.
14 1 e. A fee schedule. The department may establish
14 2 by rule a schedule of reasonable fees for the costs of
14 3 substitute decision-making services provided under
14 4 this chapter. The fee schedule established may be
14 5 based upon the ability of the ward, principal, client,
14 6 or estate to pay for the services but shall not exceed
14 7 the actual cost of providing the services. The state
14 8 office or a local office may waive collection of a fee
14 9 upon a finding that collection is not economically
14 10 feasible. The rules may provide that the state office
14 11 or a local office may investigate the financial status
14 12 of a ward, principal, or client who, or an estate that
14 13 requests substitute decision-making services or for
14 14 whom or which the state or a local substitute decision
14 15 maker has been appointed for the purpose of
14 16 determining the fee to be charged by requiring the
14 17 ward, principal, client, or estate to provide any
14 18 written authorizations necessary to provide access to
14 19 records of public or private sources, otherwise
14 20 confidential, needed to evaluate the individual's or
14 21 estate's financial eligibility. The rules may also
14 22 provide that the state or a local substitute decision
14 23 maker may, upon request and without payment of fees
14 24 otherwise required by law, obtain information
14 25 necessary to evaluate the individual's or estate's
14 26 financial eligibility from any office of the state or
14 27 of a political subdivision or agency of the state that
14 28 possesses public records. In estate proceedings, the
14 29 state or local decision maker shall be compensated
14 30 pursuant to chapter 633, division III, part 8.
14 31 f. Standards and performance measures for
14 32 evaluation of local offices.
14 33 g. Recordkeeping and accounting procedures to
14 34 ensure that the state office and local offices
14 35 maintain confidential, accurate, and up-to-date
14 36 financial, case, and statistical records. The rules
14 37 shall require each local office to file with the state
14 38 office, on an annual basis, an account of all public
14 39 and private funds received and a report regarding the
14 40 operations of the local office for the preceding
14 41 fiscal year.
14 42 h. Procedures for the sharing of records held by
14 43 the court or a state agency with the state office,
14 44 which are necessary to evaluate the state office or
14 45 local offices, to assess the need for additional
14 46 substitute decision makers, or to develop required
14 47 reports.
14 48 Sec. _____. NEW SECTION. 231E.5 LOCAL OFFICE OF
14 49 SUBSTITUTE DECISION MAKER.
14 50 1. The state substitute decision maker shall
15 1 select persons to provide local substitute decision-
15 2 making services in each of the planning and service
15 3 areas, based upon a request for proposals process
15 4 developed by the department.
15 5 2. The local office shall comply with all
15 6 requirements established for the local office by the
15 7 department and shall do all of the following:
15 8 a. Maintain a staff of professionally qualified
15 9 individuals to carry out the substitute decision-
15 10 making functions.
15 11 b. Identify client needs and local resources to
15 12 provide necessary support services to recipients of
15 13 substitute decision-making services.
15 14 c. Collect program data as required by the state
15 15 office.
15 16 d. Meet standards established for the local
15 17 office.
15 18 e. Comply with minimum staffing requirements and
15 19 caseload restrictions.
15 20 f. Conduct background checks on employees and
15 21 volunteers.
15 22 g. With regard to a proposed ward, the local

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

17 4 conservatorship services are the least restrictive
17 5 means of meeting the individual's needs.

17 6 Sec. ____ NEW SECTION. 231E.7 SUBSTITUTE
17 7 DECISION MAKER=INITIATED APPOINTMENT.

17 8 The state office or local office may on its own
17 9 motion or at the request of the court intervene in a
17 10 guardianship or conservatorship proceeding if the
17 11 state office or local office or the court considers
17 12 the intervention to be justified because of any of the
17 13 following:

17 14 1. An appointed guardian or conservator is not
17 15 fulfilling prescribed duties or is subject to removal
17 16 under section 633.65.

17 17 2. A willing and qualified guardian or conservator
17 18 is not available.

17 19 3. The best interests of the ward require the
17 20 intervention.

17 21 Sec. ____ NEW SECTION. 231E.8 PROVISIONS
17 22 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS ==
17 23 DISCHARGE.

17 24 1. The court shall only appoint or intervene on
17 25 its own motion or act upon the petition of any person
17 26 under section 231E.6 or 231E.7 if such appointment or
17 27 intervention would comply with staffing ratios
17 28 established by the department and if sufficient
17 29 resources are available to the state office or local
17 30 office. Notice of the proposed appointment shall be
17 31 provided to the state office or local office prior to
17 32 the granting of such appointment.

17 33 2. The state office or local office shall maintain
17 34 reasonable personal contact with each ward, principal,
17 35 or client for whom the state office or local office is
17 36 appointed or designated in order to monitor the
17 37 ward's, principal's, or client's care and progress.
17 38 For any estates in which the state office or local
17 39 office is involved, the state office or local office
17 40 shall move estate proceedings forward in a reasonable
17 41 and expeditious manner and shall monitor the progress
17 42 of any legal counsel retained on a regular basis.

17 43 3. Notwithstanding any provision of law to the
17 44 contrary, the state office or local office appointed
17 45 by the court or designated under a power of attorney
17 46 document may access all confidential records
17 47 concerning the ward or principal for whom the state
17 48 office or local office is appointed or designated,
17 49 including medical records and abuse reports.

17 50 4. In any proceeding in which the state or local
18 1 office is appointed or is acting as guardian or
18 2 conservator, the court shall waive court costs or
18 3 filing fees, if the state office or local office
18 4 certifies to the court that the state office or local
18 5 office has waived its fees in their entirety based
18 6 upon the ability of the ward to pay for the services
18 7 of the state office or local office. In any estate
18 8 proceeding, the court costs shall be paid in
18 9 accordance with chapter 633, division VII, part 7.

18 10 5. The state or a local substitute decision maker
18 11 shall be subject to discharge or removal, by the
18 12 court, on the grounds and in the manner in which other
18 13 guardians, conservators, or personal representatives
18 14 are discharged or removed pursuant to chapter 633.

18 15 Sec. ____ NEW SECTION. 231E.9 FEES ==
18 16 APPROPRIATED.

18 17 Fees received by the state office and by local
18 18 offices for services provided as state or local
18 19 substitute decision maker shall be deposited in the
18 20 general fund of the state and the amounts received are
18 21 appropriated to the department for the purposes of
18 22 administering this chapter.

18 23 Sec. ____ NEW SECTION. 231E.10 CONFLICTS OF
18 24 INTEREST == LIMITATIONS.

18 25 Notwithstanding section 633.63 or any other
18 26 provision to the contrary, a local substitute decision
18 27 maker shall not provide direct services to or have an
18 28 actual or the appearance of any conflict of interest
18 29 relating to any individual for whom the local
18 30 substitute decision maker acts in a substitute
18 31 decision-making capacity unless such provision of
18 32 direct services or the appearance of a conflict of
18 33 interest is approved and monitored by the state office
18 34 in accordance with rules adopted by the department.

18 35 Sec. ____ NEW SECTION. 231E.11 DUTY OF ATTORNEY
18 36 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.
18 37 1. The attorney general shall advise the state
18 38 office on legal matters and represent the state office
18 39 in legal proceedings.
18 40 2. Upon the request of the attorney general, a
18 41 county attorney may represent the state office or a
18 42 local office in connection with the filing of a
18 43 petition for appointment as guardian or conservator
18 44 and with routine, subsequent appearances.
18 45 3. A local attorney experienced in probate matters
18 46 may represent the personal representative for all
18 47 routine matters associated with probating an estate.
18 48 Sec. ____ NEW SECTION. 231E.12 LIABILITY.
18 49 All employees and volunteers of the state office
18 50 and local offices operating under this chapter and
19 1 other applicable chapters and pursuant to rules
19 2 adopted under this and other applicable chapters are
19 3 considered employees of the state and state volunteers
19 4 for the purposes of chapter 669 and shall be afforded
19 5 protection under section 669.21 or 669.24, as
19 6 applicable. This section does not relieve a guardian
19 7 or conservator from performing duties prescribed under
19 8 chapter 633.
19 9 Sec. ____ NEW SECTION. 231E.13 IMPLEMENTATION.
19 10 Implementation of this chapter is subject to
19 11 availability of funding as determined by the
19 12 department. The department shall notify the Code
19 13 editor upon implementation of this chapter.>
19 14 #54. Page 74, by inserting after line 34 the
19 15 following:
19 16 <Sec. ____ Section 232.107, Code 2005, is amended
19 17 by adding the following new unnumbered paragraph:
19 18 NEW UNNUMBERED PARAGRAPH. If a breastfeeding
19 19 infant is removed from the child's home in accordance
19 20 with an order entered under this division, unless the
19 21 court finds that substantial evidence exists to
19 22 believe that reasonable visitation or supervised
19 23 visitation would cause an imminent risk to the
19 24 infant's life or health, the order shall allow the
19 25 infant's mother reasonable visitation or supervised
19 26 visitation for purposes of breastfeeding the infant.
19 27 The department or other person with custody of the
19 28 infant shall make every reasonable effort to comply
19 29 with the order.>
19 30 #55. By striking page 75, line 31, through page
19 31 76, line 2, and inserting the following:
19 32 <Sec. ____ Section 234.12A, subsection 1, Code
19 33 2005, is amended to read as follows:
19 34 1. The department of human services ~~may establish~~
19 35 ~~shall maintain~~ an electronic benefits transfer program
19 36 utilizing electronic funds transfer systems. The
19 37 program, ~~if established,~~ shall at a minimum provide
19 38 ~~for all of the following:~~
19 39 ~~a. A that a retailer shall not be required to make~~
19 40 ~~cash disbursements or to provide, purchase, or upgrade~~
19 41 ~~electronic funds transfer system equipment as a~~
19 42 ~~condition of participation in the program.~~
19 43 ~~b. A retailer providing electronic funds transfer~~
19 44 ~~system equipment for transactions pursuant to the~~
19 45 ~~program shall be reimbursed seven cents for each~~
19 46 ~~approved transaction pursuant to the program utilizing~~
19 47 ~~the retailer's equipment.~~
19 48 ~~c. A retailer that provides electronic funds~~
19 49 ~~transfer system equipment for transactions pursuant to~~
19 50 ~~the program and who makes cash disbursements pursuant~~
20 1 ~~to the program utilizing the retailer's equipment~~
20 2 ~~shall be paid a fee of seven cents by the department~~
20 3 ~~for each cash disbursement transaction by the~~
20 4 ~~retailer.->~~
20 5 #56. Page 76, by inserting before line 3 the
20 6 following:
20 7 <Sec. ____ Section 235B.6, subsection 2, paragraph
20 8 e, Code 2005, is amended by adding the following new
20 9 subparagraph:
20 10 NEW SUBPARAGRAPH. (11) The state office or a
20 11 local office of substitute decision maker as defined
20 12 in section 231E.3, appointed by the court as a
20 13 guardian or conservator of the adult named in a report
20 14 as the victim of abuse or the person designated to be
20 15 responsible for performing or obtaining protective

20 16 services on behalf of a dependent adult pursuant to
20 17 section 235B.18.>
20 18 #57. Page 86, by inserting after line 3 the
20 19 following:
20 20 <Sec. _____. Section 633.63, subsection 3, Code
20 21 2005, is amended to read as follows:
20 22 3. A private nonprofit corporation organized under
20 23 chapter 504, Code 1989, or current chapter 504 or 504A
20 24 is qualified to act as a guardian, as defined in
20 25 section 633.3, ~~subsection 20,~~ or a conservator, as
20 26 defined in section 633.3, ~~subsection 7, where the~~
~~20 27 assets subject to the conservatorship at the time when~~
~~20 28 such corporation is appointed conservator are less~~
~~20 29 than or equal to seventy-five thousand dollars and if~~
20 30 the corporation does not possess a proprietary or
20 31 legal interest in an organization which provides
20 32 direct services to the individual.
20 33 Sec. _____. Section 633.63, Code 2005, is amended by
20 34 adding the following new subsection:
20 35 NEW SUBSECTION. 4. The state or a local
20 36 substitute decision maker as defined in section 231E.3
20 37 is authorized to act in a fiduciary capacity in this
20 38 state in accordance with chapter 231E.>
20 39
20 40
20 41 _____
20 42 JACK HATCH
20 43
20 44
20 45 _____
20 46 MAGGIE TINSMAN
20 47 HF 825.719 81
20 48 pf/gg/4761