

House Amendment 2041

PAG LIN

1 1 Amend House File 909, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 5, line 16, by striking the word <if> and
1 4 inserting the following: <as>.
1 5 #2. Page 6, by striking lines 10 through 12 and
1 6 inserting the following: <shall be used to administer
1 7 or implement the information and>.
1 8 #3. Page 7, line 13, by striking the figure
1 9 <1,690,000> and inserting the following: <2,215,000>.
1 10 #4. Page 7, by inserting after line 13 the
1 11 following:
1 12 <The amount appropriated in this subsection for
1 13 addictive disorders reflects an increase of \$525,000
1 14 from the funding remaining in the gambling treatment
1 15 fund from the carryforward of appropriations made for
1 16 addictive disorders in previous fiscal years. Of this
1 17 amount, \$50,000 shall be transferred to the department
1 18 of corrections to supplement funding for the adult
1 19 drug court program in the fifth judicial district,
1 20 \$25,000 shall be transferred to the department of
1 21 corrections to supplement funding for the adult drug
1 22 court program in the second judicial district,
1 23 \$150,000 shall be transferred to the department of
1 24 human rights to supplement funding for the family
1 25 development and self-sufficiency grant program, and
1 26 \$300,000 shall be transferred to the department of
1 27 human rights to be used in addition to any other
1 28 funding appropriated in this Act for the energy
1 29 utility assessment and resolution program established
1 30 pursuant to section 216A.104, as enacted by this Act.>
1 31 #5. Page 9, line 18, by inserting after the word
1 32 <FUND.> the following:
1 33 <1.>
1 34 #6. Page 9, by striking lines 27 through 30 and
1 35 inserting the following: <of the United States, in
1 36 accordance with section 35A.15, as enacted by 2007
1 37 Iowa Acts, Senate File 407:>
1 38 #7. Page 9, line 32, by striking the word
1 39 <section> and inserting the following: <subsection>.
1 40 #8. Page 10, line 1, by striking the word
1 41 <section> and inserting the following: <subsection>.
1 42 #9. Page 10, line 4, by striking the word
1 43 <section> and inserting the following: <subsection>.
1 44 #10. Page 10, line 15, by striking the word
1 45 <section> and inserting the following: <subsection>.
1 46 #11. Page 10, by inserting after line 17 the
1 47 following:
1 48 <2. If after the contingent appropriation is made
1 49 in subsection 1 the balance in the veterans trust fund
1 50 for the fiscal year beginning July 1, 2007, exceeds
2 1 \$5,000,000, exclusive of any amount from interest or
2 2 earnings on moneys in the trust fund or otherwise
2 3 received from a source other than the general fund of
2 4 the state or the rebuild Iowa infrastructure fund, the
2 5 amount in excess of \$5,000,000 is appropriated to the
2 6 department of veterans affairs for the fiscal year
2 7 beginning July 1, 2007, and ending June 30, 2008, for
2 8 transfer to the Iowa finance authority to be used as
2 9 funding in addition to the appropriation in subsection
2 10 1 for the home ownership assistance program.>
2 11 #12. Page 10, line 26, by striking the word
2 12 <commission> and inserting the following:
2 13 <department>.
2 14 #13. Page 10, lines 29 and 30, by striking the
2 15 words <, which shall be done by> and inserting the
2 16 following: <no later than>.
2 17 #14. Page 11, by inserting after line 18 the
2 18 following:
2 19 <Notwithstanding section 8.33, not more than 5
2 20 percent of the moneys designated in this subsection
2 21 that are allocated by the department for contracted
2 22 services other than family self-sufficiency grant
2 23 services allocated under this subsection, that remain
2 24 unencumbered or unobligated at the close of the fiscal

2 25 year shall not revert but shall remain available for
2 26 expenditure for the purposes designated until the
2 27 close of the succeeding fiscal year. However, unless
2 28 such moneys are encumbered or obligated on or before
2 29 September 30, 2008, the moneys shall revert.>
2 30 #15. Page 14, by inserting after line 22 the
2 31 following:
2 32 <0a. To be retained by the department of human
2 33 services to be used for coordinating with the
2 34 department of human rights to more effectively serve
2 35 participants in the FIP program and other shared
2 36 clients and to meet federal reporting requirements
2 37 under the federal temporary assistance for needy
2 38 family block grant:
2 39 \$ 20,000>
2 40 #16. Page 14, line 27, by striking the figure
2 41 <5,583,042> and inserting the following: <5,563,042>.
2 42 #17. Page 14, line 32, by inserting after the word
2 43 <department> the following: <of human rights>.
2 44 #18. By striking page 14, line 35, through page
2 45 15, line 4, and inserting the following:
2 46 <(3) The department of human rights is responsible
2 47 for complying with all federal temporary assistance
2 48 for needy family block grant requirements with respect
2 49 to the funds allocated in this lettered paragraph and
2 50 for any federal penalty that may result from a failure
3 1 to meet the requirements. These responsibilities
3 2 include but are not limited to ensuring that all
3 3 expenditures of federal block grant and state
3 4 maintenance of effort funds are appropriate and
3 5 allowable in accordance with federal requirements and
3 6 meet federal work participation requirements with
3 7 respect to the population receiving benefits or
3 8 services under the family development and
3 9 self-sufficiency grant program that are subject to
3 10 work requirements.
3 11 (4) With the allocation of funding for the family
3 12 development and self-sufficiency grant program
3 13 directly to the department of human rights in lieu of
3 14 allocation through the department of human services,
3 15 the department of human rights shall assume all
3 16 responsibility for the grant program. The
3 17 responsibility includes identifying and addressing
3 18 implementation of any revisions in state law or
3 19 administrative rule needed to effect this change,
3 20 including but not limited to identifying any
3 21 amendments needed to section 217.12.
3 22 (5) The department of human rights, consistent
3 23 with the Accountable Government Act in chapter 8E,
3 24 shall adopt appropriate performance measures for the
3 25 grant program, including but not limited to measures
3 26 demonstrating how the program helps families achieve
3 27 self-sufficiency. The department of human rights
3 28 shall submit to the governor and general assembly on
3 29 or before August 31, 2008, a report detailing these
3 30 measures and the outcomes achieved for fiscal year
3 31 2007=2008.
3 32 (6) The department of human rights shall develop a
3 33 memorandum of agreement with the department of human
3 34 services to coordinate referrals and delivery of
3 35 services to participants in the FIP program and other
3 36 shared clients and shall provide the department of
3 37 human services with information necessary for
3 38 compliance with federal temporary assistance for needy
3 39 families block grant state plan and reporting
3 40 requirements, including but not limited to financial
3 41 and data reports.>
3 42 #19. By striking page 15, line 34, through page
3 43 16, line 8.
3 44 #20. Page 16, line 21, by inserting after the word
3 45 <funding> the following: <If child support
3 46 collections assigned under FIP are greater than
3 47 estimated or are otherwise determined not to be
3 48 required for maintenance of effort, the state share of
3 49 either amount may be transferred to or retained in the
3 50 child support payment account.>
4 1 #21. Page 16, line 35, by inserting after the word
4 2 <designated> the following: <and for not more than
4 3 the following full-time equivalent positions>.
4 4 #22. Page 17, by inserting after line 4 the
4 5 following:

4 6 <..... FTEs 16.50>
4 7 #23. Page 20, line 10, by striking the figure
4 8 <618,926,820> and inserting the following:
4 9 <618,826,820>.
4 10 #24. Page 20, by inserting after line 28 the
4 11 following:
4 12 <1A. Medically necessary abortions do not include
4 13 partial birth abortions as defined in section 707.8A.>
4 14 #25. Page 23, line 2, by inserting after the
4 15 figure <2008.> the following: <If a prescriber
4 16 determines that all smoking cessation aids on the
4 17 preferred drug list are not effective or medically
4 18 appropriate for a patient, the prescriber may apply
4 19 for an exception to policy for another product
4 20 approved by the United States food and drug
4 21 administration for smoking cessation pursuant to 441
4 22 IAC 1.8(1).>
4 23 #26. Page 24, line 9, by inserting after the word
4 24 <purposes> the following: <and for not more than the
4 25 following full=time equivalent positions>.
4 26 #27. Page 24, by inserting after line 10 the
4 27 following:
4 28 <..... FTEs 21.00>
4 29 #28. Page 24, line 17, by inserting after the word
4 30 <purposes> the following: <and for not more than the
4 31 following full=time equivalent positions>.
4 32 #29. Page 24, by inserting after line 18, the
4 33 following:
4 34 <..... FTEs 6.00>
4 35 #30. Page 25, line 22, by inserting after the word
4 36 <PROGRAM.> the following:
4 37 <1.>
4 38 #31. Page 25, by inserting after line 33 the
4 39 following:
4 40 <2. If sufficient funding is available under this
4 41 Act, and if federal reauthorization of the state
4 42 children's health insurance program provides
4 43 sufficient federal allocations to the state and
4 44 authorization to cover the following populations as an
4 45 option under the state children's health insurance
4 46 program, the department may expand coverage under the
4 47 state children's health insurance program as follows:
4 48 a. By eliminating the categorical exclusion of
4 49 state employees from receiving state children's health
4 50 insurance program benefits.
5 1 b. By providing coverage for legal immigrant
5 2 children and pregnant women not eligible under current
5 3 federal guidelines.
5 4 c. By covering children up to age twenty=one, or
5 5 up to age twenty=three if the child is attending
5 6 school.>
5 7 #32. Page 25, by inserting after line 33 the
5 8 following:
5 9 <3. If the United States congress does not
5 10 authorize additional federal funds necessary to
5 11 address the shortfall for the state children's health
5 12 insurance program for the federal fiscal year
5 13 beginning October 1, 2006, and ending September 30,
5 14 2007, the department may use 100 percent state funds
5 15 from the appropriation made in this section for the
5 16 period beginning July 1, 2007, and ending September
5 17 30, 2007, and may, after consultation with the
5 18 governor and the general assembly, utilize funding
5 19 from the appropriations made in this Act for medical
5 20 assistance to maintain the state children's health
5 21 insurance program. If deemed necessary, the
5 22 department shall request a supplemental appropriation
5 23 from the Eighty=second General Assembly, 2008 Session,
5 24 to address any remaining shortfall for the fiscal year
5 25 beginning July 1, 2007.>
5 26 #33. Page 33, line 31, by striking the words <and
5 27 related>.
5 28 #34. Page 37, line 25, by striking the figure
5 29 <5,273,361> and inserting the following: <5,367,652>.
5 30 #35. Page 37, line 31, by striking the figure
5 31 <6,409,501> and inserting the following: <6,540,101>.
5 32 #36. Page 38, line 2, by striking the figure
5 33 <9,358,177> and inserting the following: <9,606,542>.
5 34 #37. Page 38, line 8, by striking the figure
5 35 <1,339,216> and inserting the following: <1,522,598>.
5 36 #38. Page 43, line 29, by striking the figure

5 37 <15,901,927> and inserting the following:

5 38 <16,101,927>.

5 39 #39. Page 44, by inserting after line 3 the

5 40 following:

5 41 <3. Of the funds appropriated in this section,
5 42 \$100,000 is transferred to the department of human
5 43 rights to be used in addition to any other funding
5 44 appropriated in this Act for the energy utility
5 45 assessment and resolution program established pursuant
5 46 to section 216A.104, as enacted by this Act.>

5 47 #40. Page 51, by inserting after line 32 the

5 48 following:

5 49 <Sec. _____. Section 217.23, subsection 2, Code
5 50 2007, is amended to read as follows:

6 1 2. The department ~~is hereby authorized to may~~
6 2 expend moneys from the support allocation of the
6 3 department as reimbursement for replacement or repair
6 4 of personal items of the department's employees
6 5 damaged or destroyed by clients of the department
6 6 during the employee's tour of duty. However, the
6 7 reimbursement shall not exceed ~~one three~~ hundred fifty
6 8 dollars for each item. The department shall establish
6 9 rules in accordance with chapter 17A to carry out the
6 10 purpose of this section.>

6 11 #41. Page 51, by inserting after line 32 the

6 12 following:

6 13 <Sec. _____. Section 231.33, Code 2007, is amended
6 14 by adding the following new subsection:

6 15 NEW SUBSECTION. 21. Provide the opportunity for
6 16 elders residing in the planning and service area to
6 17 offer substantive suggestions regarding the employment
6 18 practices of the area agency on aging.>

6 19 #42. By striking page 72, line 35, through page
6 20 73, line 8.

6 21 #43. Page 74, by inserting before line 14 the

6 22 following:

6 23 <Sec. _____. Section 331.439, subsection 5, Code
6 24 2007, is amended to read as follows:

6 25 5. a. A county shall implement the county's
6 26 management plan in a manner so as to provide adequate
6 27 funding for the entire fiscal year by budgeting for
6 28 ninety-nine percent of the funding anticipated to be
6 29 available for the plan. A county may expend all of
6 30 the funding anticipated to be available for the plan.

6 31 b. ~~If a county determines that the county cannot~~
6 32 ~~provide services in accordance with the county's~~
6 33 ~~management plan and remain in compliance with the~~
6 34 ~~budgeting requirement of paragraph "a" for the fiscal~~
6 35 ~~year, the county may implement a waiting list for the~~
6 36 ~~services. The procedures for establishing and~~
6 37 ~~applying a waiting list shall be specified in the~~
6 38 ~~county's management plan. If a county implements a~~
6 39 ~~waiting list for services, the county shall notify the~~
6 40 ~~department of human services. The department shall~~
6 41 ~~maintain on the department's internet website an~~
6 42 ~~up-to-date listing of the counties that have~~
6 43 ~~implemented a waiting list and the services affected~~
6 44 ~~by each waiting list.~~

6 45 Sec. _____. Section 331.440, subsection 4, as
6 46 enacted by 2006 Iowa Acts, chapter 1115, section 17,
6 47 is amended to read as follows:

6 48 4. a. An application for services may be made
6 49 through the central point of coordination process of
6 50 an adult person's county of residence. Effective July
7 1 1, 2007, if an adult person who is subject to a
7 2 central point of coordination process has legal
7 3 settlement in another county, the central point of
7 4 coordination process functions relating to the
7 5 application shall be performed by the central point of
7 6 coordination process of the person's county of
7 7 residence in accordance with the county of residence's
7 8 management plan approved under section 331.439 and the
7 9 person's county of legal settlement is responsible for
7 10 the cost of the services or other support authorized
7 11 at the rates reimbursed by the county of residence.

7 12 b. ~~The county of residence shall determine whether~~
7 13 ~~or not the person's county of legal settlement has~~
7 14 ~~implemented a waiting list in accordance with section~~
7 15 ~~331.439, subsection 5. If the person's county of~~
7 16 ~~legal settlement has implemented a waiting list, the~~
7 17 ~~services or other support for the person shall be~~

7 18 authorized by the county of residence in accordance
7 19 with the county of legal settlement's waiting list
7 20 provisions.

7 21 c. At the time services or other support are
7 22 authorized, the county of residence shall send the
7 23 county of legal settlement a copy of the authorization
7 24 notice.>

7 25 #44. Page 84, line 30, by inserting after the word
7 26 <pool.> the following: <The mental health, mental
7 27 retardation, developmental disabilities, and brain
7 28 injury commission shall adopt rules pursuant to
7 29 chapter 17A providing criteria for the purposes of
7 30 this lettered paragraph and as necessary to implement
7 31 the other provisions of this subsection.>

7 32 #45. Page 85, line 19, by striking the word <A>.

7 33 #46. Page 85, by striking lines 20 and 21 and
7 34 inserting the following: <Any unobligated>.

7 35 #47. Page 85, line 30, by inserting after the word
7 36 <individual.> the following: <A county may submit a
7 37 preapproval application beginning on July 1 for the
7 38 fiscal year of submission and the risk pool board
7 39 shall notify the county of the risk pool board's
7 40 decision concerning the application within forty=five
7 41 days of receiving the application.>

7 42 #48. Page 86, line 12, by striking the word <The>
7 43 and inserting the following: <The Subject to the
7 44 amount available and obligated from the risk pool for
7 45 a fiscal year, the>.

7 46 #49. Page 86, by inserting after line 27 the
7 47 following:

7 48 <1. If the board has made its decisions but has
7 49 determined that there are otherwise qualifying
7 50 requests for risk pool assistance that are beyond the
8 1 amount available in the risk pool fund for a fiscal
8 2 year, the board shall compile a list of such requests
8 3 and the supporting information for the requests. The
8 4 list and information shall be submitted to the mental
8 5 health, mental retardation, developmental
8 6 disabilities, and brain injury commission, the
8 7 department of human services, and the general
8 8 assembly.>

8 9 #50. Page 94, line 18, by inserting after the
8 10 figure <331.424A.> the following: <A county
8 11 transferring moneys from other funds of the county to
8 12 the county's services fund pursuant to this section or
8 13 utilizing the nonreversion authority provided in the
8 14 division of this Act relating to decategorization
8 15 project funding, shall submit a report detailing the
8 16 transfers made and fund affected and explaining how
8 17 the moneys made available by the nonreversion
8 18 authority were expended. The county shall submit the
8 19 report along with the county expenditure and
8 20 information report submitted by December 1, 2007, in
8 21 accordance with section 331.439.>

8 22 #51. Page 94, line 31, by striking the figure
8 23 <9,332,254> and inserting the following: <8,993,754>.

8 24 #52. Page 95, line 14, by striking the figure
8 25 <8,200,254> and inserting the following: <7,861,754>.

8 26 #53. Page 95, line 24, by inserting after the word
8 27 <promotion.> the following: <Of the funds allocated
8 28 in this lettered paragraph, not more than \$500,000
8 29 shall be used for cessation media promotion. Of the
8 30 funds allocated in this lettered paragraph, \$255,000
8 31 may be utilized by the department for administrative
8 32 purposes.>

8 33 #54. Page 95, by striking lines 25 and 26.

8 34 #55. Page 95, line 30, by striking the figure
8 35 <439,000> and inserting the following: <687,500>.

8 36 #56. Page 96, line 8, by striking the figure <337>
8 37 and inserting the following: <910>.

8 38 #57. Page 96, line 12, by striking the figure
8 39 <517> and inserting the following: <906>.

8 40 #58. Page 96, by inserting after line 12 the
8 41 following:

8 42 <e. Of the funds appropriated in this subsection,
8 43 \$10,000 shall be used for public health education and
8 44 awareness of the children's vision initiatives,
8 45 including the InfantSee program and the student vision
8 46 program, administered through a statewide association
8 47 of optometric professionals for infants and preschool
8 48 children.

8 49 f. Of the funds appropriated in this subsection,
8 50 \$238,500 shall be used to provide audiological
9 1 services and hearing aids for children. The
9 2 department may enter into a contract to administer
9 3 this paragraph.>
9 4 #59. Page 96, line 14, by striking the figure
9 5 <1,178,981> and inserting the following: <1,188,981>.
9 6 #60. Page 96, by striking lines 20 and 21 and
9 7 inserting the following: <shall be used for the
9 8 comprehensive cancer control program to reduce the
9 9 burden of cancer in Iowa through>.
9 10 #61. Page 96, by inserting after line 31 the
9 11 following:
9 12 <e. Of the funds appropriated in this subsection,
9 13 \$10,000 shall be allocated to the university of Iowa,
9 14 Carver college of medicine, department of
9 15 cardiothoracic surgery, to offer extracorporeal
9 16 support for donation after cardiac death.>
9 17 #62. Page 96, line 33, by striking the figure
9 18 <3,025,000> and inserting the following: <2,890,000>.
9 19 #63. Page 97, line 3, by striking the figure
9 20 <200,000> and inserting the following: <300,000>.
9 21 #64. Page 98, by striking lines 18 through 20.
9 22 #65. Page 98, by inserting after line 26 the
9 23 following:
9 24 <ff. Of the funds appropriated in this subsection,
9 25 \$75,000 shall be used for implementation of the
9 26 recommendations of the direct care worker task force
9 27 established pursuant to 2005 Iowa Acts, chapter 88,
9 28 based upon the report submitted to the governor and
9 29 the general assembly in December 2006.
9 30 fff. Of the funds appropriated in this subsection,
9 31 \$140,000 shall be used for allocation to an
9 32 independent statewide direct care worker association
9 33 for education, outreach, leadership development,
9 34 mentoring, and other initiatives intended to enhance
9 35 the recruitment and retention of direct care workers
9 36 in health and long-term care.>
9 37 #66. Page 99, line 8, by striking the figure
9 38 <97,103,096> and inserting the following:
9 39 <97,203,096>.
9 40 #67. Page 99, line 10, by striking the figure
9 41 <78,065,357> and inserting the following:
9 42 <78,165,357>.
9 43 #68. Page 100, by striking lines 28 through 32.
9 44 #69. Page 100, by inserting before line 33 the
9 45 following:
9 46 <Sec. ____ DEPARTMENT OF MANAGEMENT == COMMUNITY
9 47 EMPOWERMENT OFFICE. There is appropriated from the
9 48 health care trust fund created in section 453A.35A to
9 49 the department of management for the fiscal year
9 50 beginning July 1, 2007, and ending June 30, 2008, the
10 1 following amount, or so much thereof as is necessary,
10 2 for the purposes designated:
10 3 For the community empowerment office to implement
10 4 the families with a newborn child voluntary home
10 5 visits program pursuant to section 28.11, as enacted
10 6 by this Act, and for not more than the following
10 7 full-time equivalent positions:
10 8 \$ 190,000
10 9 FTEs 1.00
10 10 Sec. ____ DEPARTMENT OF CORRECTIONS. There is
10 11 appropriated from the health care trust fund created
10 12 in section 453A.35A to the department of corrections
10 13 for the fiscal year beginning July 1, 2007, and ending
10 14 June 30, 2008, the following amount, or so much
10 15 thereof as is necessary, for the purposes designated:
10 16 For additional funding for the drug court program
10 17 in the fourth judicial district:
10 18 \$ 25,000
10 19 Of the funds appropriated and allocated to the
10 20 department of corrections in this Act and in 2007 Iowa
10 21 Acts, House File 907, if enacted, for each drug court
10 22 program in the first, second, third, fourth, sixth,
10 23 seventh, and eighth judicial districts, \$50,000 shall
10 24 be used for substance abuse treatment, and for the
10 25 drug court program in the fifth judicial district
10 26 \$100,000 shall be used for substance abuse treatment.>
10 27 #70. Page 106, by striking lines 23 through 35 and
10 28 inserting the following: <providers for provision to
10 29 patients at the point of care, including the

10 30 development of a centralized intake concept to
10 31 determine the eligibility of safety net provider
10 32 patients for the prescription drug donation repository
10 33 program pursuant to chapter 135M, a drug discount
10 34 card, and pharmaceutical manufacturer assistance
10 35 programs.>

10 36 #71. Page 107, by striking lines 5 through 7 and
10 37 inserting the following:

10 38 <3. Utilization of a pharmacy benefits manager to
10 39 provide low cost patient access to drug therapies.>

10 40 #72. Page 107, by striking lines 8 through 10.

10 41 #73. Page 107, line 18, by striking the word
10 42 <three> and inserting the following: <two>.

10 43 #74. Page 117, by striking lines 24 through 29 and
10 44 inserting the following:

10 45 <Sec. ____ FUNDING == CONTINGENCY.

10 46 1. The provision in this division of this Act
10 47 relating to eligibility for certain persons with
10 48 disabilities under the medical assistance program
10 49 shall only be implemented if the department of human
10 50 services determines that funding is available in
11 1 appropriations made in this Act, in combination with
11 2 federal allocations to the state, for the state
11 3 children's health insurance program, in excess of the
11 4 amount needed to cover the current and projected
11 5 enrollment under the state children's health insurance
11 6 program. If such a determination is made, the
11 7 department of human services shall transfer funding
11 8 from the appropriations made in this Act for the state
11 9 children's health insurance program, not otherwise
11 10 required for that program, to the appropriations made
11 11 in this Act for medical assistance, as necessary, to
11 12 implement such provision of this division of this Act.

11 13 2. The provision in this division of this Act
11 14 relating to the development and support of a
11 15 family-to-family health information center shall be
11 16 implemented only if discretionary funding is received
11 17 from the health resources and services administration
11 18 of the United States department of health and human
11 19 services for this purpose.>

11 20 #75. Page 124, by inserting after line 21 the
11 21 following:

11 22 <DIVISION ____

11 23 DEPENDENT ADULT ABUSE

11 24 Sec. ____ Section 235B.3, subsection 1, Code 2007,
11 25 is amended to read as follows:

11 26 1. a. The department shall receive dependent
11 27 adult abuse reports and shall collect, maintain, and
11 28 disseminate the reports by establishing a central
11 29 registry for dependent adult abuse information. The
11 30 department shall evaluate the reports expeditiously.
11 31 However, the department of inspections and appeals is
11 32 solely responsible for the evaluation and disposition
11 33 of dependent adult abuse cases within health care
11 34 facilities and shall inform the department of human
11 35 services of such evaluations and dispositions.

11 36 b. Reports of dependent adult abuse which is the
11 37 result of the acts or omissions of the dependent adult
11 38 shall be collected and maintained in the files of the
11 39 dependent adult as assessments only and shall not be
11 40 included in the central registry.

11 41 c. A report of dependent adult abuse that meets
11 42 the definition of dependent adult abuse under section
11 43 235B.2, subsection 5, paragraph "a", subparagraph (1),
11 44 subparagraph subdivision (a) or (d), which the
11 45 department determines is minor, isolated, and unlikely
11 46 to reoccur shall be collected and maintained by the
11 47 department as an assessment only for a five-year
11 48 period and shall not be included in the central
11 49 registry and shall not be considered to be founded
11 50 dependent adult abuse. However, a subsequent report
12 1 of dependent adult abuse that meets the definition of
12 2 dependent adult abuse under section 235B.2, subsection
12 3 5, paragraph "a", subparagraph (1), subparagraph
12 4 subdivision (a) or (d), that occurs within the
12 5 five-year period and that is committed by the
12 6 caretaker responsible for the act or omission which
12 7 was the subject of the previous report of dependent
12 8 adult abuse which the department determined was minor,
12 9 isolated, and unlikely to reoccur shall not be
12 10 considered minor, isolated, and unlikely to reoccur.

12 11 Sec. _____. Section 235B.9, Code 2007, is amended by
12 12 adding the following new subsection:
12 13 NEW SUBSECTION. 5. Dependent adult abuse
12 14 information which is determined to be minor, isolated,
12 15 and unlikely to reoccur shall be expunged five years
12 16 after the receipt of the initial report by the
12 17 department. If a subsequent report of dependent adult
12 18 abuse committed by the caretaker responsible for the
12 19 act or omission which was the subject of the previous
12 20 report of dependent adult abuse which the department
12 21 determined was minor, isolated, and unlikely to
12 22 reoccur is received by the department within the
12 23 five-year period, the information shall be sealed ten
12 24 years after receipt of the subsequent report unless
12 25 good cause can be shown why the information should
12 26 remain open to authorized access.

12 27 DIVISION ____
12 28 ENERGY UTILITY ASSESSMENT AND
12 29 RESOLUTION PROGRAM

12 30 Sec. _____. NEW SECTION. 216A.104 ENERGY UTILITY
12 31 ASSESSMENT AND RESOLUTION PROGRAM.

12 32 1. The general assembly finds that provision of
12 33 assistance to prevent utility disconnections will also
12 34 prevent the development of public health risks due to
12 35 such disconnections. The division shall establish an
12 36 energy utility assessment and resolution program
12 37 administered by each community action agency for
12 38 persons with low incomes who have or need a deferred
12 39 payment agreement or are in need of an emergency fuel
12 40 delivery to address home energy utility costs.

12 41 2. A person must meet all of the following
12 42 requirements to be eligible for the program:

12 43 a. The person is eligible for the federal
12 44 low-income home energy assistance program.

12 45 b. The person is a residential customer of an
12 46 energy utility approved for the program by the
12 47 division.

12 48 c. The person has or is in need of a deferred
12 49 payment agreement to address the person's home energy
12 50 utility costs.

13 1 d. The person is able to maintain or regain
13 2 residential energy utility service in the person's own
13 3 name.

13 4 e. The person provides the information necessary
13 5 to determine the person's eligibility for the program.

13 6 f. The person complies with other eligibility
13 7 requirements adopted in rules by the division.

13 8 3. The program components shall include but are
13 9 not limited to all of the following:

13 10 a. Analysis of a program participant's current
13 11 financial situation.

13 12 b. Review of a program participant's resource and
13 13 money management options.

13 14 c. Skills development and assistance for a program
13 15 participant in negotiating a deferred payment
13 16 agreement with the participant's energy utility.

13 17 d. Development of a written household energy
13 18 affordability plan.

13 19 e. Provision of energy conservation training and
13 20 assistance.

13 21 f. A requirement that a program participant must
13 22 make uninterrupted, regular utility payments while
13 23 participating in the program.

13 24 4. The division shall implement accountability
13 25 measures for the program and require regular reporting
13 26 on the measures by the community action agencies.

13 27 5. The division shall implement the program
13 28 statewide, subject to the funding made available for
13 29 the program.

13 30 DIVISION ____
13 31 PASSPORT SANCTIONS

13 32 Sec. _____. Section 252B.5, subsection 11, paragraph
13 33 a, Code 2007, is amended to read as follows:

13 34 a. Comply with federal procedures to periodically
13 35 certify to the secretary of the United States
13 36 department of health and human services, a list of the
13 37 names of obligors determined by the unit to owe
13 38 delinquent support, under a support order as defined
13 39 in section 252J.1, in excess of ~~five~~ two thousand ~~five~~
13 40 hundred dollars. The certification of the delinquent
13 41 amount owed may be based upon one or more support

13 42 orders being enforced by the unit if the delinquent
13 43 support owed exceeds five two thousand five hundred
13 44 dollars. The certification shall include any amounts
13 45 which are delinquent pursuant to the periodic payment
13 46 plan when a modified order has been retroactively
13 47 applied. The certification shall be in a format and
13 48 shall include any supporting documentation required by
13 49 the secretary.

13 50 Sec. _____. Section 252B.5, subsection 11, paragraph
14 1 b, subparagraph (1), subparagraph subdivision (b),
14 2 Code 2007, is amended to read as follows:

14 3 (b) A statement providing information that if the
14 4 delinquency is in excess of five two thousand five
14 5 hundred dollars, the United States secretary of state
14 6 may apply a passport sanction by revoking,
14 7 restricting, limiting, or refusing to issue a passport
14 8 as provided in 42 U.S.C. } 652(k).

14 9 Sec. _____. Section 252B.5, subsection 11, paragraph
14 10 b, subparagraph (2), subparagraph subdivision (a),
14 11 unnumbered paragraph 1, Code 2007, is amended to read
14 12 as follows:

14 13 A challenge shall be based upon mistake of fact.
14 14 For the purposes of this subsection, "mistake of fact"
14 15 means a mistake in the identity of the obligor or a
14 16 mistake in the amount of the delinquent child support
14 17 owed if the amount did not exceed five two thousand
14 18 five hundred dollars on the date of the unit's
14 19 decision on the challenge.

14 20 Sec. _____. Section 252B.5, subsection 11, paragraph
14 21 c, Code 2007, is amended to read as follows:

14 22 c. Following certification to the secretary, if
14 23 the unit determines that an obligor no longer owes
14 24 delinquent support in excess of five two thousand five
14 25 hundred dollars, the unit shall provide information
14 26 and notice as the secretary requires to withdraw the
14 27 certification for passport sanction.

14 28 Sec. _____. EFFECTIVE DATE. This division of this
14 29 Act takes effect October 1, 2007.

14 30 DIVISION ____
14 31 MANDATORY REVIEW AND ADJUSTMENT
14 32 OF CHILD SUPPORT ORDERS

14 33 Sec. _____. Section 252B.26, Code 2007, is amended
14 34 to read as follows:

14 35 252B.26 SERVICE OF PROCESS.
14 36 Notwithstanding any provision of law to the
14 37 contrary, the unit may serve a petition, notice, or
14 38 rule to show cause under chapter 252A, 252C, 252F,
14 39 252H, 252K, 598, or 665 as specified in each chapter,
14 40 or as follows:

14 41 1. The unit may serve a petition, notice, or rule
14 42 to show cause by certified mail. Return

14 43 acknowledgment is required to prove service by
14 44 certified mail, rules of civil procedure 1.303(5) and
14 45 1.308(5) shall not apply, and the return
14 46 acknowledgment shall be filed with the clerk of court.

14 47 2. The unit may serve a notice of intent under
14 48 chapter 252H, or a notice of decision under section
14 49 252H.14A, upon any party or parent who is receiving
14 50 family investment program assistance for the parent or
15 1 child by sending the notice by regular mail to the
15 2 address maintained by the department. Rules of civil
15 3 procedure 1.303(5) and 1.308(5) shall not apply and
15 4 the unit shall file proof of service as provided in
15 5 chapter 252H. If the notice is determined to be
15 6 undeliverable, the unit shall serve the notice as
15 7 otherwise provided in this section or by personal
15 8 service.

15 9 Sec. _____. Section 252H.7, subsection 2, unnumbered
15 10 paragraph 1, Code 2007, is amended to read as follows:

15 11 A parent may waive the postreview waiting period
15 12 provided for in section 252H.8, subsection 1A or 6,
15 13 for a court hearing or in section 252H.17 for
15 14 requesting of a second review.

15 15 Sec. _____. Section 252H.8, subsection 1, Code 2007,
15 16 is amended to read as follows:

15 17 1. For actions initiated under ~~subchapter II~~
15 18 section 252H.15, either parent or the unit may request
15 19 a court hearing within thirty days from the date of
15 20 issuance of the notice of decision under section
15 21 252H.16, or within ten days of the date of issuance of
15 22 the second notice of decision under section 252H.17,

15 23 whichever is later.
15 24 Sec. _____. Section 252H.8, Code 2007, is amended by
15 25 adding the following new subsection:
15 26 NEW SUBSECTION. 1A. For actions initiated under
15 27 section 252H.14A, either parent or the unit may
15 28 request a court hearing within ten days of the
15 29 issuance of the second notice of decision under
15 30 section 252H.17.
15 31 Sec. _____. Section 252H.8, subsection 4, paragraph
15 32 b, Code 2007, is amended to read as follows:
15 33 b. The return of service, proof of service,
15 34 acceptance of service, or signed statement by the
15 35 parent requesting review and adjustment or requesting
15 36 modification, waiving service of the notice.
15 37 Sec. _____. Section 252H.8, subsection 6, Code 2007,
15 38 is amended to read as follows:
15 39 6. For actions initiated under ~~subchapter II~~
15 40 section 252H.15, a hearing shall not be held for at
15 41 least thirty-one days following the date of issuance
15 42 of the notice of decision unless the parents have
15 43 jointly waived, in writing, the thirty-day postreview
15 44 period.
15 45 Sec. _____. Section 252H.9, subsection 1, Code 2007,
15 46 is amended to read as follows:
15 47 1. If timely request for a court hearing is not
15 48 made pursuant to section 252H.8, the unit shall
15 49 prepare and present an administrative order for
15 50 adjustment or modification, as applicable, for review
16 1 and approval, ex parte, to the district court where
16 2 the order to be adjusted or modified is filed.
16 3 Notwithstanding any other law to the contrary, if more
16 4 than one support order exists involving children with
16 5 the same legally established parents, for the purposes
16 6 of this subsection, the district court reviewing and
16 7 approving the matter shall have jurisdiction over all
16 8 other support orders entered by a court of this state
16 9 and affected under this subsection.
16 10 Sec. _____. Section 252H.10, unnumbered paragraph 1,
16 11 Code 2007, is amended to read as follows:
16 12 Pursuant to section 598.21C, any administrative or
16 13 court order resulting from an action initiated under
16 14 this chapter may be made retroactive only ~~to~~ from
16 15 three months after the date that all parties were
16 16 successfully served the notice required under section
16 17 252H.14A, 252H.15, or section 252H.19, as applicable.
16 18 Sec. _____. Section 252H.11, subsection 2, Code
16 19 2007, is amended to read as follows:
16 20 2. If the modification action filed by the parent
16 21 is subsequently dismissed before being heard by the
16 22 court, the unit shall continue the action previously
16 23 initiated under subchapter II or III, or initiate a
16 24 new action as follows:
16 25 a. If the unit previously initiated an action
16 26 under subchapter II, and had not issued a notice of
16 27 decision as required under section 252H.14A or
16 28 252H.16, the unit shall proceed as follows:
16 29 (1) If notice of intent to review was served
16 30 ninety days or less prior to the date the modification
16 31 action filed by the parent is dismissed, the unit
16 32 shall complete the review and issue the notice of
16 33 decision.
16 34 (2) If the modification action filed by the parent
16 35 is dismissed more than ninety days after the original
16 36 notice of intent to review was served, the unit shall
16 37 serve or issue a new notice of intent to review and
16 38 conduct the review.
16 39 (3) If the unit initiated a review under section
16 40 252H.14A, the unit may issue the notice of decision.
16 41 b. If the unit previously initiated an action
16 42 under subchapter II and had issued the notice of
16 43 decision as required under section 252H.14A or
16 44 252H.16, the unit shall proceed as follows:
16 45 (1) If the notice of decision was issued ninety
16 46 days or less prior to the date the modification action
16 47 filed by the parent is dismissed, the unit shall
16 48 request, obtain, and verify any new or different
16 49 information concerning the financial circumstances of
16 50 the parents and issue a revised notice of decision to
17 1 each parent, or if applicable, to the parent's
17 2 attorney.
17 3 (2) If the modification action filed by the parent

17 4 is dismissed more than ninety days after the date of
17 5 issuance of the notice of decision, the unit shall
17 6 serve or issue a new notice of intent to review
17 7 pursuant to section 252H.15 and conduct a review
17 8 pursuant to section 252H.16, or conduct a review and
17 9 serve a new notice of decision under section 252H.14A.

17 10 c. If the unit previously initiated an action
17 11 under subchapter III, the unit shall proceed as
17 12 follows:

17 13 (1) If the modification action filed by the parent
17 14 is dismissed more than ninety days after the original
17 15 notice of intent to modify was served, the unit shall
17 16 serve a new notice of intent to modify pursuant to
17 17 section 252H.19.

17 18 (2) If the modification action filed by the parent
17 19 is dismissed ninety days or less after the original
17 20 notice of intent to modify was served, the unit shall
17 21 complete the original modification action initiated by
17 22 the unit under this subchapter.

17 23 (3) Each parent shall be allowed at least twenty
17 24 days from the date the administrative modification
17 25 action is reinstated to request a court hearing as
17 26 provided for in section 252H.8.

17 27 Sec. ____ NEW SECTION. 252H.14A REVIEWS
17 28 INITIATED BY THE CHILD SUPPORT RECOVERY UNIT ==
17 29 ABBREVIATED METHOD.

17 30 1. Notwithstanding section 252H.15, to assist the
17 31 unit in meeting the requirement for reviews and
17 32 adjustments under the federal Deficit Reduction Act of
17 33 2005, Pub. L. No. 109=171, the unit may use procedures
17 34 under this section to review a support order if all
17 35 the following apply:

17 36 a. The right to ongoing child support is assigned
17 37 to the state of Iowa due to the receipt of family
17 38 investment program assistance, and a review of the
17 39 support order is required under section 7302 of the
17 40 federal Deficit Reduction Act of 2005, Pub. L. No.
17 41 109=171.

17 42 b. The unit has access to information concerning
17 43 the financial circumstances of each parent and one of
17 44 the following applies:

17 45 (1) The parent is a recipient of family investment
17 46 program assistance, medical assistance, or food
17 47 assistance from the department.

17 48 (2) The parent's income is from supplemental
17 49 security income paid pursuant to 42 U.S.C. } 1381a.

17 50 (3) The parent is a recipient of disability
18 1 benefits under the Act because of the parent's
18 2 disability.

18 3 (4) The parent is an inmate of an institution
18 4 under the control of the department of corrections.

18 5 2. If the conditions of subsection 1 are met, the
18 6 unit may conduct a review and determine whether an
18 7 adjustment is appropriate using information accessible
18 8 by the unit without issuing a notice under section
18 9 252H.15 or requesting additional information from the
18 10 parent.

18 11 3. Upon completion of the review, the unit shall
18 12 issue a notice of decision to each parent, or if
18 13 applicable, to each parent's attorney. The notice
18 14 shall be served in accordance with the rules of civil
18 15 procedure or as provided in section 252B.26.

18 16 4. All of the following shall be included in the
18 17 notice of decision:

18 18 a. The legal basis and purpose of the action,
18 19 including an explanation of the procedures for
18 20 determining child support, the criteria for
18 21 determining the appropriateness of an adjustment, and
18 22 a statement that the unit used the child support
18 23 guidelines established pursuant to section 598.21B and
18 24 the provisions for medical support pursuant to chapter
18 25 252E.

18 26 b. Information sufficient to identify the affected
18 27 parties and the support order or orders affected.

18 28 c. An explanation of the legal rights and
18 29 responsibilities of the affected parties, including
18 30 time frames in which the parties must act.

18 31 d. A statement indicating whether the unit finds
18 32 that an adjustment is appropriate and the basis for
18 33 the determination.

18 34 e. Procedures for contesting the action, including

18 35 that if a parent requests a second review both parents
18 36 will be requested to submit financial or income
18 37 information as necessary for application of the child
18 38 support guidelines established pursuant to section
18 39 598.21B.

18 40 f. Other information as appropriate.

18 41 5. Section 252H.16, subsection 5, regarding a
18 42 revised notice of decision shall apply to a notice of
18 43 decision issued under this section.

18 44 6. Each parent shall have the right to challenge
18 45 the notice of decision issued under this section by
18 46 requesting a second review by the unit as provided in
18 47 section 252H.17. If there is no new or different
18 48 information to consider for the second review, the
18 49 unit shall issue a second notice of decision based on
18 50 prior information. Each parent shall have the right
19 1 to challenge the second notice of decision by
19 2 requesting a court hearing as provided in section
19 3 252H.8.

19 4 Sec. _____. Section 252H.15, subsection 1, Code
19 5 2007, is amended to read as follows:

19 6 1. ~~Prior Unless an action is initiated under~~
19 7 ~~section 252H.14A, prior~~ to conducting a review of a
19 8 support order, the unit shall issue a notice of intent
19 9 to review and adjust to each parent, or if applicable,
19 10 to each parent's attorney. However, notice to a child
19 11 support agency or an agency entitled to receive child
19 12 or medical support payments as the result of an
19 13 assignment of support rights is not required.

19 14 Sec. _____. Section 252H.16, subsection 1, Code
19 15 2007, is amended to read as follows:

19 16 1. ~~The For actions initiated under section~~
19 17 ~~252H.15, the~~ unit shall conduct the review and
19 18 determine whether an adjustment is appropriate. As
19 19 necessary, the unit shall make a determination of the
19 20 controlling order or the amount of delinquent support
19 21 due based upon the receipt of social security
19 22 disability payments as provided in sections 598.22 and
19 23 598.22C.

19 24 Sec. _____. Section 252H.17, subsections 1, 2, and
19 25 6, Code 2007, are amended to read as follows:

19 26 1. Each parent shall have the right to challenge
19 27 the notice of decision issued under section 252H.14A
19 28 or 252H.16, by requesting a second review by the unit.

19 29 2. A challenge shall be submitted, in writing, to
19 30 the local child support office that issued the notice
19 31 of decision, within thirty days of service of the
19 32 notice of decision under section 252H.14A or within
19 33 ten days of the issuance of the notice of decision
19 34 under section 252H.16.

19 35 6. The unit shall conduct a second review,
19 36 utilizing any new or additional information provided
19 37 or available since issuance of the notice of decision
19 38 under section 252H.14A or under section 252H.16, to
19 39 determine whether an adjustment is appropriate.

19 40 Sec. _____. RULES. Until the department of human
19 41 services amends rules pursuant to chapter 17A
19 42 necessary to conform with this Act, any existing rule
19 43 relating to review and adjustment of support orders
19 44 shall also apply to reviews initiated under section
19 45 252H.14A, as created in this Act, except that a
19 46 provision for a time limit, notice, or other procedure
19 47 which conflicts with a provision of this Act shall not
19 48 apply.

19 49 Sec. _____. EFFECTIVE DATE. This division of this
19 50 Act takes effect October 1, 2007.

20 1 DIVISION ____
20 2 MEDICAL SUPPORT

20 3 Sec. _____. Section 252B.5, subsection 2, Code 2007,
20 4 is amended to read as follows:

20 5 2. Aid in establishing paternity and securing a
20 6 court or administrative order for support pursuant to
20 7 chapter 252A, 252C, 252F, or 600B, or any other
20 8 chapter providing for the establishment of paternity
20 9 or support. In an action to establish support, the
20 10 resident parent may be a proper party defendant for
20 11 purposes of determining medical support as provided in
20 12 section 252E.1A. The unit's independent cause of
20 13 action shall not bar a party from seeking support in a
20 14 subsequent proceeding.

20 15 Sec. _____. Section 252C.1, subsection 6, Code 2007,

20 16 is amended to read as follows:
20 17 6. "Medical support" means either the provision of
20 18 coverage under a health benefit plan, including a
20 19 group or employment-related or an individual health
20 20 benefit plan, or a health benefit plan provided
20 21 pursuant to chapter 514E, to meet the medical needs of
20 22 a dependent and the cost of any premium required by a
20 23 health benefit plan, or the payment to the obligee of
20 24 a monetary amount in lieu of providing coverage under
20 25 a health benefit plan, either of which is an
20 26 obligation separate from any monetary amount of child
20 27 support ordered to be paid. "Medical support" which
20 28 consists of payment of a monetary amount in lieu of a
20 29 health benefit plan is also an obligation separate
20 30 from any monetary amount a parent is ordered to pay
20 31 for uncovered medical expenses pursuant to the
20 32 guidelines established pursuant to section 598.21B.

20 33 Sec. _____. Section 252C.3, subsection 1, unnumbered
20 34 paragraph 1, Code 2007, is amended to read as follows:

20 35 The administrator may issue a notice stating the
20 36 intent to secure an order for either ~~payment of~~
20 37 medical support ~~established as defined provided in~~
20 38 chapter 252E or payment of an accrued or accruing
20 39 support debt due and owed to the department or an
20 40 individual under section 252C.2, or both. The notice
20 41 shall be served upon the responsible person in
20 42 accordance with the rules of civil procedure. The
20 43 notice shall include all of the following:

20 44 Sec. _____. Section 252C.3, subsection 1, paragraph
20 45 c, subparagraph (1), Code 2007, is amended to read as
20 46 follows:

20 47 (1) A statement that if the responsible person
20 48 desires to discuss the amount of support that ~~the a~~
20 49 responsible person should be required to pay, the
20 50 responsible person may, within ten days after being
21 1 served, contact the office of the child support
21 2 recovery unit which sent the notice and request a
21 3 negotiation conference.

21 4 Sec. _____. Section 252C.12, subsection 2, Code
21 5 2007, is amended to read as follows:

21 6 2. Upon receipt of a signed statement from ~~the~~
21 7 each responsible person waiving the time limitations
21 8 established in section 252C.3, the administrator may
21 9 proceed to enter an order for support and the court
21 10 may approve the order, whether or not the time
21 11 limitations have expired.

21 12 Sec. _____. Section 252D.18A, Code 2007, is amended
21 13 to read as follows:

21 14 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS ==
21 15 ORDERS FOR HEALTH BENEFIT PLANS == AMOUNTS WITHHELD BY
21 16 PAYOR.

21 17 When the obligor ~~is responsible for paying has~~ more
21 18 than one support obligation ~~and or~~ the payor of income
21 19 has received more than one ~~income withholding~~ order or
21 20 notice ~~of an order~~ for the obligor ~~for income~~
21 21 withholding or for coverage under a health benefit
21 22 plan pursuant to chapter 252E, the payor shall

21 23 withhold amounts in accordance with all of the
21 24 following:

21 25 1. The total of all amounts withheld shall not
21 26 exceed the amounts specified in 15 U.S.C. } 1673(b).
21 27 For orders or notices issued by the child support
21 28 recovery unit, the limit for the amount to be withheld
21 29 shall be specified in the order or notice.

21 30 2. As reimbursement for the payor's processing
21 31 costs, the payor may deduct a fee of no more than two
21 32 dollars for each payment withheld in addition to the
21 33 amount withheld for support.

21 34 3. Priority shall be given to the withholding of
21 35 current support ~~rather than delinquent support~~. The
21 36 payor shall not allocate amounts withheld in a manner
21 37 which results in the failure to withhold an amount for
21 38 one or more of the current child or spousal support
21 39 obligations. If the limits specified in subsection 1
21 40 prevent withholding the full amount specified in the
21 41 order or notice, the payor shall withhold amounts in
21 42 the following priority:

21 43 a. Withhold the amount specified for current child
21 44 and spousal support. To arrive at the amount to be
21 45 withheld for each obligee, the payor shall total the
21 46 amounts due for current child and spousal support

21 47 under the income withholding orders and the notices of
21 48 orders and determine the proportionate share for each
21 49 obligee. The proportionate share shall be determined
21 50 by dividing the amount due for current child and
22 1 spousal support for each order or notice of order by
22 2 the total due for current child and spousal support
22 3 for all orders and notices of orders. The results are
22 4 the percentages of the obligor's net income which
22 5 shall be withheld for each obligee.

22 6 b. If, after completing the calculation in
22 7 paragraph "a", the withholding limit specified under
22 8 subsection 1 has not been attained, the payor shall
22 9 withhold the amount necessary to comply with an order
22 10 or notice of order for a current premium for coverage
22 11 of a child under a health benefit plan as provided in
22 12 section 252D.30 or section 252E.1A, subsection 2, or
22 13 for a current monetary amount for the child for
22 14 medical support. If there is more than one medical
22 15 support order or notice of order for a current
22 16 monetary amount for a child, the payor shall total the
22 17 amounts due for current monetary amounts for all
22 18 children for medical support and determine the
22 19 proportionate share for each obligee. The
22 20 proportionate amounts shall be established utilizing
22 21 the procedures established in paragraph "a" for
22 22 current child and spousal support obligations.

22 23 b- c. If, after completing the calculation
22 24 calculations in paragraph paragraphs "a" and "b", the
22 25 withholding limit specified under subsection 1 has not
22 26 been attained, the payor shall total the amounts due
22 27 for arrearages and determine the proportionate share
22 28 for each obligee. The proportionate share amounts
22 29 shall be established utilizing the procedures
22 30 established in paragraph "a" for current child and
22 31 spousal support obligations.

22 32 d. If after completing the calculations in
22 33 paragraphs "a", "b", and "c", the withholding limit
22 34 specified in subsection 1 has not been attained, the
22 35 payor shall withhold the amount necessary for other
22 36 child support obligations, unless the order or notice
22 37 directs otherwise as provided by Title IV, part D, of
22 38 the federal Social Security Act.

22 39 4. The payor shall identify and report payments by
22 40 the obligor's name, account number, amount, and date
22 41 withheld pursuant to section 252D.17. ~~Until October~~
22 42 ~~1, 1999, if payments for multiple obligees are~~
22 43 ~~combined, the portion of the payment attributable to~~
22 44 ~~each obligee shall be specifically identified.~~
22 45 ~~Beginning October 1, 1999, if If payments for multiple~~
22 46 ~~obligees are combined, the portion of the payment~~
22 47 ~~attributable to each obligee shall be specifically~~
22 48 ~~identified only if the payor is directed to do so by~~
22 49 ~~the child support recovery unit.~~

22 50 Sec. ____ Section 252E.1, subsection 9, Code 2007,
23 1 is amended to read as follows:

23 2 9. "Medical support" means either the provision of
23 3 a health benefit plan, including a group or
23 4 employment-related or an individual health benefit
23 5 plan, or a health benefit plan provided pursuant to
23 6 chapter 514E, to meet the medical needs of a dependent
23 7 and the cost of any premium required by a health
23 8 benefit plan, or the payment to the obligee of a
23 9 monetary amount in lieu of a health benefit plan,
23 10 either of which is an obligation separate from any
23 11 monetary amount of child support ordered to be paid.
23 12 Medical support is not alimony. "Medical support"
23 13 which consists of payment of a monetary amount in lieu
23 14 of a health benefit plan is also an obligation
23 15 separate from any monetary amount a parent is ordered
23 16 to pay for uncovered medical expenses pursuant to the
23 17 guidelines established pursuant to section 598.21B.

23 18 Sec. ____ NEW SECTION. 252E.1A ESTABLISHING AND
23 19 MODIFYING ORDERS FOR MEDICAL SUPPORT.

23 20 This section shall apply to all initial or modified
23 21 orders for support entered under chapter 234, 252A,
23 22 252C, 252F, 252H, 598, 600B, or any other applicable
23 23 chapter.

23 24 1. An order or judgment that provides for
23 25 temporary or permanent support for a child shall
23 26 include a provision for medical support for the child
23 27 as provided in this section.

23 28 2. The court shall order as medical support for
23 29 the child a health benefit plan if available to either
23 30 parent at the time the order is entered or modified.
23 31 A plan is available if the plan is accessible and the
23 32 cost of the plan is reasonable.

23 33 a. The cost of a health benefit plan is considered
23 34 reasonable, and such amount shall be stated in the
23 35 order, if one of the following applies:

23 36 (1) The premium cost for a child to the parent
23 37 ordered to provide the plan does not exceed five
23 38 percent of that parent's gross income.

23 39 (2) The premium cost for a child exceeds five
23 40 percent of the gross income of the parent ordered to
23 41 provide the plan and that parent consents or does not
23 42 object to entry of that order.

23 43 b. For purposes of this section, "gross income"
23 44 has the same meaning as gross income for calculation
23 45 of support under the guidelines established under
23 46 section 598.21B.

23 47 c. For purposes of this section, the premium cost
23 48 for a child to the parent ordered to provide the plan
23 49 means the amount of the premium cost for family
23 50 coverage to the parent which is in excess of the
24 1 premium cost for single coverage, regardless of the
24 2 number of individuals covered under the plan.
24 3 However, this paragraph shall not be interpreted to
24 4 reduce the amount of the health insurance premium
24 5 deduction a parent may be entitled to when calculating
24 6 the amount of a child support obligation under Iowa
24 7 court rule 9.5 of the child support guidelines.

24 8 3. If a health benefit plan is not available at
24 9 the time of the entry of the order, the court shall
24 10 order a reasonable monetary amount in lieu of a health
24 11 benefit plan, which amount shall be stated in the
24 12 order. For purposes of this subsection, a reasonable
24 13 amount means five percent of the gross income of the
24 14 parent ordered to provide the monetary amount for
24 15 medical support. This subsection shall not apply in
24 16 any of the following circumstances:

24 17 a. If the parent's monthly support obligation
24 18 established pursuant to the child support guidelines
24 19 prescribed by the supreme court pursuant to section
24 20 598.21B is the minimum obligation amount.

24 21 b. If subsection 7, paragraph "e" applies.

24 22 4. If the court orders the custodial parent to
24 23 provide a health benefit plan under subsection 2, the
24 24 court may also order the noncustodial parent to
24 25 provide a reasonable monetary amount in lieu of a
24 26 health benefit plan. For purposes of this subsection,
24 27 a reasonable monetary amount means an amount not to
24 28 exceed the lesser of a reasonable amount as described
24 29 in subsection 3, or the premium cost of coverage for
24 30 the child to the custodial parent as described in
24 31 subsection 2, paragraph "c".

24 32 5. Notwithstanding the requirements of this
24 33 section, the court may order provisions in the
24 34 alternative to those provided in this section to
24 35 address the health care needs of the child if the
24 36 court determines that extreme circumstances so require
24 37 and documents the court's written findings in the
24 38 order.

24 39 6. An order, decree, or judgment entered before
24 40 March 1, 2008, that provides for the support of a
24 41 child may be modified in accordance with this section.

24 42 7. If the child support recovery unit is providing
24 43 services under chapter 252B and initiating an action
24 44 to establish or modify support, all the following
24 45 shall also apply:

24 46 a. If a health benefit plan is available as
24 47 described in subsection 2 to the noncustodial parent,
24 48 the unit shall seek an order for the noncustodial
24 49 parent to provide the plan.

24 50 b. If a health benefit plan is available as
25 1 described in subsection 2 to the custodial parent and
25 2 not to the noncustodial parent, the unit shall seek an
25 3 order for the custodial parent to provide the plan.

25 4 c. If a health benefit plan is available as
25 5 described in subsection 2 to each parent, and if there
25 6 is an order for joint physical care, the unit shall
25 7 seek an order for the parent currently ordered to
25 8 provide a health benefit plan to provide the plan. If

25 9 there is no current order for a health benefit plan
25 10 for the child, the unit shall seek an order for the
25 11 parent who is currently providing a health benefit
25 12 plan to provide the plan.
25 13 d. If a health benefit plan is not available, and
25 14 the noncustodial parent does not have income which may
25 15 be subject to income withholding for collection of a
25 16 reasonable monetary amount in lieu of a health benefit
25 17 plan at the time of the entry of the order, the unit
25 18 shall seek an order that the noncustodial parent
25 19 provide a health benefit plan when a plan becomes
25 20 available at reasonable cost, and the order shall
25 21 specify the amount of reasonable cost as defined in
25 22 subsection 2.
25 23 e. This section shall not apply to chapter 252H,
25 24 subchapter IV.
25 25 Sec. _____. NEW SECTION. 252E.2A SATISFACTION OF
25 26 MEDICAL SUPPORT ORDER.
25 27 This section shall apply if the child support
25 28 recovery unit is providing services under chapter
25 29 252B.
25 30 1. Notwithstanding any law to the contrary and
25 31 without a court order, a medical support order for a
25 32 child shall be deemed satisfied with regard to the
25 33 department, the child, the obligor, and the obligee
25 34 for the period during which all the following
25 35 conditions are met:
25 36 a. The order is issued under any applicable
25 37 chapter of the Code.
25 38 b. The unit is notified that the conditions of
25 39 paragraph "c" are met and there is a pending action to
25 40 establish or modify support initiated by the unit, or
25 41 the parent ordered to provide medical support submits
25 42 a written statement to the unit that the requirements
25 43 of paragraph "c" are met.
25 44 c. The parent ordered to provide medical support
25 45 or the parent from whom the unit is seeking to
25 46 establish or modify medical support meets at least one
25 47 of the following conditions:
25 48 (1) The parent is an inmate of an institution
25 49 under the control of the department of corrections or
25 50 a comparable institution in another state.
26 1 (2) The parent's monthly child support obligation
26 2 under the guidelines established pursuant to section
26 3 598.21B is the minimum obligation amount.
26 4 (3) The parent is a recipient of assistance under
26 5 chapter 239B or 249A, or under comparable laws of
26 6 another state.
26 7 (4) The parent is residing with any child for whom
26 8 the parent is legally responsible and that child is a
26 9 recipient of assistance under chapter 239B, 249A, or
26 10 514I, or under comparable laws of another state. For
26 11 purposes of this subparagraph, "legally responsible"
26 12 means the parent has a legal obligation to the child
26 13 as specified in Iowa court rule 9.7 of the child
26 14 support guidelines.
26 15 d. The unit files a notice of satisfaction with
26 16 the clerk of the district court. The effective date
26 17 of the satisfaction shall be stated in the notice and
26 18 the effective date shall be no later than forty-five
26 19 days after the unit issues the notice of satisfaction.
26 20 2. If a medical support order is satisfied under
26 21 subsection 1, the satisfaction shall continue until
26 22 all of the following apply:
26 23 a. The unit is notified that none of the
26 24 conditions specified in subsection 1, paragraph "c",
26 25 still applies.
26 26 b. The unit files a satisfaction termination
26 27 notice that the requirements for a satisfaction under
26 28 this section no longer apply. The effective date
26 29 shall be stated in the satisfaction termination notice
26 30 and the effective date shall be no later than
26 31 forty-five days after the unit issues the satisfaction
26 32 termination notice.
26 33 3. The unit shall mail a copy of the notice of
26 34 satisfaction and the satisfaction termination notice
26 35 to the last known address of the obligor and obligee.
26 36 4. The department of human services may match data
26 37 for enrollees of the hawk-i program created pursuant
26 38 to chapter 514I with data of the unit to assist the
26 39 unit in implementing this section.

26 40 5. An order, decree, or judgment entered or
26 41 pending on or before March 1, 2008, that provides for
26 42 the support of a child may be satisfied as provided in
26 43 this section.

26 44 Sec. _____. Section 252E.4, subsection 1, Code 2007,
26 45 is amended to read as follows:

26 46 1. When a support order requires an obligor to
26 47 provide coverage under a health benefit plan, the
26 48 district court or the department may enter an ex parte
26 49 order directing an employer to take all actions
26 50 necessary to enroll an obligor's dependent for
27 1 coverage under a health benefit plan or may include
27 2 the provisions in an ex parte income withholding order
27 3 or notice of income withholding pursuant to chapter
27 4 252D. The child support recovery unit, where
27 5 appropriate, shall issue a national medical support
27 6 notice to an employer within two business days after
27 7 the date information regarding a newly hired employee
27 8 is entered into the centralized employee registry and
27 9 matched with a noncustodial parent in the case being
27 10 enforced by the unit, or upon receipt of other
27 11 employment information for such parent. The

27 12 department may amend the information in the ex parte
27 13 order or may amend or terminate the national medical
27 14 support notice regarding health insurance provisions
27 15 if necessary to comply with health insurance
27 16 requirements including but not limited to the
27 17 provisions of section 252E.2, subsection 2, or to
27 18 correct a mistake of fact.

27 19 Sec. _____. Section 252E.5, subsection 3, Code 2007,
27 20 is amended to read as follows:

27 21 3. The employer shall withhold from the employee's
27 22 compensation, the employee's share, if any, of
27 23 premiums for the health benefit plan in an amount that
27 24 does not exceed the amount specified in the national
27 25 medical support notice or order or the amount
27 26 specified in 15 U.S.C. } 1673(b) and which is
27 27 consistent with federal law. The employer shall
27 28 forward the amount withheld to the insurer. If the
27 29 employee has more than one obligation and if there is
27 30 insufficient compensation available to meet the
27 31 employee's share necessary for coverage of the child
27 32 under a health benefit plan as required under this
27 33 section or section 252D.30, and to comply with an
27 34 order to withhold or notice under section 252D.17, the
27 35 employer shall allocate the funds available in
27 36 accordance with section 252D.18A.

27 37 Sec. _____. Section 252F.1, Code 2007, is amended by
27 38 adding the following new subsection:

27 39 NEW SUBSECTION. 3A. "Party" means a putative
27 40 father or a mother.

27 41 Sec. _____. Section 252F.3, subsection 1, unnumbered
27 42 paragraph 1, Code 2007, is amended to read as follows:

27 43 The unit may prepare a notice of alleged paternity
27 44 and support debt to be served on ~~the putative father a~~
27 45 party if the mother of the child provides a written
27 46 statement to the unit certifying in accordance with
27 47 section 622.1 that the putative father is or may be
27 48 the biological father of the child or children
27 49 involved. The notice shall be accompanied by a copy
27 50 of the statement and served on the putative father in

28 1 accordance with rule of civil procedure 1.305.

28 2 Service upon the mother shall not constitute valid
28 3 service upon the putative father. The notice shall

28 4 include or be accompanied by all of the following:

28 5 Sec. _____. Section 252F.3, subsection 1, paragraphs
28 6 d, f, g, h, j, k, and m, Code 2007, are amended to

28 7 read as follows:
28 8 d. A statement that if paternity is established,
28 9 ~~the putative father a party~~ has a duty to provide
28 10 accrued and accruing medical support to the child or
28 11 children in accordance with chapter 252E.

28 12 f. (1) The right of ~~the putative father a party~~
28 13 to request a conference with the unit to discuss
28 14 paternity establishment and the amount of support that
28 15 ~~the putative father a party~~ may be required to ~~pay~~
28 16 provide, within ten days of the date of service of the
28 17 original notice or, if paternity is contested and
28 18 paternity testing is conducted, within ten days of the
28 19 date the paternity test results are issued or mailed
28 20 to ~~the putative father a party~~ by the unit.

28 21 (2) A statement that if a conference is requested,
28 22 ~~the putative father a party~~ shall have one of the
28 23 following time frames, whichever is the latest, to
28 24 send a written request for a court hearing on the
28 25 issue of support to the unit:
28 26 (a) Ten days from the date set for the conference.
28 27 (b) Twenty days from the date of service of the
28 28 original notice.
28 29 (c) If paternity was contested and paternity
28 30 testing was conducted, and ~~the putative father a party~~
28 31 does not deny paternity after the testing or challenge
28 32 the paternity test results, twenty days from the date
28 33 paternity test results are issued or mailed by the
28 34 unit to the ~~putative father party~~.
28 35 (3) A statement that after the holding of the
28 36 conference, the unit shall issue a new notice of
28 37 alleged paternity and finding of financial
28 38 responsibility for child support or medical support,
28 39 or both, to be provided in person to ~~the putative~~
28 40 ~~father each party~~ or sent to ~~the putative father each~~
28 41 ~~party~~ by regular mail addressed to the ~~putative~~
28 42 ~~father's party's~~ last known address or, if applicable,
28 43 to the last known address of the ~~putative father's~~
28 44 ~~party's~~ attorney.
28 45 (4) A statement that if the unit issues a new
28 46 notice of alleged paternity and finding of financial
28 47 responsibility for child support or medical support,
28 48 or both, ~~the putative father a party~~ shall have one of
28 49 the following time frames, whichever is the latest, to
28 50 send a written request for a court hearing on the
29 1 issue of support to the unit:
29 2 (a) Ten days from the date of issuance of the new
29 3 notice.
29 4 (b) Twenty days from the date of service of the
29 5 original notice.
29 6 (c) If paternity was contested and paternity
29 7 testing conducted, and ~~the putative father a party~~
29 8 does not deny paternity after the testing or challenge
29 9 the paternity test results, twenty days from the date
29 10 the paternity test results are issued or mailed to the
29 11 ~~putative father party~~ by the unit.
29 12 g. A statement that if a conference is not
29 13 requested, and ~~the putative father a party~~ does not
29 14 deny paternity or challenge the results of any
29 15 paternity testing conducted but objects to the finding
29 16 of financial responsibility or the amount of child
29 17 support or medical support, or both, the ~~putative~~
29 18 ~~father party~~ shall send a written request for a court
29 19 hearing on the issue of support to the unit within
29 20 twenty days of the date of service of the original
29 21 notice, or, if paternity was contested and paternity
29 22 testing conducted, and ~~the putative father a party~~
29 23 does not deny paternity after the testing or challenge
29 24 the paternity test results, within twenty days from
29 25 the date the paternity test results are issued or
29 26 mailed to the ~~putative father party~~ by the unit,
29 27 whichever is later.
29 28 h. A statement that if a timely written request
29 29 for a hearing on the issue of support is received by
29 30 the unit, the ~~putative father party~~ shall have the
29 31 right to a hearing to be held in district court and
29 32 that if no timely written request is received and
29 33 paternity is not contested, the administrator shall
29 34 enter an order establishing the putative father as the
29 35 father of the child or children and establishing child
29 36 support or medical support, or both, in accordance
29 37 with the notice of alleged paternity and support debt.
29 38 j. A written explanation of ~~the putative father's~~
29 39 ~~a party's~~ right to deny paternity, the procedures for
29 40 denying paternity, and the consequences of the denial.
29 41 k. A statement that if ~~the putative father a party~~
29 42 contests paternity, the ~~putative father party~~ shall
29 43 have twenty days from the date of service of the
29 44 original notice to submit a written denial of
29 45 paternity to the unit.
29 46 m. A statement that if paternity tests are
29 47 conducted, the unit shall provide a copy of the test
29 48 results to ~~the putative father each party~~ in person or
29 49 send a copy to ~~the putative father each party~~ by
29 50 regular mail, addressed to the ~~putative father's~~
30 1 ~~party's~~ last known address, or, if applicable, to the

30 2 last known address of the ~~putative father's~~ party's
30 3 attorney.

30 4 Sec. _____. Section 252F.3, subsection 3, unnumbered
30 5 paragraph 1, Code 2007, is amended to read as follows:

30 6 If notice is served on ~~the putative father a~~ party,
30 7 the unit shall file a true copy of the notice and the
30 8 original return of service with the appropriate clerk
30 9 of the district court as follows:

30 10 Sec. _____. Section 252F.3, subsection 4, unnumbered
30 11 paragraph 1, Code 2007, is amended to read as follows:

30 12 A ~~putative father~~ party or the child support
30 13 recovery unit may request a court hearing regarding
30 14 establishment of paternity or a determination of
30 15 support, or both.

30 16 Sec. _____. Section 252F.3, subsection 4, paragraph
30 17 c, Code 2007, is amended to read as follows:

30 18 c. Any objection to the results of paternity tests
30 19 shall be filed no later than twenty days after the
30 20 date paternity test results are issued or mailed to
30 21 ~~the putative father~~ each party by the unit. Any
30 22 objection to paternity test results filed by a party
30 23 more than twenty days after the date paternity tests
30 24 are issued or mailed to the ~~putative father~~ party by
30 25 the unit shall not be accepted or considered by the
30 26 court.

30 27 Sec. _____. Section 252F.3, subsection 5, Code 2007,
30 28 is amended to read as follows:

30 29 5. If a timely written response and request for a
30 30 court hearing is not received by the unit and ~~the~~
30 31 ~~putative father a~~ party does not deny paternity, the
30 32 administrator shall enter an order in accordance with
30 33 section 252F.4.

30 34 Sec. _____. Section 252F.3, subsection 6, paragraphs
30 35 a, f, and m, Code 2007, are amended to read as
30 36 follows:

30 37 a. If a party contests the establishment of
30 38 paternity, the party shall submit, within twenty days
30 39 of service of the notice on the ~~putative father~~ party
30 40 under subsection 1, a written statement contesting
30 41 paternity establishment to the unit. Upon receipt of
30 42 a written challenge of paternity establishment, or
30 43 upon initiation by the unit, the administrator shall
30 44 enter ex parte administrative orders requiring the
30 45 mother, child or children involved, and the putative
30 46 father to submit to paternity testing. Either the
30 47 mother or putative father may contest paternity under
30 48 this chapter.

30 49 f. An original copy of the test results shall be
30 50 filed with the clerk of the district court in the
31 1 county where the notice was filed. The child support
31 2 recovery unit shall issue a copy of the filed test
31 3 results to ~~the putative father and mother of the child~~
31 4 ~~or children~~ each party in person, or by regular mail
31 5 to the last known address of each, or if applicable,
31 6 to the last known address of the attorney for each.
31 7 However, if the action is the result of a request from
31 8 a foreign jurisdiction, the unit shall issue a copy of
31 9 the results to the initiating agency in that foreign
31 10 jurisdiction.

31 11 m. If the paternity test results exclude the
31 12 putative father as a potential biological father of
31 13 the child or children, and additional tests are not
31 14 requested by either party or conducted on the unit's
31 15 initiative, or if additional tests exclude the
31 16 putative father as a potential biological father, the
31 17 unit shall withdraw its action against the putative
31 18 father and shall file a notice of the withdrawal with
31 19 the clerk of the district court, and shall provide a
31 20 copy of the notice to ~~the putative father~~ each party
31 21 in person, or by regular mail sent to ~~the putative~~
31 22 ~~father's~~ each party's last known address, or if
31 23 applicable, the last known address of the ~~putative~~
31 24 ~~father's~~ party's attorney.

31 25 Sec. _____. Section 252F.4, Code 2007, is amended to
31 26 read as follows:

31 27 252F.4 ENTRY OF ORDER.

31 28 1. If ~~the putative father fails~~ both parties fail
31 29 to respond to the initial notice within twenty days
31 30 after the date of service of the notice or ~~fails~~ fail
31 31 to appear at a conference pursuant to section 252F.3
31 32 on the scheduled date of the conference, and paternity

31 33 has not been contested and ~~the putative father fails~~
31 34 both parties fail to timely request a court hearing on
31 35 the issue of support, the administrator shall enter an
31 36 order against the ~~putative father parties~~, declaring
31 37 the putative father to be the legal father of the
31 38 child or children involved and assessing any accrued
31 39 and accruing child support obligation pursuant to the
31 40 guidelines established under section 598.21B, and
31 41 medical support pursuant to chapter 252E, ~~against the~~
~~31 42 father.~~

31 43 2. If paternity is contested pursuant to section
31 44 252F.3, subsection 6, and the party contesting
31 45 paternity fails to appear for a paternity test and
31 46 fails to request a rescheduling pursuant to section
31 47 252F.3, or fails to appear for both the initial and
31 48 the rescheduled paternity tests and ~~the putative~~
~~31 49 father fails both parties fail~~ to timely request a
31 50 court hearing on the issue of support, the
32 1 administrator shall enter an order against the
32 2 ~~putative father parties~~ declaring the putative father
32 3 to be the legal father of the child or children
32 4 involved and assessing any accrued and accruing child
32 5 support obligation pursuant to the guidelines
32 6 established under section 598.21B, and medical support
32 7 pursuant to chapter 252E, ~~against the father.~~

32 8 3. If ~~the putative father appears~~ at a conference
32 9 pursuant to section 252F.3 is held, and paternity is
32 10 not contested, and ~~the putative father fails both~~
~~32 11 parties fail~~ to timely request a court hearing on the
32 12 issue of support, the administrator shall enter an
32 13 order against the ~~putative father parties~~ after the
32 14 second notice has been sent declaring the putative
32 15 father to be the legal father of the child or children
32 16 involved and assessing any accrued and accruing child
32 17 support obligation pursuant to the guidelines
32 18 established under section 598.21B, and medical support
32 19 pursuant to chapter 252E, ~~against the father.~~

32 20 4. If paternity was contested and paternity
32 21 testing was performed and the putative father was not
32 22 excluded, if the test results indicate that the
32 23 probability of the putative father's paternity is
32 24 ninety-five percent or greater, if the test results
32 25 are not timely challenged, and if ~~the putative father~~
~~32 26 fails both parties fail~~ to timely request a court
32 27 hearing on the issue of support, the administrator
32 28 shall enter an order against the ~~putative father~~
32 29 ~~parties~~ declaring the putative father to be the legal
32 30 father of the child or children involved and assessing
32 31 any accrued and accruing child support obligation
32 32 pursuant to the guidelines established under section
32 33 598.21B, and medical support pursuant to chapter 252E,
~~32 34 against the father.~~

32 35 5. The administrator shall establish a support
32 36 obligation under this section based upon the best
32 37 information available to the unit and pursuant to
32 38 section 252B.7A.

32 39 6. The order shall contain all of the following:

- 32 40 a. A declaration of paternity.
- 32 41 b. The amount of monthly support to be paid, with
32 42 direction as to the manner of payment.
- 32 43 c. The amount of accrued support.
- 32 44 d. The name of the custodial parent or caretaker.
- 32 45 e. The name and birth date of the child or
32 46 children to whom the order applies.
- 32 47 f. A statement that property of ~~the father a party~~
~~32 48 ordered to provide support~~ is subject to income
32 49 withholding, liens, garnishment, tax offset, and other
32 50 collection actions.
- 33 1 g. The medical support required pursuant to
33 2 chapter 598 and chapter 252E.
- 33 3 h. A statement that ~~the father a party who is~~
~~33 4 ordered to provide support~~ is required to inform the
33 5 child support recovery unit, on a continuing basis, of
33 6 the name and address of the ~~father's party's~~ current
33 7 employer, whether the ~~father party~~ has access to
33 8 health insurance coverage ~~through employment or at~~
~~33 9 reasonable cost through other sources as required in~~
~~33 10 the order~~, and if so, the health insurance policy
33 11 information.
- 33 12 i. If paternity was contested by the putative
33 13 father, the amount of any judgment assessed to the

33 14 father for costs of paternity tests conducted pursuant
33 15 to this chapter.

33 16 j. Statements as required pursuant to section
33 17 598.22B.

33 18 7. If paternity is not contested but ~~the putative~~
~~33 19 father a party~~ does wish to challenge the issues of
33 20 child or medical support, the administrator shall
33 21 enter an order establishing paternity and reserving
33 22 the issues of child or medical support for
33 23 determination by the district court.

33 24 Sec. _____. Section 252F.5, subsection 2, Code 2007,
33 25 is amended to read as follows:

33 26 2. An action under this chapter may be certified
33 27 to the district court if a party timely contests
33 28 paternity establishment or paternity test results, or
33 29 if ~~the putative father a party~~ requests a court
33 30 hearing on the issues of child or medical support, or
33 31 both, or upon the initiation of the unit as provided
33 32 in this chapter. Review by the district court shall
33 33 be an original hearing before the court.

33 34 Sec. _____. Section 252F.5, subsection 3, paragraph
33 35 c, Code 2007, is amended to read as follows:

33 36 c. A timely written objection to paternity
33 37 establishment or paternity test results has been
33 38 received from a party, or a timely written request for
33 39 a court hearing on the issue of support has been
33 40 received from ~~the putative father a party~~ by the unit,
33 41 or the unit has requested a court hearing on the
33 42 unit's own initiative.

33 43 Sec. _____. Section 252H.2, subsection 2, paragraph
33 44 b, Code 2007, is amended to read as follows:

33 45 b. An addition of or change to provisions for
33 46 medical support as ~~defined provided in section 252E.1~~
33 47 ~~chapter 252E.~~

33 48 Sec. _____. Section 252H.2, subsection 13, Code
33 49 2007, is amended to read as follows:

33 50 13. "Support order" means ~~a "court order" as~~
~~34 1 defined in section 252C.1 or an order establishing~~
~~34 2 support entered pursuant to an administrative or~~
~~34 3 quasi-judicial process if authorized by law an order~~
~~34 4 for support issued pursuant to chapter 232, 234, 252A,~~
~~34 5 252C, 252E, 252F, 252H, 598, 600B, or any other~~
~~34 6 applicable chapter, or under a comparable statute of a~~
~~34 7 foreign jurisdiction as registered with the clerk of~~
~~34 8 court or certified to the child support recovery unit.~~

34 9 Sec. _____. NEW SECTION. 252H.3A ADDING A PARTY.

34 10 A mother or father may be added as a proper party
34 11 defendant to a support order upon service of a notice
34 12 as provided in this chapter and without a court order
34 13 as provided in the rules of civil procedure.

34 14 Sec. _____. Section 252H.14, subsection 1, paragraph
34 15 b, Code 2007, is amended to read as follows:

34 16 b. ~~The right to any ongoing medical support~~
~~34 17 obligation is currently assigned to the state due to~~
~~34 18 the receipt of public assistance unless:~~

34 19 (1) ~~b. The support order does not already~~
~~34 20 includes include provisions requiring the parent~~
~~34 21 ordered to pay child support to also provide for~~
34 22 medical support.

34 23 (2) ~~The parent entitled to receive support has~~
~~34 24 satisfactory health insurance coverage for the~~
~~34 25 children, excluding coverage resulting from the~~
~~34 26 receipt of public assistance benefits.~~

34 27 Sec. _____. Section 252H.14, subsection 2, Code
34 28 2007, is amended to read as follows:

34 29 2. The unit may periodically initiate a request to
34 30 a child support agency of another state to conduct a
34 31 review of a support order entered in that state when
34 32 the right to any ongoing child or medical support
34 33 obligation due under the order is currently assigned
34 34 to the state of Iowa or if the order does not include
34 35 provisions for medical support.

34 36 Sec. _____. Section 598.21B, subsection 3, Code
34 37 2007, is amended to read as follows:

34 38 3. MEDICAL SUPPORT. The court shall order ~~as~~
~~34 39 child medical support a health benefit plan as defined~~
~~34 40 in chapter 252E if available to either parent at a~~
~~34 41 reasonable cost. A health benefit plan is considered~~
~~34 42 reasonable in cost if it is employment-related or~~
~~34 43 other group health insurance, regardless of the~~
~~34 44 service delivery mechanism as provided in section~~

34 45 252E.1A. The premium cost of ~~the a~~ health benefit
34 46 plan may be considered by the court as a reason for
34 47 varying from the child support guidelines. ~~If a~~
34 48 ~~health benefit plan is not available at a reasonable~~
34 49 ~~cost, the court may order any other provisions for~~
34 50 ~~medical support as defined in chapter 252E.~~

35 1 Sec. _____. Section 598.21C, subsection 2, paragraph
35 2 a, Code 2007, is amended to read as follows:

35 3 a. Subject to 28 U.S.C. } 1738B, but
35 4 notwithstanding subsection 1, a substantial change of
35 5 circumstances exists when the court order for child
35 6 support varies by ten percent or more from the amount
35 7 which would be due pursuant to the most current child
35 8 support guidelines established pursuant to section
35 9 598.21B or ~~the obligor a parent has access to a health~~
35 10 ~~benefit plan, available as provided in section 252E.1A~~
35 11 ~~and the current order for support does not contain~~
35 12 ~~provisions for medical support, and the dependents are~~
35 13 ~~not covered by a health benefit plan provided by the~~
35 14 ~~obligee, excluding coverage pursuant to chapter 249A~~
35 15 ~~or a comparable statute of a foreign jurisdiction.~~

35 16 Sec. _____. AMENDING AND NULLIFICATION OF
35 17 ADMINISTRATIVE RULES.

35 18 1. Until the department of human services amends
35 19 rules pursuant to chapter 17A necessary to conform
35 20 with this Act, all of the following shall apply:

35 21 a. The child support recovery unit may initiate
35 22 proceedings to establish or modify orders for medical
35 23 support for a child in accordance with section 252E.1A
35 24 as created in this Act, regardless of whether support
35 25 is assigned to the state.

35 26 b. The term "child support account" in existing
35 27 rules shall also mean a specified monetary amount for
35 28 medical support, unless the context otherwise
35 29 requires.

35 30 c. A reference to a health benefit plan at
35 31 reasonable cost shall mean reasonable cost as defined
35 32 in section 252E.1A, as enacted in this Act.

35 33 d. A requirement for including a provision for an
35 34 employment-related or other group health benefit plan,
35 35 or for determining medical support, shall be limited
35 36 and applied in accordance with section 252E.1A, as
35 37 created in this Act.

35 38 2. 441 Iowa administrative Code, rule 98.3,
35 39 relating to the establishment of medical support is
35 40 nullified.

35 41 Sec. _____. EFFECTIVE DATE. This division of this
35 42 Act takes effect March 1, 2008.

35 43 DIVISION ____
35 44 PHYSICIAN ASSISTANTS

35 45 Sec. _____. Section 147.14, subsection 12, Code
35 46 2007, is amended to read as follows:

35 47 12. For the board of physician assistant
35 48 examiners, ~~three~~ five members licensed to practice as
35 49 physician assistants, at least two of whom practice in
35 50 counties with a population of less than fifty
36 1 thousand, one member licensed to practice medicine and
36 2 surgery who supervises a physician assistant, one
36 3 member licensed to practice osteopathic medicine and
36 4 surgery who supervises a physician assistant, and two
36 5 members who are not licensed to practice either
36 6 medicine and surgery or osteopathic medicine and
36 7 surgery or licensed as a physician assistant and who
36 8 shall represent the general public. At least one of
36 9 the physician members shall be in practice in a county
36 10 with a population of less than fifty thousand. A
36 11 majority of members of the board constitutes a quorum.

36 12 Sec. _____. NEW SECTION. 148C.12 ANNUAL REPORT.

36 13 By January 31 of each year the board and the board
36 14 of medical examiners shall provide to the general
36 15 assembly and the governor a joint report detailing the
36 16 boards' collaborative efforts and team building
36 17 practices.

36 18 DIVISION ____
36 19 NEWBORN HOME VISITS

36 20 Sec. _____. NEW SECTION. 28.11 HOUSEHOLDS WITH A
36 21 NEWBORN CHILD == VOLUNTARY HOME VISITS.

36 22 1. a. The Iowa empowerment board shall develop a
36 23 program with the goal of offering all households in
36 24 the state with a newborn child a voluntary home visit.
36 25 The components of the home visit shall include but are

36 26 not limited to assessing the child's home environment,
36 27 identifying the family and child needs and the
36 28 services that could appropriately meet those needs,
36 29 and assisting the family in accessing appropriate
36 30 services.

36 31 b. The Iowa board shall coordinate with existing
36 32 programs that provide home-based instruction or
36 33 support to households with a newborn child as
36 34 necessary to make the best use of resources while
36 35 expanding the availability of home visits.

36 36 2. All of the following requirements shall apply
36 37 to services provided under the program:

36 38 a. Home visits shall be made by qualified and
36 39 trained staff.

36 40 b. Staff shall demonstrate a capacity to
36 41 competently complete home visits, including the
36 42 ability to identify family and child needs and
36 43 facilitate referrals to and interventions by other
36 44 resources available in the community, based upon needs
36 45 identified during a home visit.

36 46 c. The program shall have a plan for implementing
36 47 a cooperative arrangement with local hospitals and
36 48 birthing centers for the hospitals and centers to
36 49 provide referral information for contacting families
36 50 with a newborn child.

37 1 d. The program shall incorporate performance
37 2 measures and provide for reporting of outcome measures
37 3 on a regular basis, both as identified by the Iowa
37 4 board.

37 5 3. The Iowa board shall implement the provisions
37 6 of this section subject to the funding provided for
37 7 purposes of this section.

37 8 DIVISION ____
37 9 TELECOMMUTING

37 10 Sec. ____ . STATE EMPLOYEE TELECOMMUTING == POLICY
37 11 DEVELOPMENT == IMPLEMENTATION.

37 12 1. The director of a department or state agency to
37 13 which appropriations are made pursuant to the
37 14 provisions of this Act shall assess the extent to
37 15 which job classifications or individual employment
37 16 positions with the department or agency might be
37 17 effectively performed from an employee's residence or
37 18 other remote location through telecommuting, thereby
37 19 increasing office space within the department or
37 20 agency and reducing administrative costs. The
37 21 assessment shall include an estimate of the number of
37 22 department or agency employees whose job
37 23 responsibilities could be effectively performed on a
37 24 telecommuting basis, projected costs of establishing
37 25 and maintaining work stations at an employee's
37 26 residence or other remote location and providing
37 27 telecommuter support, anticipated savings to the
37 28 department or agency through a reduction in the
37 29 office-based workforce, and anticipated time and cost
37 30 savings to telecommuting employees. A report
37 31 summarizing the assessment shall be submitted to the
37 32 director of the department of administrative services,
37 33 and the members of the general assembly, by November
37 34 1, 2007.

37 35 2. Based on the assessment conducted pursuant to
37 36 subsection 1, the director shall develop a
37 37 telecommuter employment policy for the department or
37 38 agency and a timeline for initial policy
37 39 implementation and plans for expanding the number of
37 40 telecommuting employees. Specific office-based
37 41 workforce reduction percentages shall be left to the
37 42 discretion of the director, but the director shall
37 43 implement a policy transferring some number of
37 44 office-based employees to telecommuter status by
37 45 January 1, 2008. The director shall report to the
37 46 director of the department of administrative services
37 47 and the members of the general assembly on an annual
37 48 basis beginning January 1, 2009, the number of
37 49 telecommuting employees, cost savings achieved by the
37 50 department or agency, and plans for continued transfer
38 1 of office-based employees to telecommuter status.

38 2 DIVISION ____
38 3 DENTAL BOARD

38 4 Sec. ____ . Section 10A.402, subsection 1, Code
38 5 2007, as amended by 2007 Iowa Acts, Senate File 74,
38 6 section 6, is amended to read as follows:

38 7 1. Investigations relative to the practice of
38 8 regulated professions and occupations, except those
38 9 within the jurisdiction of the board of medicine, the
38 10 board of pharmacy, the dental board of ~~dentistry~~, and
38 11 the board of nursing.

38 12 Sec. _____. Section 135.11A, unnumbered paragraph 1,
38 13 Code 2007, as amended by 2007 Iowa Acts, Senate File
38 14 74, section 19, is amended to read as follows:

38 15 There shall be a professional licensure division
38 16 within the department of public health. Each board
38 17 under chapter 147 or under the administrative
38 18 authority of the department, except the board of
38 19 nursing, board of medicine, dental board of ~~dentistry~~,
38 20 and board of pharmacy, shall receive administrative
38 21 and clerical support from the division and may not
38 22 employ its own support staff for administrative and
38 23 clerical duties.

38 24 Sec. _____. Section 135.24, subsection 2, paragraph
38 25 a, Code 2007, as amended by 2007 Iowa Acts, Senate
38 26 File 74, section 20, is amended to read as follows:

38 27 a. Procedures for registration of health care
38 28 providers deemed qualified by the board of medicine,
38 29 the board of physician assistants, the dental board of
38 30 ~~dentistry~~, the board of nursing, the board of
38 31 chiropractic, the board of psychology, the board of
38 32 social work, the board of behavioral science, the
38 33 board of pharmacy, the board of optometry, the board
38 34 of podiatry, the board of physical and occupational
38 35 therapy, the board for respiratory care, and the Iowa
38 36 department of public health, as applicable.

38 37 Sec. _____. Section 135.31, Code 2007, as amended by
38 38 2007 Iowa Acts, Senate File 74, section 21, is amended
38 39 to read as follows:

38 40 135.31 LOCATION OF BOARDS == RULEMAKING.
38 41 The offices for the board of medicine, the board of
38 42 pharmacy, the board of nursing, and the dental board
38 43 of ~~dentistry~~ shall be located within the department of
38 44 public health. The individual boards shall have
38 45 policymaking and rulemaking authority.

38 46 Sec. _____. Section 136C.3, subsection 2, unnumbered
38 47 paragraph 1, Code 2007, as amended by 2007 Iowa Acts,
38 48 Senate File 74, section 23, is amended to read as
38 49 follows:

38 50 Establish minimum training standards including
39 1 continuing education requirements, and administer
39 2 examinations and disciplinary procedures for operators
39 3 of radiation machines and users of radioactive
39 4 materials. A state of Iowa license to practice
39 5 medicine, osteopathy, chiropractic, podiatry,
39 6 dentistry, dental hygiene, or veterinary medicine, or
39 7 licensure as a physician assistant pursuant to chapter
39 8 148C, or certification by the dental board of
39 9 ~~dentistry~~ in dental radiography, or by the board of
39 10 podiatry in podiatric radiography, or enrollment in a
39 11 program or course of study approved by the Iowa
39 12 department of public health which includes the
39 13 application of radiation to humans satisfies the
39 14 minimum training standards for operation of radiation
39 15 machines only.

39 16 Sec. _____. Section 139A.22, subsection 6, Code
39 17 2007, as amended by 2007 Iowa Acts, Senate File 74,
39 18 section 25, is amended to read as follows:

39 19 6. The board of medicine, the board of physician
39 20 assistants, the board of podiatry, the board of
39 21 nursing, the dental board of ~~dentistry~~, and the board
39 22 of optometry shall require that licensees comply with
39 23 the recommendations issued by the centers for disease
39 24 control and prevention of the United States department
39 25 of health and human services for preventing
39 26 transmission of human immunodeficiency virus and
39 27 hepatitis B virus to patients during exposure-prone
39 28 invasive procedures, with the recommendations of the
39 29 expert review panel established pursuant to subsection
39 30 3, with hospital protocols established pursuant to
39 31 subsection 1, and with health care facility procedures
39 32 established pursuant to subsection 2, as applicable.

39 33 Sec. _____. Section 147.13, subsection 8, Code 2007,
39 34 as amended by 2007 Iowa Acts, Senate File 74, section
39 35 32, is amended to read as follows:

39 36 8. For dentistry, dental hygiene, and dental
39 37 assisting, the dental board of ~~dentistry~~.

39 38 Sec. _____. Section 147.40, Code 2007, as amended by
39 39 2007 Iowa Acts, Senate File 74, section 50, is amended
39 40 to read as follows:

39 41 147.40 CERTIFICATION OF APPLICANTS.

39 42 Every examination shall be passed upon in
39 43 accordance with the established rules of the board and
39 44 shall be satisfactory to at least a majority of the
39 45 professional members of the board. In the case of the
39 46 ~~dental board of dentistry~~, only licensed dentist
39 47 members of the board shall determine whether an
39 48 applicant has passed the examination to practice as a
39 49 licensed dentist. After each examination, the board
39 50 shall certify the names of the successful applicants
40 1 to the department in the manner prescribed by it. The
40 2 department shall then issue the proper license.

40 3 Sec. _____. Section 147.80, subsections 1 and 11,
40 4 Code 2007, as amended by 2007 Iowa Acts, Senate File
40 5 74, section 63, are amended to read as follows:

40 6 1. License to practice dentistry issued upon the
40 7 basis of an examination given by the ~~dental board of~~
40 8 ~~dentistry~~, license to practice dentistry issued under
40 9 a reciprocal agreement, resident dentist's license,
40 10 renewal of a license to practice dentistry.

40 11 11. License to practice dental hygiene issued upon
40 12 the basis of an examination given by the ~~dental board~~
40 13 ~~of dentistry~~, license to practice dental hygiene
40 14 issued under a reciprocal agreement, renewal of a
40 15 license to practice dental hygiene.

40 16 Sec. _____. Section 147.80, unnumbered paragraph 3,
40 17 Code 2007, as amended by 2007 Iowa Acts, Senate File
40 18 74, section 63, is amended to read as follows:

40 19 The board of medicine, the board of pharmacy, the
40 20 ~~dental board of dentistry~~, and the board of nursing
40 21 shall retain individual executive officers, but shall
40 22 make every effort to share administrative, clerical,
40 23 and investigative staffs to the greatest extent
40 24 possible. The department shall annually submit a
40 25 status report to the general assembly in December
40 26 regarding the sharing of staff during the previous
40 27 fiscal year.

40 28 Sec. _____. Section 147.88, Code 2007, as amended by
40 29 2007 Iowa Acts, Senate File 74, section 65, is amended
40 30 to read as follows:

40 31 147.88 INSPECTIONS.

40 32 The department of inspections and appeals may
40 33 perform inspections as required by this subtitle,
40 34 except for the board of medicine, board of pharmacy,
40 35 board of nursing, and the ~~dental board of dentistry~~.
40 36 The department of inspections and appeals shall employ
40 37 personnel related to the inspection functions.

40 38 Sec. _____. Section 147.107, subsection 2,
40 39 unnumbered paragraph 1, Code 2007, as amended by 2007
40 40 Iowa Acts, Senate File 74, section 78, is amended to
40 41 read as follows:

40 42 A pharmacist, physician, dentist, or podiatric
40 43 physician who dispenses prescription drugs, including
40 44 but not limited to controlled substances, for human
40 45 use, may delegate nonjudgmental dispensing functions
40 46 to staff assistants only when verification of the
40 47 accuracy and completeness of the prescription is
40 48 determined by the pharmacist or practitioner in the
40 49 pharmacist's or practitioner's physical presence.
40 50 However, the physical presence requirement does not
41 1 apply when a pharmacist or practitioner is utilizing
41 2 an automated dispensing system. When using an
41 3 automated dispensing system the pharmacist or
41 4 practitioner shall utilize an internal quality control
41 5 assurance plan that ensures accuracy for dispensing.
41 6 Verification of automated dispensing accuracy and
41 7 completeness remains the responsibility of the
41 8 pharmacist or practitioner and shall be determined in
41 9 accordance with rules adopted by the board of
41 10 pharmacy, the board of medicine, the ~~dental board of~~
41 11 ~~dentistry~~, and the board of podiatry for their
41 12 respective licensees.

41 13 Sec. _____. Section 147.114, Code 2007, as amended
41 14 by 2007 Iowa Acts, Senate File 74, section 81, is
41 15 amended to read as follows:

41 16 147.114 INSPECTOR.

41 17 An inspector may be appointed by the ~~dental board~~
41 18 ~~of dentistry~~ pursuant to the provisions of chapter 8A,

41 19 subchapter IV.
41 20 Sec. ____ Section 153.12, as enacted by 2007 Iowa
41 21 Acts, Senate File 74, section 132, is amended to read
41 22 as follows:
41 23 153.12 BOARD DEFINED.
41 24 As used in this chapter, "board" means the dental
41 25 board of dentistry, created under chapter 147.
41 26 Sec. ____ Section 272C.1, subsection 6, paragraph
41 27 j, Code 2007, as amended by 2007 Iowa Acts, Senate
41 28 File 74, section 171, is amended to read as follows:
41 29 j. The dental board of dentistry, created pursuant
41 30 to chapter 147.>
41 31 #76. Page 124, by inserting after line 21 the
41 32 following:

41 33 <DIVISION ____
41 34 BODY PIERCING AND MODIFICATION
41 35 Sec. ____ Section 135.37, Code 2007, is amended to
41 36 read as follows:
41 37 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION
41 38 == PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
41 39 1. A person shall not own, control and lease, act
41 40 as an agent for, conduct, manage, or operate an
41 41 establishment to practice the art of tattooing, body
41 42 piercing, or body modification, or engage in the
41 43 practice of tattooing, body piercing, or body
41 44 modification, without first applying for and receiving
41 45 a permit from the Iowa department of public health.
41 46 2. A minor shall not obtain a tattoo, or undergo a
41 47 body piercing or body modification, and a person shall
41 48 not provide a tattoo, body piercing, or body
41 49 modification to a minor. For the purposes of this
41 50 section, "minor" means an unmarried person who is
42 1 under the age of eighteen years.
42 2 2A. For the purposes of this section:
42 3 a. "Body modification" means for commercial
42 4 purposes the permanent or semipermanent deliberate
42 5 altering of the human body for nonmedical reasons.
42 6 "Body modification" does not include tattooing or body
42 7 piercing.
42 8 b. "Body piercing" means for commercial purposes
42 9 the act of penetrating the skin to make a hole, mark,
42 10 or scar. "Body piercing" does not include the use of
42 11 a mechanized, presterilized, ear-piercing system that
42 12 penetrates the outer perimeter or lobe of the ear, or
42 13 both.
42 14 c. "Minor" means an unmarried person who is under
42 15 the age of eighteen years.
42 16 3. A person who fails to meet the requirements of
42 17 subsection 1 or a person providing a tattoo, body
42 18 piercing, or body modification to a minor is guilty of
42 19 a serious an aggravated misdemeanor.
42 20 4. The Iowa department of public health shall:
42 21 a. Adopt rules pursuant to chapter 17A and
42 22 establish and collect all fees necessary to administer
42 23 this section. The provisions of chapter 17A,
42 24 including licensing provisions, judicial review, and
42 25 appeal, shall apply to this chapter.
42 26 b. Establish minimum safety and sanitation
42 27 criteria for the operation of tattooing, body
42 28 piercing, and body modification establishments.
42 29 5. If the Iowa department of public health
42 30 determines that a provision of this section has been
42 31 or is being violated, the department may order that a
42 32 tattooing, body piercing, or body modification
42 33 establishment not be operated until the necessary
42 34 corrective action has been taken. If the
42 35 establishment continues to be operated in violation of
42 36 the order of the department, the department may
42 37 request that the county attorney or the attorney
42 38 general make an application in the name of the state
42 39 to the district court of the county in which the
42 40 violations have occurred for an order to enjoin the
42 41 violations and confiscate commercial property and
42 42 equipment. This remedy is in addition to any other
42 43 legal remedy available to the department.
42 44 6. This section shall not apply to a procedure
42 45 performed by a person licensed pursuant to chapter 148
42 46 or 150A.>
42 47 #77. Page 124, by inserting after line 21 the
42 48 following:
42 49 <DIVISION ____

42 50 PROVIDER APPEALS
43 1 Sec. _____. NEW SECTION. 217.41B PROVIDER APPEALS
43 2 == FINAL DECISION.
43 3 1. a. Notwithstanding any conflicting provision
43 4 of chapter 17A, when an administrative law judge,
43 5 assigned by the division of administrative hearings in
43 6 accordance with the provisions of section 10A.801, is
43 7 the presiding officer at a provider appeal hearing as
43 8 described in subsection 2, the administrative law
43 9 judge shall make a proposed decision that shall
43 10 include findings of fact and conclusions of law,
43 11 separately stated.
43 12 b. When the presiding officer makes a proposed
43 13 decision, that decision then becomes the final
43 14 decision of the department, and shall meet the
43 15 requirements of a final decision pursuant to section
43 16 17A.16, without further proceedings, unless there is
43 17 an appeal to, or review on motion of, the department
43 18 within the time provided by rule.
43 19 c. On appeal or review of the proposed decision,
43 20 the department may only reject or modify the presiding
43 21 officer's findings of fact and conclusions of law if
43 22 the department states, with particularity, the
43 23 department's reasons for rejecting or modifying each
43 24 finding of fact and conclusion of law.
43 25 (1) The department may only reject or modify
43 26 findings of fact if the department first determines
43 27 from a review of the entire record, and states with
43 28 particularity in the order, that the findings of fact
43 29 were clearly erroneous in view of the reliable,
43 30 probative, and substantial evidence on the record as a
43 31 whole, or that the proceedings on which the findings
43 32 were based did not comply with the essential
43 33 requirements of law.
43 34 (2) The department may only reject or modify the
43 35 conclusions of law if the department first determines
43 36 from a review of the entire record, and states with
43 37 particularity in the order, that the conclusions of
43 38 law were clearly erroneous in view of the reliable,
43 39 probative, and substantial evidence on the record as a
43 40 whole.
43 41 (3) Rejection or modification of conclusions of
43 42 law shall not form the basis for rejection or
43 43 modification of findings of fact.
43 44 d. A party to a provider appeal hearing as
43 45 described in subsection 2 may file a request for
43 46 rehearing pursuant to section 17A.16.
43 47 e. A party who is aggrieved or adversely affected
43 48 by a final decision under this section is entitled to
43 49 judicial review as provided in section 17A.19.
43 50 2. A provider appeal hearing shall be available to
44 1 a provider, if any of the following conditions, which
44 2 constitutes a contested case, is met:
44 3 a. The provider's license, certification,
44 4 registration, approval, or accreditation has been
44 5 denied or revoked or has not been acted upon in a
44 6 timely manner.
44 7 b. The provider's claim for payment or request for
44 8 prior authorization for payment has been denied.
44 9 c. The provider's contract as a medical assistance
44 10 patient manager has been terminated.
44 11 d. The provider has been notified that an
44 12 overpayment has been established and repayment is
44 13 requested.
44 14 e. The provider has been notified that the
44 15 reconsideration process has been exhausted and the
44 16 provider is not satisfied with the result.
44 17 f. The provider's claim for payment was not made
44 18 according to department policy.
44 19 g. The provider's application for a child care
44 20 quality rating has not been acted upon in a timely
44 21 manner, the provider disagrees with the department's
44 22 quality rating decision, or the provider's certificate
44 23 of quality rating has been revoked.
44 24 3. For purposes of this subsection, "provider"
44 25 means provider as defined in section 249A.2 or a
44 26 provider of child care as defined in section 237A.1.>
44 27 #78. Page 124, by inserting after line 21 the
44 28 following:
44 29 <DIVISION ____
44 30 GRANDPARENT AND GREAT-GRANDPARENT VISITATION

44 31 Sec. _____. NEW SECTION. 600C.1 GRANDPARENT AND
44 32 GREAT=GRANDPARENT VISITATION.

44 33 1. The grandparent or great=grandparent of a minor
44 34 child may petition the court for grandchild or
44 35 great=grandchild visitation.

44 36 2. The court shall consider a fit parent's
44 37 objections to granting visitation under this section.
44 38 A rebuttable presumption arises that a fit parent's
44 39 decision to deny visitation to a grandparent or
44 40 great=grandparent is in the best interest of a minor
44 41 child.

44 42 3. The court may grant visitation to the
44 43 grandparent or great=grandparent if the court finds
44 44 all of the following by clear and convincing evidence:

44 45 a. The grandparent or great=grandparent has
44 46 established a substantial relationship with the child
44 47 prior to the filing of the petition.

44 48 b. The parent who is being asked to temporarily
44 49 relinquish care, custody, and control of the child to
44 50 provide visitation is unfit to make the decision
45 1 regarding visitation.

45 2 c. It is in the best interest of the child to
45 3 grant such visitation.

45 4 4. For the purposes of this section, "court" means
45 5 the district court or the juvenile court if that court
45 6 currently has jurisdiction over the child in a pending
45 7 action. If an action is not pending, the district
45 8 court has jurisdiction.

45 9 5. Notwithstanding any provision of this chapter
45 10 to the contrary, venue for any action to establish,
45 11 enforce, or modify visitation under this section shall
45 12 be in the county where either parent resides if no
45 13 final custody order determination relating to the
45 14 grandchild or great=grandchild has been entered by any
45 15 other court. If a final custody order has been
45 16 entered by any other court, venue shall be located
45 17 exclusively in the county where the most recent final
45 18 custody order was entered. If any other custodial
45 19 proceeding is pending when an action to establish,
45 20 enforce, or modify visitation under this section is
45 21 filed, venue shall be located exclusively in the
45 22 county where the pending custodial proceeding was
45 23 filed.

45 24 6. Notice of any proceeding to establish, enforce,
45 25 or modify visitation under this section shall be
45 26 personally served upon all parents of a child whose
45 27 interests are affected by a proceeding brought
45 28 pursuant to this section and all grandparents or
45 29 great=grandparents who have previously obtained a
45 30 final order or commenced a proceeding under this
45 31 section.

45 32 7. The court shall not enter any temporary order
45 33 to establish, enforce, or modify visitation under this
45 34 section.

45 35 8. An action brought under this section is subject
45 36 to chapter 598B, and in an action brought to
45 37 establish, enforce, or modify visitation under this
45 38 section, each party shall submit in its first pleading
45 39 or in an attached affidavit all information required
45 40 by section 598B.209.

45 41 9. In any action brought to establish, enforce, or
45 42 modify visitation under this section, the court may
45 43 award attorney fees to the prevailing party in an
45 44 amount deemed reasonable by the court.

45 45 10. If a proceeding to establish or enforce
45 46 visitation under this section is commenced when a
45 47 dissolution of marriage proceeding is pending
45 48 concerning the parents of the affected minor child,
45 49 the record and evidence of the dissolution action
45 50 shall remain impounded pursuant to section 598.26.

46 1 The impounded information shall not be released or
46 2 otherwise made available to any person who is not the
46 3 petitioner or respondent or an attorney of record in
46 4 the dissolution of marriage proceeding.

46 5 Sec. _____. Section 600.11, subsection 2, paragraph
46 6 e, Code 2007, is amended to read as follows:

46 7 e. A person who has been granted visitation rights
46 8 with the child to be adopted pursuant to section
46 9 ~~598.35~~ 600C.1.

46 10 Sec. _____. Section 598.35, Code 2007, is repealed.>
46 11 #79. By renumbering, relettering, or redesignating

46 12 and correcting internal references as necessary.
46 13 HF 909.S
46 14 pf/cc/26