

House Amendment 8581

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1 1 Amend House File 2697 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <DIVISION I
1 5 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 6 ELDER AFFAIRS
1 7 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 8 appropriated from the general fund of the state to the
1 9 department of elder affairs for the fiscal year
1 10 beginning July 1, 2008, and ending June 30, 2009, the
1 11 following amount, or so much thereof as is necessary,
1 12 to be used for the purposes designated:
1 13 For aging programs for the department of elder
1 14 affairs and area agencies on aging to provide citizens
1 15 of Iowa who are 60 years of age and older with case
1 16 management for the frail elderly only if the monthly
1 17 cost per client for case management for the frail
1 18 elderly services provided does not exceed an average
1 19 of \$70, resident advocate committee coordination,
1 20 employment, and other services which may include but
1 21 are not limited to adult day services, respite care,
1 22 chore services, telephone reassurance, information and
1 23 assistance, and home repair services, and for the
1 24 construction of entrance ramps which make residences
1 25 accessible to the physically handicapped, and for
1 26 salaries, support, administration, maintenance, and
1 27 miscellaneous purposes, and for not more than the
1 28 following full-time equivalent positions:
1 29 \$ 4,851,698
1 30 FTEs 40.50
1 31 1. Funds appropriated in this section may be used
1 32 to supplement federal funds under federal regulations.
1 33 To receive funds appropriated in this section, a local
1 34 area agency on aging shall match the funds with moneys
1 35 from other sources according to rules adopted by the
1 36 department. Funds appropriated in this section may be
1 37 used for elderly services not specifically enumerated
1 38 in this section only if approved by an area agency on
1 39 aging for provision of the service within the area.
1 40 2. Of the funds appropriated in this section,
1 41 \$2,788,223 shall be used for case management for the
1 42 frail elderly. Of the funds allocated in this
1 43 subsection, \$1,385,015 shall be transferred to the
1 44 department of human services in equal amounts on a
1 45 quarterly basis for reimbursement of case management
1 46 services provided under the medical assistance elderly
1 47 waiver. The department of human services shall adopt
1 48 rules for case management services provided under the
1 49 medical assistance elderly waiver in consultation with
1 50 the department of elder affairs. The monthly cost per
2 1 client for case management for the frail elderly
2 2 services provided shall not exceed an average of \$70.
2 3 3. Of the funds appropriated in this section,
2 4 \$200,198 shall be transferred to the department of
2 5 economic development for the Iowa commission on
2 6 volunteer services to be used for the retired and
2 7 senior volunteer program.
2 8 4. Of the funds appropriated in this section,
2 9 \$130,000 shall be used to continue to fund additional
2 10 long-term care resident's advocate positions.
2 11 5. Of the funds appropriated in this section,
2 12 \$250,000 shall be used for continuation of the
2 13 substitute decision maker Act pursuant to chapter
2 14 231E.
2 15 HEALTH
2 16 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 17 appropriated from the general fund of the state to the
2 18 department of public health for the fiscal year
2 19 beginning July 1, 2008, and ending June 30, 2009, the
2 20 following amounts, or so much thereof as is necessary,
2 21 to be used for the purposes designated:
2 22 1. ADDICTIVE DISORDERS
2 23 For reducing the prevalence of use of tobacco,
2 24 alcohol, and other drugs, and treating individuals

2 25 affected by addictive behaviors, including gambling,
 2 26 and for not more than the following full-time
 2 27 equivalent positions:
 2 28 \$ 1,532,149
 2 29 FTEs 6.00
 2 30 The requirement of section 123.53, subsection 3, is
 2 31 met by the appropriations made in this Act for
 2 32 purposes of addictive disorders for the fiscal year
 2 33 beginning July 1, 2008.
 2 34 2. HEALTHY CHILDREN AND FAMILIES
 2 35 For promoting the optimum health status for
 2 36 children, adolescents from birth through 21 years of
 2 37 age, and families, and for not more than the following
 2 38 full-time equivalent positions:
 2 39 \$ 2,636,913
 2 40 FTEs 16.00
 2 41 a. Of the funds appropriated in this subsection,
 2 42 not more than \$645,917 shall be used for the healthy
 2 43 opportunities to experience success (HOPES)=healthy
 2 44 families Iowa (HFI) program established pursuant to
 2 45 section 135.106. The department shall transfer the
 2 46 funding allocated for the HOPES=HFI program to the
 2 47 Iowa empowerment board for distribution and shall
 2 48 assist the board in managing the contracting for the
 2 49 funding. The funding shall be distributed to renew
 2 50 the grants that were provided to the grantees that
 3 1 operated the program during the fiscal year ending
 3 2 June 30, 2008.
 3 3 b. Of the funds appropriated in this subsection,
 3 4 \$325,000 shall be used to continue to address the
 3 5 healthy mental development of children from birth
 3 6 through five years of age through local evidence-based
 3 7 strategies that engage both the public and private
 3 8 sectors in promoting healthy development, prevention,
 3 9 and treatment for children.
 3 10 c. Of the funds appropriated in this subsection,
 3 11 \$100,000 is allocated for distribution to the
 3 12 children's hospital of Iowa mother's milk bank.
 3 13 d. Of the funds appropriated in this subsection,
 3 14 \$40,000 shall be distributed to a statewide dental
 3 15 carrier to provide funds to continue the donated
 3 16 dental services program patterned after the projects
 3 17 developed by the national foundation of dentistry for
 3 18 the handicapped to provide dental services to indigent
 3 19 elderly and disabled individuals.
 3 20 e. Of the funds appropriated in this subsection,
 3 21 \$100,000 shall be transferred to the university of
 3 22 Iowa college of dentistry for provision of primary
 3 23 dental services to children. State funds shall be
 3 24 matched on a dollar-for-dollar basis. The university
 3 25 of Iowa college of dentistry shall coordinate efforts
 3 26 with the department of public health bureau of oral
 3 27 health to provide dental care to underserved
 3 28 populations throughout the state.
 3 29 f. The department shall consult with other
 3 30 agencies involved with provision of health-related
 3 31 services to children and with legislators, providers,
 3 32 advocates, and other stakeholders in performing a
 3 33 study of services and other support promoting healthy
 3 34 kids.
 3 35 3. CHRONIC CONDITIONS
 3 36 For serving individuals identified as having
 3 37 chronic conditions or special health care needs, and
 3 38 for not more than the following full-time equivalent
 3 39 positions:
 3 40 \$ 2,242,840
 3 41 FTEs 5.00
 3 42 a. Of the funds appropriated in this subsection,
 3 43 \$100,000 shall be used for grants to individual
 3 44 patients who have phenylketonuria (PKU) to assist with
 3 45 the costs of necessary special foods.
 3 46 b. Of the funds appropriated in this subsection,
 3 47 \$500,000 is allocated for continuation of the
 3 48 contracts for resource facilitator services in
 3 49 accordance with section 135.22B, subsection 10, and
 3 50 for brain injury training services and recruiting of
 4 1 service providers to increase the capacity within this
 4 2 state to address the needs of individuals with brain
 4 3 injuries and such individuals' families.
 4 4 4. COMMUNITY CAPACITY
 4 5 For strengthening the health care delivery system

4 6 at the local level, and for not more than the
4 7 following full-time equivalent positions:
4 8 \$ 1,760,532
4 9 FTEs 12.00

4 10 a. Of the funds appropriated in this subsection,
4 11 \$100,000 is allocated for a child vision screening
4 12 program implemented through the university of Iowa
4 13 hospitals and clinics in collaboration with community
4 14 empowerment areas.

4 15 b. Of the funds appropriated in this subsection,
4 16 \$159,700 is allocated for an initiative implemented at
4 17 the university of Iowa and \$140,300 is allocated for
4 18 an initiative at the state mental health institute at
4 19 Cherokee to expand and improve the workforce engaged
4 20 in mental health treatment and services. The
4 21 initiatives shall receive input from the university of
4 22 Iowa, the department of human services, the department
4 23 of public health, and the mental health, mental
4 24 retardation, developmental disabilities, and brain
4 25 injury commission to address the focus of the
4 26 initiatives. The department of human services, the
4 27 department of public health, and the commission shall
4 28 receive regular updates concerning the status of the
4 29 initiatives.

4 30 5. ELDERLY WELLNESS
4 31 For promotion of healthy aging and optimization of
4 32 the health of older adults:
4 33 \$ 9,233,985

4 34 6. ENVIRONMENTAL HAZARDS
4 35 For reducing the public's exposure to hazards in
4 36 the environment, primarily chemical hazards, and for
4 37 not more than the following full-time equivalent
4 38 positions:
4 39 \$ 747,960
4 40 FTEs 2.00

4 41 Of the funds appropriated in this subsection,
4 42 \$121,000 shall be used for childhood lead poisoning
4 43 provisions pursuant to sections 135.102 and 135.103.

4 44 7. INFECTIOUS DISEASES
4 45 For reducing the incidence and prevalence of
4 46 communicable diseases, and for not more than the
4 47 following full-time equivalent positions:
4 48 \$ 1,701,974
4 49 FTEs 7.00

4 50 a. Of the funds appropriated in this subsection,
5 1 an increase of \$43,688 is provided for the purchasing
5 2 of vaccines for immunizations.

5 3 b. Of the funds appropriated in this subsection,
5 4 \$100,000 shall be used to fund the position of bureau
5 5 chief for the center for acute disease epidemiology
5 6 (CADE).

5 7 8. PUBLIC PROTECTION
5 8 For protecting the health and safety of the public
5 9 through establishing standards and enforcing
5 10 regulations, and for not more than the following
5 11 full-time equivalent positions:
5 12 \$ 2,798,513
5 13 FTEs 128.00

5 14 a. Of the funds appropriated in this subsection,
5 15 \$643,500 shall be credited to the emergency medical
5 16 services fund created in section 135.25. Moneys in
5 17 the emergency medical services fund are appropriated
5 18 to the department to be used for the purposes of the
5 19 fund.

5 20 b. Of the funds appropriated in this subsection,
5 21 \$23,810 shall be used for the office of the state
5 22 medical examiner.

5 23 c. Of the funds appropriated in this subsection,
5 24 \$150,000 shall be used for management of the antiviral
5 25 stockpile.

5 26 d. Of the funds appropriated in this subsection,
5 27 \$100,000 shall be used for sexual violence prevention
5 28 programming through a statewide organization
5 29 representing programs serving victims of sexual
5 30 violence through the department's sexual violence
5 31 prevention program. The amount allocated in this
5 32 paragraph "d" shall not be used to supplant funding
5 33 administered for other sexual violence prevention or
5 34 victims assistance programs.

5 35 e. The department may incur expenses for start-up
5 36 costs to implement licensing of plumbers and

5 37 mechanical professionals in accordance with 2007 Iowa
5 38 Acts, chapter 198, provided the amounts expended are
5 39 covered by the close of the fiscal year through the
5 40 repayment receipts from license fees.

5 41 9. RESOURCE MANAGEMENT
5 42 For establishing and sustaining the overall ability
5 43 of the department to deliver services to the public,
5 44 and for not more than the following full-time
5 45 equivalent positions:
5 46 \$ 1,205,933
5 47 FTEs 10.00

5 48 Of the funds appropriated in this subsection,
5 49 \$150,150 shall be used for administration of
5 50 tobacco-related programs.

6 1 The university of Iowa hospitals and clinics under
6 2 the control of the state board of regents shall not
6 3 receive indirect costs from the funds appropriated in
6 4 this section. The university of Iowa hospitals and
6 5 clinics billings to the department shall be on at
6 6 least a quarterly basis.

6 7 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.
6 8 1. In lieu of the appropriation made in section
6 9 135.150, subsection 1, there is appropriated from
6 10 funds available in the gambling treatment fund created
6 11 in section 135.150 to the department of public health
6 12 for the fiscal year beginning July 1, 2008, and ending
6 13 June 30, 2009, the following amount, or so much
6 14 thereof as is necessary, to be used for the purposes
6 15 designated:
6 16 To be utilized for the benefit of persons with
6 17 addictive disorders:
6 18 \$ 4,678,000

6 19 a. It is the intent of the general assembly that
6 20 from the moneys appropriated in this subsection
6 21 persons with a dual diagnosis of substance abuse and
6 22 gambling addictions shall be given priority in
6 23 treatment services. The amount appropriated in this
6 24 subsection includes moneys credited to the fund in
6 25 previous fiscal years.

6 26 b. Of the funds appropriated in this subsection,
6 27 \$613,000 shall be used for tobacco use prevention,
6 28 cessation, and treatment.

6 29 2. The amount remaining in the gambling treatment
6 30 fund after the appropriation made in subsection 1 is
6 31 appropriated to the department to be used for funding
6 32 of administrative costs and to provide programs which
6 33 may include but are not limited to outpatient and
6 34 follow-up treatment for persons affected by problem
6 35 gambling, rehabilitation and residential treatment
6 36 programs, information and referral services, education
6 37 and preventive services, and financial management
6 38 services. Of the amount appropriated in this
6 39 subsection, up to \$100,000 may be used for the
6 40 licensing of gambling treatment programs as provided
6 41 in section 135.150.

6 42 DEPARTMENT OF VETERANS AFFAIRS
6 43 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
6 44 appropriated from the general fund of the state to the
6 45 department of veterans affairs for the fiscal year
6 46 beginning July 1, 2008, and ending June 30, 2009, the
6 47 following amounts, or so much thereof as is necessary,
6 48 to be used for the purposes designated:

6 49 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
6 50 For salaries, support, maintenance, and
7 1 miscellaneous purposes, including the war orphans
7 2 educational assistance fund created in section 35.8,
7 3 and for not more than the following full-time
7 4 equivalent positions:
7 5 \$ 1,163,457
7 6 FTEs 17.20

7 7 Of the amount appropriated in this subsection,
7 8 \$50,000 is allocated for continuation of the veterans
7 9 counseling program established pursuant to section
7 10 35.12.

7 11 2. IOWA VETERANS HOME
7 12 For salaries, support, maintenance, and
7 13 miscellaneous purposes, and for not more than the
7 14 following full-time equivalent positions:
7 15 \$ 12,694,154
7 16 FTEs 951.95

7 17 The Iowa veterans home billings involving the

7 18 department of human services shall be submitted to the
7 19 department on at least a monthly basis.

7 20 If there is a change in the employer of employees
7 21 providing services at the Iowa veterans home under a
7 22 collective bargaining agreement, such employees and
7 23 the agreement shall be continued by the successor
7 24 employer as though there had not been a change in
7 25 employer.

7 26 3. COUNTY GRANT PROGRAM FOR VETERANS

7 27 For providing grants to counties to provide
7 28 services to living veterans:

7 29 \$ 600,000

7 30 The department shall establish or continue a grant
7 31 application process and shall require each county
7 32 applying for a grant to submit a plan for utilizing
7 33 the grant for providing services for living veterans.
7 34 The maximum grant to be awarded to a county shall be
7 35 \$10,000. Each county receiving a grant shall submit a
7 36 report to the department identifying the impact of the
7 37 grant on providing services to veterans as specified
7 38 by the department. The department shall submit a
7 39 report to the general assembly by October 1, 2008,
7 40 concerning the impact of the grant program on services
7 41 to veterans.

7 42 Notwithstanding section 8.33, moneys appropriated
7 43 in this subsection that remain unencumbered or
7 44 unobligated at the close of the fiscal year shall not
7 45 revert to the fund from which appropriated but shall
7 46 be credited to the veterans trust fund.

7 47 4. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF
7 48 DECEASED VETERANS

7 49 For provision of educational assistance pursuant to
7 50 section 35.9:

8 1 \$ 27,000

8 2 HUMAN SERVICES

8 3 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

8 4 BLOCK GRANT. There is appropriated from the fund
8 5 created in section 8.41 to the department of human
8 6 services for the fiscal year beginning July 1, 2008,
8 7 and ending June 30, 2009, from moneys received under
8 8 the federal temporary assistance for needy families
8 9 (TANF) block grant pursuant to the federal Personal
8 10 Responsibility and Work Opportunity Reconciliation Act
8 11 of 1996, Pub. L. No. 104=193, and successor
8 12 legislation, which are federally appropriated for the
8 13 federal fiscal years beginning October 1, 2007, and
8 14 ending September 30, 2008, and beginning October 1,
8 15 2008, and ending September 30, 2009, the following
8 16 amounts, or so much thereof as is necessary, to be
8 17 used for the purposes designated:

8 18 1. To be credited to the family investment program
8 19 account and used for assistance under the family
8 20 investment program under chapter 239B:

8 21 \$ 26,101,513

8 22 2. To be credited to the family investment program
8 23 account and used for the job opportunities and basic
8 24 skills (JOBS) program and implementing family
8 25 investment agreements in accordance with chapter 239B:

8 26 \$ 13,334,528

8 27 Notwithstanding section 8.33, not more than 5
8 28 percent of the moneys designated in this subsection
8 29 that are allocated by the department for contracted
8 30 services, other than family self-sufficiency grant
8 31 services allocated under this subsection, that remain
8 32 unencumbered or unobligated at the close of the fiscal
8 33 year shall not revert but shall remain available for
8 34 expenditure for the purposes designated until the
8 35 close of the succeeding fiscal year. However, unless
8 36 such moneys are encumbered or obligated on or before
8 37 September 30, 2009, the moneys shall revert.

8 38 3. To be used for the family development and
8 39 self-sufficiency grant program in accordance with 2008
8 40 Iowa Acts, House File 2328:

8 41 \$ 2,998,675

8 42 4. For field operations:

8 43 \$ 17,707,495

8 44 It is the intent of the general assembly that the
8 45 department work with Indian tribes providing services
8 46 under the federal Temporary Assistance for Needy
8 47 Families block grant to Indians who reside in Iowa but
8 48 live outside the reservation to establish a formula

8 49 for providing match funding for the expenditures made
8 50 by the tribes for such services. The department shall
9 1 provide recommendations regarding implementation of
9 2 the formula beginning in FY 2009=2010 to the governor
9 3 and the persons designated by this Act to receive
9 4 reports. For the purposes of this paragraph,
9 5 "Indian", "reservation", and "Indian tribe" mean the
9 6 same as defined in section 232B.3.

9 7 5. For general administration:
9 8 \$ 3,744,000

9 9 6. For local administrative costs:
9 10 \$ 2,189,830

9 11 7. For state child care assistance:
9 12 \$ 27,886,177

9 13 a. Of the funds appropriated in this subsection,
9 14 \$18,986,177 shall be transferred to the child care and
9 15 development block grant appropriation made in 2008
9 16 Iowa Acts, Senate File 2286, if enacted, for the
9 17 federal fiscal year beginning October 1, 2008, and
9 18 ending September 30, 2009. Of this amount, \$200,000
9 19 shall be used for provision of educational
9 20 opportunities to registered child care home providers
9 21 in order to improve services and programs offered by
9 22 this category of providers and to increase the number
9 23 of providers. The department may contract with
9 24 institutions of higher education or child care
9 25 resource and referral centers to provide the
9 26 educational opportunities. Allowable administrative
9 27 costs under the contracts shall not exceed 5 percent.
9 28 The application for a grant shall not exceed two pages
9 29 in length.

9 30 b. Any funds appropriated in this subsection
9 31 remaining unallocated shall be used for state child
9 32 care assistance payments for individuals enrolled in
9 33 the family investment program who are employed.

9 34 8. For mental health and developmental
9 35 disabilities community services:
9 36 \$ 4,894,052

9 37 9. For child and family services:
9 38 \$ 32,084,430

9 39 10. For child abuse prevention grants:
9 40 \$ 250,000

9 41 11. For pregnancy prevention grants on the
9 42 condition that family planning services are funded:
9 43 \$ 1,930,067

9 44 Pregnancy prevention grants shall be awarded to
9 45 programs in existence on or before July 1, 2008, if
9 46 the programs are comprehensive in scope and have
9 47 demonstrated positive outcomes. Grants shall be
9 48 awarded to pregnancy prevention programs which are
9 49 developed after July 1, 2008, if the programs are
9 50 comprehensive in scope and are based on existing
10 1 models that have demonstrated positive outcomes.
10 2 Grants shall comply with the requirements provided in
10 3 1997 Iowa Acts, chapter 208, section 14, subsections 1
10 4 and 2, including the requirement that grant programs
10 5 must emphasize sexual abstinence. Priority in the
10 6 awarding of grants shall be given to programs that
10 7 serve areas of the state which demonstrate the highest
10 8 percentage of unplanned pregnancies of females of
10 9 childbearing age within the geographic area to be
10 10 served by the grant.

10 11 12. For technology needs and other resources
10 12 necessary to meet federal welfare reform reporting,
10 13 tracking, and case management requirements:
10 14 \$ 1,037,186

10 15 13. For the healthy opportunities for parents to
10 16 experience success (HOPES) program administered by the
10 17 department of public health to target child abuse
10 18 prevention:
10 19 \$ 200,000

10 20 14. To be credited to the state child care
10 21 assistance appropriation made in this section to be
10 22 used for funding of community-based early childhood
10 23 programs targeted to children from birth through five
10 24 years of age developed by community empowerment areas
10 25 as provided in section 28.9:
10 26 \$ 7,350,000

10 27 The department shall transfer TANF block grant
10 28 funding appropriated and allocated in this subsection
10 29 to the child care and development block grant

10 30 appropriation in accordance with federal law as
10 31 necessary to comply with the provisions of this
10 32 subsection.
10 33 15. For a pilot program established in one or more
10 34 judicial districts, selected by the department and the
10 35 judicial council, to provide employment and support
10 36 services to delinquent child support obligors as an
10 37 alternative to commitment to jail as punishment for
10 38 contempt of court:
10 39 \$ 200,000
10 40 Of the amounts appropriated in this section,
10 41 \$12,962,008 for the fiscal year beginning July 1,
10 42 2008, shall be transferred to the appropriation of the
10 43 federal social services block grant for that fiscal
10 44 year.
10 45 The department may transfer funds allocated in this
10 46 section to the appropriations in this Act for general
10 47 administration and field operations for resources
10 48 necessary to implement and operate the services
10 49 referred to in this section and those funded in the
10 50 appropriation made in this division of this Act for
11 1 the family investment program from the general fund of
11 2 the state.
11 3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
11 4 1. Moneys credited to the family investment
11 5 program (FIP) account for the fiscal year beginning
11 6 July 1, 2008, and ending June 30, 2009, shall be used
11 7 to provide assistance in accordance with chapter 239B.
11 8 2. The department may use a portion of the moneys
11 9 credited to the FIP account under this section as
11 10 necessary for salaries, support, maintenance, and
11 11 miscellaneous purposes.
11 12 3. The department may transfer funds allocated in
11 13 this section to the appropriations in this Act for
11 14 general administration and field operations for
11 15 resources necessary to implement and operate the
11 16 services referred to in this section and those funded
11 17 in the appropriation made in this division of this Act
11 18 for the family investment program from the general
11 19 fund of the state.
11 20 4. Moneys appropriated in this division of this
11 21 Act and credited to the FIP account for the fiscal
11 22 year beginning July 1, 2008, and ending June 30, 2009,
11 23 are allocated as follows:
11 24 a. To be retained by the department of human
11 25 services to be used for coordinating with the
11 26 department of human rights to more effectively serve
11 27 participants in the FIP program and other shared
11 28 clients and to meet federal reporting requirements
11 29 under the federal temporary assistance for needy
11 30 families block grant:
11 31 \$ 20,000
11 32 b. To the department of human rights for staffing,
11 33 administration, and implementation of the family
11 34 development and self-sufficiency grant program in
11 35 accordance with 2008 Iowa Acts, House File 2328:
11 36 \$ 5,563,042
11 37 (1) Of the funds allocated for the family
11 38 development and self-sufficiency grant program in this
11 39 lettered paragraph, not more than 5 percent of the
11 40 funds shall be used for the administration of the
11 41 grant program.
11 42 (2) The department of human rights may continue to
11 43 implement the family development and self-sufficiency
11 44 grant program statewide during fiscal year 2008=2009.
11 45 (3) Notwithstanding section 8.33, moneys allocated
11 46 in this lettered paragraph that remain unencumbered or
11 47 unobligated at the close of the fiscal year shall not
11 48 revert but shall remain available for expenditure for
11 49 the purposes designated until the close of the
11 50 succeeding fiscal year.
12 1 c. For the diversion subaccount of the FIP
12 2 account:
12 3 \$ 2,814,000
12 4 (1) A portion of the moneys allocated for the
12 5 subaccount may be used for field operations salaries,
12 6 data management system development, and implementation
12 7 costs and support deemed necessary by the director of
12 8 human services in order to administer the FIP
12 9 diversion program.
12 10 (2) Of the funds allocated in this lettered

12 11 paragraph, not more than \$250,000 shall be used to
 12 12 develop or continue community-level parental
 12 13 obligation pilot projects. The requirements
 12 14 established under 2001 Iowa Acts, chapter 191, section
 12 15 3, subsection 5, paragraph "c", subparagraph (3),
 12 16 shall remain applicable to the parental obligation
 12 17 pilot projects for fiscal year 2008=2009.
 12 18 Notwithstanding 441 IAC 100.8, providing for
 12 19 termination of rules relating to the pilot projects
 12 20 the earlier of October 1, 2006, or when legislative
 12 21 authority is discontinued, the rules relating to the
 12 22 pilot projects shall remain in effect until June 30,
 12 23 2009.
 12 24 d. For the food stamp employment and training
 12 25 program:
 12 26 \$ 68,059
 12 27 e. For the JOBS program:
 12 28 \$ 22,310,116
 12 29 5. Of the child support collections assigned under
 12 30 FIP, an amount equal to the federal share of support
 12 31 collections shall be credited to the child support
 12 32 recovery appropriation. Of the remainder of the
 12 33 assigned child support collections received by the
 12 34 child support recovery unit, a portion shall be
 12 35 credited to the FIP account, a portion may be used to
 12 36 increase recoveries, and a portion may be used to
 12 37 sustain cash flow in the child support payments
 12 38 account. If as a result the appropriations allocated
 12 39 in this section are insufficient to sustain cash
 12 40 assistance payments and meet federal maintenance of
 12 41 effort requirements, the department shall seek
 12 42 supplemental funding. If child support collections
 12 43 assigned under FIP are greater than estimated or are
 12 44 otherwise determined not to be required for
 12 45 maintenance of effort, the state share of either
 12 46 amount may be transferred to or retained in the child
 12 47 support payment account.
 12 48 6. The department may adopt emergency rules for
 12 49 the family investment, JOBS, family development and
 12 50 self-sufficiency grant, food stamp, and medical
 13 1 assistance programs if necessary to comply with
 13 2 federal requirements.
 13 3 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND.
 13 4 There is appropriated from the general fund of the
 13 5 state to the department of human services for the
 13 6 fiscal year beginning July 1, 2008, and ending June
 13 7 30, 2009, the following amount, or so much thereof as
 13 8 is necessary, to be used for the purpose designated:
 13 9 To be credited to the family investment program
 13 10 (FIP) account and used for family investment program
 13 11 assistance under chapter 239B:
 13 12 \$ 42,675,127
 13 13 1. Of the funds appropriated in this section,
 13 14 \$8,975,588 is allocated for the JOBS program.
 13 15 2. Of the funds appropriated in this section,
 13 16 \$2,584,367 is allocated for the family development and
 13 17 self-sufficiency grant program.
 13 18 3. a. Of the funds appropriated in this section,
 13 19 \$250,000 shall be used for a grant to an Iowa-based
 13 20 nonprofit organization with a history of providing tax
 13 21 preparation assistance to low-income Iowans in order
 13 22 to expand the usage of the earned income tax credit.
 13 23 The purpose of the grant is to supply this assistance
 13 24 to underserved areas of the state. The grant shall be
 13 25 provided to an organization that has existing national
 13 26 foundation support for supplying such assistance that
 13 27 can also secure local charitable match funding.
 13 28 b. The general assembly supports efforts by the
 13 29 organization receiving funding under this subsection
 13 30 to create a statewide earned income tax credit and
 13 31 asset-building coalition to achieve both of the
 13 32 following purposes:
 13 33 (1) Expanding the usage of the tax credit through
 13 34 new and enhanced outreach and marketing strategies, as
 13 35 well as identifying new local sites and human and
 13 36 financial resources.
 13 37 (2) Assessing and recommending various strategies
 13 38 for Iowans to develop assets through savings,
 13 39 individual development accounts, financial literacy,
 13 40 antipredatory lending initiatives, informed home
 13 41 ownership, use of various forms of support for work,

13 42 and microenterprise business development targeted to
13 43 persons who are self-employed or have fewer than five
13 44 employees.

13 45 4. Notwithstanding section 8.39, for the fiscal
13 46 year beginning July 1, 2008, if necessary to meet
13 47 federal maintenance of effort requirements or to
13 48 transfer federal temporary assistance for needy
13 49 families block grant funding to be used for purposes
13 50 of the federal social services block grant or to meet
14 1 cash flow needs resulting from delays in receiving
14 2 federal funding or to implement, in accordance with
14 3 this division of this Act, activities currently funded
14 4 with juvenile court services, county, or community
14 5 moneys and state moneys used in combination with such
14 6 moneys, the department of human services may transfer
14 7 funds within or between any of the appropriations made
14 8 in this division of this Act and appropriations in law
14 9 for the federal social services block grant to the
14 10 department for the following purposes, provided that
14 11 the combined amount of state and federal temporary
14 12 assistance for needy families block grant funding for
14 13 each appropriation remains the same before and after
14 14 the transfer:

- 14 15 a. For the family investment program.
- 14 16 b. For child care assistance.
- 14 17 c. For child and family services.
- 14 18 d. For field operations.
- 14 19 e. For general administration.
- 14 20 f. MH/MR/DD/BI community services (local
14 21 purchase).

14 22 This subsection shall not be construed to prohibit
14 23 the use of existing state transfer authority for other
14 24 purposes. The department shall report any transfers
14 25 made pursuant to this subsection to the legislative
14 26 services agency.

14 27 Sec. 8. CHILD SUPPORT RECOVERY. There is
14 28 appropriated from the general fund of the state to the
14 29 department of human services for the fiscal year
14 30 beginning July 1, 2008, and ending June 30, 2009, the
14 31 following amount, or so much thereof as is necessary,
14 32 to be used for the purposes designated:

14 33 For child support recovery, including salaries,
14 34 support, maintenance, and miscellaneous purposes, and
14 35 for not more than the following full-time equivalent
14 36 positions:

14 37	\$ 14,951,757
14 38	FTEs 515.00

14 39 1. The department shall expend up to \$31,000,
14 40 including federal financial participation, for the
14 41 fiscal year beginning July 1, 2008, for a child
14 42 support public awareness campaign. The department and
14 43 the office of the attorney general shall cooperate in
14 44 continuation of the campaign. The public awareness
14 45 campaign shall emphasize, through a variety of media
14 46 activities, the importance of maximum involvement of
14 47 both parents in the lives of their children as well as
14 48 the importance of payment of child support
14 49 obligations.

14 50 2. Federal access and visitation grant moneys
15 1 shall be issued directly to private not-for-profit
15 2 agencies that provide services designed to increase
15 3 compliance with the child access provisions of court
15 4 orders, including but not limited to neutral
15 5 visitation sites and mediation services.

15 6 3. The appropriation made to the department for
15 7 child support recovery may be used throughout the
15 8 fiscal year in the manner necessary for purposes of
15 9 cash flow management, and for cash flow management
15 10 purposes the department may temporarily draw more than
15 11 the amount appropriated, provided the amount
15 12 appropriated is not exceeded at the close of the
15 13 fiscal year.

15 14 Sec. 9. MEDICAL ASSISTANCE. There is appropriated
15 15 from the general fund of the state to the department
15 16 of human services for the fiscal year beginning July
15 17 1, 2008, and ending June 30, 2009, the following
15 18 amount, or so much thereof as is necessary, to be used
15 19 for the purpose designated:

15 20 For medical assistance reimbursement and associated
15 21 costs as specifically provided in the reimbursement
15 22 methodologies in effect on June 30, 2008, except as

15 23 otherwise expressly authorized by law, including
15 24 reimbursement for abortion services which shall be
15 25 available under the medical assistance program only
15 26 for those abortions which are medically necessary:
15 27 \$646,401,453
15 28 1. Medically necessary abortions are those
15 29 performed under any of the following conditions:
15 30 a. The attending physician certifies that
15 31 continuing the pregnancy would endanger the life of
15 32 the pregnant woman.
15 33 b. The attending physician certifies that the
15 34 fetus is physically deformed, mentally deficient, or
15 35 afflicted with a congenital illness.
15 36 c. The pregnancy is the result of a rape which is
15 37 reported within 45 days of the incident to a law
15 38 enforcement agency or public or private health agency
15 39 which may include a family physician.
15 40 d. The pregnancy is the result of incest which is
15 41 reported within 150 days of the incident to a law
15 42 enforcement agency or public or private health agency
15 43 which may include a family physician.
15 44 e. Any spontaneous abortion, commonly known as a
15 45 miscarriage, if not all of the products of conception
15 46 are expelled.
15 47 2. The department shall utilize not more than
15 48 \$60,000 of the funds appropriated in this section to
15 49 continue the AIDS/HIV health insurance premium payment
15 50 program as established in 1992 Iowa Acts, Second
16 1 Extraordinary Session, chapter 1001, section 409,
16 2 subsection 6. Of the funds allocated in this
16 3 subsection, not more than \$5,000 may be expended for
16 4 administrative purposes.
16 5 3. Of the funds appropriated in this Act to the
16 6 department of public health for addictive disorders,
16 7 \$950,000 for the fiscal year beginning July 1, 2008,
16 8 shall be transferred to the department of human
16 9 services for an integrated substance abuse managed
16 10 care system. The department shall not assume
16 11 management of the substance abuse system in place of
16 12 the managed care contractor unless such a change in
16 13 approach is specifically authorized in law. The
16 14 departments of human services and public health shall
16 15 work together to maintain the level of mental health
16 16 and substance abuse services provided by the managed
16 17 care contractor through the Iowa plan for behavioral
16 18 health. Each department shall take the steps
16 19 necessary to continue the federal waivers as necessary
16 20 to maintain the level of services.
16 21 4. a. The department shall aggressively pursue
16 22 options for providing medical assistance or other
16 23 assistance to individuals with special needs who
16 24 become ineligible to continue receiving services under
16 25 the early and periodic screening, diagnosis, and
16 26 treatment program under the medical assistance program
16 27 due to becoming 21 years of age who have been approved
16 28 for additional assistance through the department's
16 29 exception to policy provisions, but who have health
16 30 care needs in excess of the funding available through
16 31 the exception to policy provisions.
16 32 b. Of the funds appropriated in this section,
16 33 \$100,000 shall be used for participation in one or
16 34 more pilot projects operated by a private provider to
16 35 allow the individual or individuals to receive service
16 36 in the community in accordance with principles
16 37 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
16 38 for the purpose of providing medical assistance or
16 39 other assistance to individuals with special needs who
16 40 become ineligible to continue receiving services under
16 41 the early and periodic screening, diagnosis, and
16 42 treatment program under the medical assistance program
16 43 due to becoming 21 years of age who have been approved
16 44 for additional assistance through the department's
16 45 exception to policy provisions, but who have health
16 46 care needs in excess of the funding available through
16 47 the exception to the policy provisions.
16 48 5. Of the funds appropriated in this section, up
16 49 to \$3,050,082 may be transferred to the field
16 50 operations or general administration appropriations in
17 1 this Act for operational costs associated with Part D
17 2 of the federal Medicare Prescription Drug,
17 3 Improvement, and Modernization Act of 2003, Pub. L.

17 4 No. 108=173.

17 5 6. In addition to any other funds appropriated in
17 6 this Act, of the funds appropriated in this section,
17 7 \$250,000 shall be used for the grant to the Iowa
17 8 healthcare collaborative as defined in section 135.40.

17 9 7. Of the funds appropriated in this section, not
17 10 more than \$166,600 shall be used to enhance outreach
17 11 efforts. The department may transfer funds allocated
17 12 in this subsection to the appropriations in this
17 13 division of this Act for general administration, the
17 14 state children's health insurance program, or medical
17 15 contracts, as necessary, to implement the outreach
17 16 efforts.

17 17 8. Of the funds appropriated in this section, up
17 18 to \$442,100 may be transferred to the appropriation in
17 19 this Act for medical contracts to be used for clinical
17 20 assessment services related to remedial services in
17 21 accordance with federal law.

17 22 9. Of the funds appropriated in this section,
17 23 \$1,143,522 may be used for the demonstration to
17 24 maintain independence and employment (DMIE) if the
17 25 waiver for DMIE is approved by the centers for
17 26 Medicare and Medicaid services of the United States
17 27 department of health and human services.
17 28 Additionally, if the waiver is approved, \$440,000 of
17 29 the funds shall be transferred to the department of
17 30 corrections for DMIE activities.

17 31 10. The drug utilization review commission shall
17 32 monitor the smoking cessation benefit provided under
17 33 the medical assistance program and shall provide a
17 34 report of utilization, client success,
17 35 cost-effectiveness, and recommendations for any
17 36 changes in the benefit to the persons designated in
17 37 this Act to receive reports by January 15, 2009. If a
17 38 prescriber determines that all smoking cessation aids
17 39 on the preferred drug list are not effective or
17 40 medically appropriate for a patient, the prescriber
17 41 may apply for an exception to policy for another
17 42 product approved by the United States food and drug
17 43 administration for smoking cessation pursuant to 441
17 44 IAC 1.8(1).

17 45 11. A portion of the funds appropriated in this
17 46 section may be transferred to the appropriations in
17 47 this division of this Act for general administration,
17 48 medical contracts, the state children's health
17 49 insurance program, or field operations to be used for
17 50 the state match cost to comply with the payment error
18 1 rate measurement (PERM) program for both the medical
18 2 assistance and state children's health insurance
18 3 programs as developed by the centers for Medicare and
18 4 Medicaid services of the United States department of
18 5 health and human services to comply with the federal
18 6 Improper Payments Information Act of 2002, Pub. L. No.
18 7 107=300.

18 8 12. It is the intent of the general assembly that
18 9 the department implement the recommendations of the
18 10 assuring better child health and development
18 11 initiative II (ABCDII) clinical panel to the Iowa
18 12 early and periodic screening, diagnostic, and
18 13 treatment services healthy mental development
18 14 collaborative board regarding changes to billing
18 15 procedures, codes, and eligible service providers.

18 16 13. Of the funds appropriated in this section, a
18 17 sufficient amount is allocated to supplement the
18 18 incomes of residents of nursing facilities,
18 19 intermediate care facilities for persons with mental
18 20 illness, and intermediate care facilities for persons
18 21 with mental retardation, with incomes of less than \$50
18 22 in the amount necessary for the residents to receive a
18 23 personal needs allowance of \$50 per month pursuant to
18 24 section 249A.30A.

18 25 14. Of the funds appropriated in this section, the
18 26 following amounts shall be transferred to
18 27 appropriations made in this division of this Act to
18 28 the state mental health institutes:

18 29 a. Cherokee mental health institute	\$ 5,933,659
18 30 b. Clarinda mental health institute	\$ 1,289,526
18 31 c. Independence mental health institute	\$ 5,899,400
18 32 d. Mount Pleasant mental health institute	\$ 3,751,626

18 33 15. a. Of the funds appropriated in this section,
18 34 \$2,753,055 is allocated for state match for

18 35 disproportionate share hospital payment of \$7,321,954
18 36 to hospitals that meet both of the following
18 37 conditions:

18 38 (1) The hospital qualifies for disproportionate
18 39 share and graduate medical education payments.

18 40 (2) The hospital is an Iowa state-owned hospital
18 41 with more than 500 beds and eight or more distinct
18 42 residency specialty or subspecialty programs
18 43 recognized by the American college of graduate medical
18 44 education.

18 45 b. Distribution of the disproportionate share
18 46 payment shall be made on a monthly basis. The total
18 47 amount of disproportionate share payments including
18 48 graduate medical education, enhanced disproportionate
18 49 share, and Iowa state-owned teaching hospital payments
18 50 shall not exceed the amount of the state's allotment
19 1 under Pub. L. No. 102=234. In addition, the total
19 2 amount of all disproportionate share payments shall
19 3 not exceed the hospital-specific disproportionate
19 4 share limits under Pub. L. No. 103=66.

19 5 16. Of the funds appropriated in this section,
19 6 \$4,568,899 is transferred to the IowaCare account
19 7 created in section 249J.24.

19 8 17. Of the funds appropriated in this section,
19 9 \$250,000 shall be used for the Iowa chronic care
19 10 consortium pursuant to 2003 Iowa Acts, chapter 112,
19 11 section 12, as amended by 2003 Iowa Acts, chapter 179,
19 12 sections 166 and 167.

19 13 18. The department shall implement cost-saving
19 14 initiatives including implementing a surcharge for
19 15 claims filed on paper when electronic filing is
19 16 available and collecting a supplemental rebate for
19 17 diabetic supplies.

19 18 19. One hundred percent of the nonfederal share of
19 19 payments to area education agencies that are medical
19 20 assistance providers for medical assistance-covered
19 21 services provided to medical assistance-covered
19 22 children, shall be made from the appropriation made in
19 23 this section.

19 24 20. a. Beginning July 1, 2009, any new or renewed
19 25 contract entered into by the department with a third
19 26 party to administer behavioral health services under
19 27 the medical assistance program shall provide that any
19 28 interest earned on payments from the state during the
19 29 state fiscal year shall be remitted to the department
19 30 for deposit in a separate account after the end of the
19 31 fiscal year.

19 32 b. Beginning July 1, 2008, the department shall
19 33 maintain a separate account within the medical
19 34 assistance budget for the deposit of all funds
19 35 remitted pursuant to a contract with a third party to
19 36 administer behavioral health services under the
19 37 medical assistance program. Notwithstanding section
19 38 8.33, funds remaining in the account that remain
19 39 unencumbered or unobligated at the end of any fiscal
19 40 year shall not revert but shall remain available in
19 41 succeeding fiscal years and shall be used only in
19 42 accordance with appropriations from the account for
19 43 health and human services-related purposes.

19 44 c. Of the state share of any funds remitted to the
19 45 medical assistance program pursuant to a contract with
19 46 a third party to administer behavioral health services
19 47 under the medical assistance program, the following
19 48 amounts are appropriated to the department for the
19 49 fiscal year beginning July 1, 2008, and ending June
19 50 30, 2009, to be used as follows:

20 1 (1) For implementation of the emergency mental
20 2 health crisis services system in accordance with
20 3 section 225C.19, as enacted by this Act, \$1,500,000.

20 4 (2) For implementation of the mental health
20 5 services system for children and youth in accordance
20 6 with section 225C.52, as enacted by this Act,
20 7 \$500,000.

20 8 (3) For the mental health, mental retardation, and
20 9 developmental disabilities risk pool created in the
20 10 property tax relief fund in section 426B.5,
20 11 \$1,000,000.

20 12 (4) To reduce the waiting lists of the medical
20 13 assistance home and community-based services waivers,
20 14 \$2,000,000. The department shall distribute the
20 15 funding allocated under this subparagraph

20 16 proportionately among all home and community-based
 20 17 services waivers.
 20 18 (5) For child welfare and court-ordered services
 20 19 for children who have been adjudicated as delinquent,
 20 20 \$750,000.
 20 21 (6) For training for child welfare services
 20 22 providers, \$250,000. The training shall be developed
 20 23 by the department in collaboration with the coalition
 20 24 for children and family services in Iowa.
 20 25 d. The department shall provide the results of the
 20 26 audits of the third party administering behavioral
 20 27 health services under the medical assistance program
 20 28 for the fiscal years beginning July 1, 2006, and July
 20 29 1, 2007, to the legislative services agency for
 20 30 review.

20 31 21. Of the funds appropriated in this section, at
 20 32 least \$2,500,000 shall be used for existing and new
 20 33 home and community-based waiver slots for persons with
 20 34 brain injury.

20 35 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.

20 36 There is appropriated from the general fund of the
 20 37 state to the department of human services for the
 20 38 fiscal year beginning July 1, 2008, and ending June
 20 39 30, 2009, the following amount, or so much thereof as
 20 40 is necessary, to be used for the purpose designated:

20 41 For administration of the health insurance premium
 20 42 payment program, including salaries, support,
 20 43 maintenance, and miscellaneous purposes, and for not
 20 44 more than the following full-time equivalent
 20 45 positions:

20 46	\$	566,338
20 47	FTEs	21.00

20 48 Sec. 11. MEDICAL CONTRACTS. There is appropriated
 20 49 from the general fund of the state to the department
 20 50 of human services for the fiscal year beginning July
 21 1 1, 2008, and ending June 30, 2009, the following
 21 2 amount, or so much thereof as is necessary, to be used
 21 3 for the purpose designated:

21 4 For medical contracts, including salaries, support,
 21 5 maintenance, and miscellaneous purposes, and for not
 21 6 more than the following full-time equivalent
 21 7 positions:

21 8	\$	14,165,550
21 9	FTEs	6.00

21 10 1. Of the funds appropriated in this section,
 21 11 \$50,000 shall be used for electronic cross-matching
 21 12 with state vital records databases through the
 21 13 department of public health.

21 14 2. Of the funds appropriated in this section,
 21 15 \$250,000 shall be used for monitoring of home and
 21 16 community-based services waivers.

21 17 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

21 18 1. There is appropriated from the general fund of
 21 19 the state to the department of human services for the
 21 20 fiscal year beginning July 1, 2008, and ending June
 21 21 30, 2009, the following amount, or so much thereof as
 21 22 is necessary, to be used for the purpose designated:

21 23 For the state supplementary assistance program:	\$	18,310,335
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21 25 2. The department shall increase the personal
 21 26 needs allowance for residents of residential care
 21 27 facilities by the same percentage and at the same time
 21 28 as federal supplemental security income and federal
 21 29 social security benefits are increased due to a
 21 30 recognized increase in the cost of living. The
 21 31 department may adopt emergency rules to implement this
 21 32 subsection.

21 33 3. If during the fiscal year beginning July 1,
 21 34 2008, the department projects that state supplementary
 21 35 assistance expenditures for a calendar year will not
 21 36 meet the federal pass-through requirement specified in
 21 37 Title XVI of the federal Social Security Act, section
 21 38 1618, as codified in 42 U.S.C. } 1382g, the department
 21 39 may take actions including but not limited to
 21 40 increasing the personal needs allowance for
 21 41 residential care facility residents and making
 21 42 programmatic adjustments or upward adjustments of the
 21 43 residential care facility or in-home health-related
 21 44 care reimbursement rates prescribed in this division
 21 45 of this Act to ensure that federal requirements are
 21 46 met. In addition, the department may make other

21 47 programmatic and rate adjustments necessary to remain
21 48 within the amount appropriated in this section while
21 49 ensuring compliance with federal requirements. The
21 50 department may adopt emergency rules to implement the
22 1 provisions of this subsection.

22 2 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE
22 3 PROGRAM.

22 4 1. There is appropriated from the general fund of
22 5 the state to the department of human services for the
22 6 fiscal year beginning July 1, 2008, and ending June
22 7 30, 2009, the following amount, or so much thereof as
22 8 is necessary, to be used for the purpose designated:

22 9 For maintenance of the healthy and well kids in
22 10 Iowa (hawk=i) program pursuant to chapter 514I for
22 11 receipt of federal financial participation under Title
22 12 XXI of the federal Social Security Act, which creates
22 13 the state children's health insurance program:
22 14 \$ 15,873,103

22 15 2. If sufficient funding is available under this
22 16 Act, and if federal reauthorization of the state
22 17 children's health insurance program provides
22 18 sufficient federal allocations to the state and
22 19 authorization to cover the following populations as an
22 20 option under the state children's health insurance
22 21 program, the department may expand coverage under the
22 22 state children's health insurance program as follows:

22 23 a. By eliminating the categorical exclusion of
22 24 state employees from receiving state children's health
22 25 insurance program benefits.

22 26 b. By providing coverage for legal immigrant
22 27 children and pregnant women not eligible under current
22 28 federal guidelines.

22 29 c. By covering children up to age twenty-one, or
22 30 up to age twenty-three if the child is attending
22 31 school.

22 32 3. If the United States Congress does not
22 33 authorize additional federal funds necessary to
22 34 address any shortfall for the state children's health
22 35 insurance program for the federal fiscal year
22 36 beginning October 1, 2008, and ending September 30,
22 37 2009, the department may use 100 percent of state
22 38 funds from the appropriation made in this section for
22 39 the period beginning July 1, 2008, and ending June 30,
22 40 2009, and may, after consultation with the governor
22 41 and the general assembly, utilize funding from the
22 42 appropriations made in this Act for medical assistance
22 43 to maintain the state children's health insurance
22 44 program. If deemed necessary, the department shall
22 45 request a supplemental appropriation from the
22 46 Eighty-third General Assembly, 2009 Session, to
22 47 address any remaining shortfall for the fiscal year
22 48 beginning July 1, 2008.

22 49 4. Of the funds appropriated in this section,
22 50 \$134,050 is allocated for continuation of the contract
23 1 for advertising and outreach with the department of
23 2 public health and \$90,050 is allocated for other
23 3 advertising and outreach.

23 4 Sec. 14. CHILD CARE ASSISTANCE. There is
23 5 appropriated from the general fund of the state to the
23 6 department of human services for the fiscal year
23 7 beginning July 1, 2008, and ending June 30, 2009, the
23 8 following amount, or so much thereof as is necessary,
23 9 to be used for the purpose designated:

23 10 For child care programs:
23 11 \$ 39,298,895

23 12 1. Of the funds appropriated in this section,
23 13 \$36,043,083 shall be used for state child care
23 14 assistance in accordance with section 237A.13.

23 15 2. Nothing in this section shall be construed or
23 16 is intended as or shall imply a grant of entitlement
23 17 for services to persons who are eligible for
23 18 assistance due to an income level consistent with the
23 19 waiting list requirements of section 237A.13. Any
23 20 state obligation to provide services pursuant to this
23 21 section is limited to the extent of the funds
23 22 appropriated in this section.

23 23 3. Of the funds appropriated in this section,
23 24 \$525,524 is allocated for the statewide program for
23 25 child care resource and referral services under
23 26 section 237A.26. A list of the registered and
23 27 licensed child care facilities operating in the area

23 28 served by a child care resource and referral service
23 29 shall be made available to the families receiving
23 30 state child care assistance in that area.
23 31 4. Of the funds appropriated in this section,
23 32 \$1,180,288 is allocated for child care quality
23 33 improvement initiatives including but not limited to
23 34 the voluntary quality rating system in accordance with
23 35 section 237A.30.

23 36 5. The department may use any of the funds
23 37 appropriated in this section as a match to obtain
23 38 federal funds for use in expanding child care
23 39 assistance and related programs. For the purpose of
23 40 expenditures of state and federal child care funding,
23 41 funds shall be considered obligated at the time
23 42 expenditures are projected or are allocated to the
23 43 department's service areas. Projections shall be
23 44 based on current and projected caseload growth,
23 45 current and projected provider rates, staffing
23 46 requirements for eligibility determination and
23 47 management of program requirements including data
23 48 systems management, staffing requirements for
23 49 administration of the program, contractual and grant
23 50 obligations and any transfers to other state agencies,
24 1 and obligations for decategorization or innovation
24 2 projects.

24 3 6. A portion of the state match for the federal
24 4 child care and development block grant shall be
24 5 provided as necessary to meet federal matching funds
24 6 requirements through the state general fund
24 7 appropriation made for child development grants and
24 8 other programs for at-risk children in section 279.51.

24 9 7. Of the funds appropriated in this section,
24 10 \$1,200,000 is transferred to the Iowa empowerment fund
24 11 from which it is appropriated to be used for
24 12 professional development for the system of early care,
24 13 health, and education.

24 14 8. Of the funds appropriated in this section,
24 15 \$350,000 shall be allocated to a county with a
24 16 population of more than 300,000 to be used for a
24 17 one-time grant to support child care center services
24 18 provided to children with mental, physical, or
24 19 emotional challenges in order for the children to
24 20 remain in a home or family setting.

24 21 9. Notwithstanding section 8.33, moneys
24 22 appropriated in this section or received from the
24 23 federal appropriations made for the purposes of this
24 24 section that remain unencumbered or unobligated at the
24 25 close of the fiscal year shall not revert to any fund
24 26 but shall remain available for expenditure for the
24 27 purposes designated until the close of the succeeding
24 28 fiscal year.

24 29 Sec. 15. JUVENILE INSTITUTIONS. There is
24 30 appropriated from the general fund of the state to the
24 31 department of human services for the fiscal year
24 32 beginning July 1, 2008, and ending June 30, 2009, the
24 33 following amounts, or so much thereof as is necessary,
24 34 to be used for the purposes designated:

24 35 1. For operation of the Iowa juvenile home at
24 36 Toledo and for salaries, support, and maintenance, and
24 37 for not more than the following full-time equivalent
24 38 positions:
24 39 \$ 7,579,484
24 40 FTEs 126.00

24 41 2. For operation of the state training school at
24 42 Eldora and for salaries, support, and maintenance, and
24 43 for not more than the following full-time equivalent
24 44 positions:
24 45 \$ 11,948,327
24 46 FTEs 202.70

24 47 3. A portion of the moneys appropriated in this
24 48 section shall be used by the state training school and
24 49 by the Iowa juvenile home for grants for adolescent
24 50 pregnancy prevention activities at the institutions in
25 1 the fiscal year beginning July 1, 2008.

25 2 Sec. 16. CHILD AND FAMILY SERVICES.
25 3 1. There is appropriated from the general fund of
25 4 the state to the department of human services for the
25 5 fiscal year beginning July 1, 2008, and ending June
25 6 30, 2009, the following amount, or so much thereof as
25 7 is necessary, to be used for the purpose designated:
25 8 For child and family services:

25 9 \$ 88,557,565

25 10 2. In order to address a reduction of \$5,200,000
25 11 from the amount allocated under the appropriation made
25 12 for the purposes of this section in prior years for
25 13 purposes of juvenile delinquent graduated sanction
25 14 services, up to \$5,200,000 of the amount of federal
25 15 temporary assistance for needy families block grant
25 16 funding appropriated in this division of this Act for
25 17 child and family services shall be made available for
25 18 purposes of juvenile delinquent graduated sanction
25 19 services.

25 20 3. The department may transfer funds appropriated
25 21 in this section as necessary to pay the nonfederal
25 22 costs of services reimbursed under the medical
25 23 assistance program, state child care assistance
25 24 program, or the family investment program which are
25 25 provided to children who would otherwise receive
25 26 services paid under the appropriation in this section.
25 27 The department may transfer funds appropriated in this
25 28 section to the appropriations in this division of this
25 29 Act for general administration and for field
25 30 operations for resources necessary to implement and
25 31 operate the services funded in this section.

25 32 4. a. Of the funds appropriated in this section,
25 33 up to \$36,441,744 is allocated as the statewide
25 34 expenditure target under section 232.143 for group
25 35 foster care maintenance and services.

25 36 b. If at any time after September 30, 2008,
25 37 annualization of a service area's current expenditures
25 38 indicates a service area is at risk of exceeding its
25 39 group foster care expenditure target under section
25 40 232.143 by more than 5 percent, the department and
25 41 juvenile court services shall examine all group foster
25 42 care placements in that service area in order to
25 43 identify those which might be appropriate for
25 44 termination. In addition, any aftercare services
25 45 believed to be needed for the children whose
25 46 placements may be terminated shall be identified. The
25 47 department and juvenile court services shall initiate
25 48 action to set dispositional review hearings for the
25 49 placements identified. In such a dispositional review
25 50 hearing, the juvenile court shall determine whether
26 1 needed aftercare services are available and whether
26 2 termination of the placement is in the best interest
26 3 of the child and the community.

26 4 5. In accordance with the provisions of section
26 5 232.188, the department shall continue the child
26 6 welfare and juvenile justice funding initiative during
26 7 fiscal year 2008=2009. Of the moneys subject to the
26 8 nonreversion clause provided in the amendment in this
26 9 Act to 2006 Iowa Acts, chapter 1184, section 17,
26 10 subsection 4, \$3,605,000 is allocated specifically for
26 11 expenditure for fiscal year 2008=2009 through the
26 12 decategorization service funding pools and governance
26 13 boards established pursuant to section 232.188.

26 14 6. A portion of the funds appropriated in this
26 15 section may be used for emergency family assistance to
26 16 provide other resources required for a family
26 17 participating in a family preservation or
26 18 reunification project or successor project to stay
26 19 together or to be reunified.

26 20 7. Notwithstanding section 234.35 or any other
26 21 provision of law to the contrary, state funding for
26 22 shelter care shall be limited to \$7,072,215. The
26 23 department shall work with the coalition for children
26 24 and family services in Iowa and other representatives
26 25 of shelter care providers to reduce the number of
26 26 guaranteed shelter beds and shift a portion of
26 27 available funding to develop new or expand existing
26 28 child welfare emergency services for children who
26 29 might otherwise be served in shelter care. The child
26 30 welfare emergency services shall be provided by
26 31 shelter care agencies that currently have a contract
26 32 for shelter care services with the department and may
26 33 include mobile crisis response units for child and
26 34 family crises, in-home supervision services, emergency
26 35 family foster care homes, expanding capacity to
26 36 provide emergency services in other family foster care
26 37 homes, or provide flexible funding for child welfare
26 38 emergency services based on evidence-based practices.
26 39 Notwithstanding chapter 8A, the department may amend

26 40 existing contracts with shelter care agencies as
26 41 necessary to include child welfare emergency services.
26 42 8. Federal funds received by the state during the
26 43 fiscal year beginning July 1, 2008, as the result of
26 44 the expenditure of state funds appropriated during a
26 45 previous state fiscal year for a service or activity
26 46 funded under this section are appropriated to the
26 47 department to be used as additional funding for
26 48 services and purposes provided for under this section.
26 49 Notwithstanding section 8.33, moneys received in
26 50 accordance with this subsection that remain
27 1 unencumbered or unobligated at the close of the fiscal
27 2 year shall not revert to any fund but shall remain
27 3 available for the purposes designated until the close
27 4 of the succeeding fiscal year.
27 5 9. Of the funds appropriated in this section, at
27 6 least \$3,696,285 shall be used for protective child
27 7 care assistance.
27 8 10. a. Of the funds appropriated in this section,
27 9 up to \$2,268,963 is allocated for the payment of the
27 10 expenses of court-ordered services provided to
27 11 juveniles who are under the supervision of juvenile
27 12 court services, which expenses are a charge upon the
27 13 state pursuant to section 232.141, subsection 4. Of
27 14 the amount allocated in this lettered paragraph, up to
27 15 \$1,556,287 shall be made available to provide
27 16 school-based supervision of children adjudicated under
27 17 chapter 232, of which not more than \$15,000 may be
27 18 used for the purpose of training. A portion of the
27 19 cost of each school-based liaison officer shall be
27 20 paid by the school district or other funding source as
27 21 approved by the chief juvenile court officer.
27 22 b. Of the funds appropriated in this section, up
27 23 to \$823,965 is allocated for the payment of the
27 24 expenses of court-ordered services provided to
27 25 children who are under the supervision of the
27 26 department, which expenses are a charge upon the state
27 27 pursuant to section 232.141, subsection 4.
27 28 c. Notwithstanding section 232.141 or any other
27 29 provision of law to the contrary, the amounts
27 30 allocated in this subsection shall be distributed to
27 31 the judicial districts as determined by the state
27 32 court administrator and to the department's service
27 33 areas as determined by the administrator of the
27 34 department's division of child and family services.
27 35 The state court administrator and the division
27 36 administrator shall make the determination of the
27 37 distribution amounts on or before June 15, 2008.
27 38 d. Notwithstanding chapter 232 or any other
27 39 provision of law to the contrary, a district or
27 40 juvenile court shall not order any service which is a
27 41 charge upon the state pursuant to section 232.141 if
27 42 there are insufficient court-ordered services funds
27 43 available in the district court or departmental
27 44 service area distribution amounts to pay for the
27 45 service. The chief juvenile court officer and the
27 46 departmental service area manager shall encourage use
27 47 of the funds allocated in this subsection such that
27 48 there are sufficient funds to pay for all
27 49 court-related services during the entire year. The
27 50 chief juvenile court officers and departmental service
28 1 area managers shall attempt to anticipate potential
28 2 surpluses and shortfalls in the distribution amounts
28 3 and shall cooperatively request the state court
28 4 administrator or division administrator to transfer
28 5 funds between the judicial districts' or departmental
28 6 service areas' distribution amounts as prudent.
28 7 e. Notwithstanding any provision of law to the
28 8 contrary, a district or juvenile court shall not order
28 9 a county to pay for any service provided to a juvenile
28 10 pursuant to an order entered under chapter 232 which
28 11 is a charge upon the state under section 232.141,
28 12 subsection 4.
28 13 f. Of the funds allocated in this subsection, not
28 14 more than \$100,000 may be used by the judicial branch
28 15 for administration of the requirements under this
28 16 subsection.
28 17 11. Of the funds appropriated in this section,
28 18 \$1,030,000 shall be transferred to the department of
28 19 public health to be used for the child protection
28 20 center grant program in accordance with section

28 21 135.118.

28 22 12. If the department receives federal approval to
28 23 implement a waiver under Title IV-E of the federal
28 24 Social Security Act to enable providers to serve
28 25 children who remain in the children's families and
28 26 communities, for purposes of eligibility under the
28 27 medical assistance program children who participate in
28 28 the waiver shall be considered to be placed in foster
28 29 care.

28 30 13. Of the funds appropriated in this section,
28 31 \$2,862,164 is allocated for the preparation for adult
28 32 living program pursuant to section 234.46.

28 33 14. Of the funds appropriated in this section,
28 34 \$1,030,000 shall be used for juvenile drug courts.
28 35 The amount allocated in this subsection shall be
28 36 distributed as follows:

28 37 a. To the judicial branch for salaries to assist
28 38 with the operation of juvenile drug court programs
28 39 operated in the following jurisdictions:

28 40 (1) Marshall county:	
28 41	\$ 61,800
28 42 (2) Woodbury county:	
28 43	\$ 123,862
28 44 (3) Polk county:	
28 45	\$ 193,057
28 46 (4) The third judicial district:	
28 47	\$ 66,950
28 48 (5) The eighth judicial district:	
28 49	\$ 66,950

28 50 b. For court-ordered services to support substance
29 1 abuse services provided to the juveniles participating
29 2 in the juvenile drug court programs listed in
29 3 paragraph "a" and the juveniles' families:

29 4 \$ 517,381

29 5 The state court administrator shall allocate the
29 6 funding designated in this paragraph among the
29 7 programs.

29 8 15. Of the funds appropriated in this section,
29 9 \$203,000 is allocated for continuation of the
29 10 contracts for the multidimensional treatment level
29 11 foster care program established pursuant to 2006 Iowa
29 12 Acts, chapter 1123, for a third year.

29 13 16. Of the funds appropriated in this section,
29 14 \$236,900 shall be used for a grant to a nonprofit
29 15 human services organization providing services to
29 16 individuals and families in multiple locations in
29 17 southwest Iowa and Nebraska for support of a project
29 18 providing immediate, sensitive support and forensic
29 19 interviews, medical exams, needs assessments, and
29 20 referrals for victims of child abuse and their
29 21 nonoffending family members.

29 22 17. Of the funds appropriated in this section,
29 23 \$131,000 is allocated for the elevate approach of
29 24 providing a support network to children placed in
29 25 foster care.

29 26 18. Of the funds appropriated in this section,
29 27 \$300,000 is allocated for sibling visitation
29 28 provisions for children subject to a court order for
29 29 out-of-home placement in accordance with section
29 30 232.108.

29 31 19. Of the funds appropriated in this section,
29 32 \$200,000 is allocated for use pursuant to section
29 33 235A.1 for the initiative to address child sexual
29 34 abuse implemented pursuant to 2007 Iowa Acts, ch. 218,
29 35 section 18, subsection 21.

29 36 20. Of the funds appropriated in this section,
29 37 \$80,000 is allocated for renewal of a grant to a
29 38 county with a population between 189,000 and 196,000
29 39 in the latest preceding certified federal census for
29 40 implementation of the county's runaway treatment plan
29 41 under section 232.195.

29 42 21. Of the funds appropriated in this section,
29 43 \$418,000 is allocated for the community partnership
29 44 for child protection sites.

29 45 22. Of the funds appropriated in this section,
29 46 \$375,000 is allocated for the department's minority
29 47 youth and family projects under the redesign of the
29 48 child welfare system.

29 49 23. Of the funds appropriated in this section,
29 50 \$300,000 is allocated for funding of the state match
30 1 for the federal substance abuse and mental health

30 2 services administration (SAMHSA) system of care grant.
30 3 24. The department shall develop options for
30 4 providing a growth mechanism for reimbursement of the
30 5 child and family services traditionally funded under
30 6 this appropriation. The growth mechanism options may
30 7 provide for a tie to allowable growth for school aid,
30 8 an inflationary adjustment reflective of the cost
30 9 increases for the services, or other reasonable proxy
30 10 for the cost increases affecting such service
30 11 providers.

30 12 Sec. 17. ADOPTION SUBSIDY.

30 13 1. There is appropriated from the general fund of
30 14 the state to the department of human services for the
30 15 fiscal year beginning July 1, 2008, and ending June
30 16 30, 2009, the following amount, or so much thereof as
30 17 is necessary, to be used for the purpose designated:

30 18 For adoption subsidy payments and services:
30 19 \$ 32,568,872

30 20 2. The department may transfer funds appropriated
30 21 in this section to the appropriation made in this Act
30 22 for general administration for costs paid from the
30 23 appropriation relating to adoption subsidy.

30 24 3. Federal funds received by the state during the
30 25 fiscal year beginning July 1, 2008, as the result of
30 26 the expenditure of state funds during a previous state
30 27 fiscal year for a service or activity funded under
30 28 this section are appropriated to the department to be
30 29 used as additional funding for the services and
30 30 activities funded under this section. Notwithstanding
30 31 section 8.33, moneys received in accordance with this
30 32 subsection that remain unencumbered or unobligated at
30 33 the close of the fiscal year shall not revert to any
30 34 fund but shall remain available for expenditure for
30 35 the purposes designated until the close of the
30 36 succeeding fiscal year.

30 37 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys
30 38 deposited in the juvenile detention home fund created
30 39 in section 232.142 during the fiscal year beginning
30 40 July 1, 2008, and ending June 30, 2009, are
30 41 appropriated to the department of human services for
30 42 the fiscal year beginning July 1, 2008, and ending
30 43 June 30, 2009, for distribution of an amount equal to
30 44 a percentage of the costs of the establishment,
30 45 improvement, operation, and maintenance of county or
30 46 multicounty juvenile detention homes in the fiscal
30 47 year beginning July 1, 2007. Moneys appropriated for
30 48 distribution in accordance with this section shall be
30 49 allocated among eligible detention homes, prorated on
30 50 the basis of an eligible detention home's proportion
31 1 of the costs of all eligible detention homes in the
31 2 fiscal year beginning July 1, 2007. The percentage
31 3 figure shall be determined by the department based on
31 4 the amount available for distribution for the fund.
31 5 Notwithstanding section 232.142, subsection 3, the
31 6 financial aid payable by the state under that
31 7 provision for the fiscal year beginning July 1, 2008,
31 8 shall be limited to the amount appropriated for the
31 9 purposes of this section.

31 10 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

31 11 1. There is appropriated from the general fund of
31 12 the state to the department of human services for the
31 13 fiscal year beginning July 1, 2008, and ending June
31 14 30, 2009, the following amount, or so much thereof as
31 15 is necessary, to be used for the purpose designated:

31 16 For the family support subsidy program:
31 17 \$ 1,936,434

31 18 2. The department shall use at least \$433,212 of
31 19 the moneys appropriated in this section for the family
31 20 support center component of the comprehensive family
31 21 support program under section 225C.47. Not more than
31 22 \$20,000 of the amount allocated in this subsection
31 23 shall be used for administrative costs.

31 24 Sec. 20. CONNER DECREE. There is appropriated
31 25 from the general fund of the state to the department
31 26 of human services for the fiscal year beginning July
31 27 1, 2008, and ending June 30, 2009, the following
31 28 amount, or so much thereof as is necessary, to be used
31 29 for the purpose designated:

31 30 For building community capacity through the
31 31 coordination and provision of training opportunities
31 32 in accordance with the consent decree of Conner v.

31 33 Branstad, No. 4=86=CV=30871(S.D. Iowa, July 14,
31 34 1994):

31 35 \$ 42,623

31 36 Sec. 21. MENTAL HEALTH INSTITUTES. There is
31 37 appropriated from the general fund of the state to the
31 38 department of human services for the fiscal year
31 39 beginning July 1, 2008, and ending June 30, 2009, the
31 40 following amounts, or so much thereof as is necessary,
31 41 to be used for the purposes designated:

31 42 1. For the state mental health institute at
31 43 Cherokee for salaries, support, maintenance, and
31 44 miscellaneous purposes, and for not more than the
31 45 following full-time equivalent positions:

31 46 \$ 5,727,743
31 47 FTEs 210.00

31 48 2. For the state mental health institute at
31 49 Clarinda for salaries, support, maintenance, and
31 50 miscellaneous purposes, and for not more than the
32 1 following full-time equivalent positions:

32 2 \$ 7,023,073
32 3 FTEs 109.95

32 4 3. For the state mental health institute at
32 5 Independence for salaries, support, maintenance, and
32 6 miscellaneous purposes, and for not more than the
32 7 following full-time equivalent positions:

32 8 \$ 10,495,879
32 9 FTEs 287.66

32 10 4. For the state mental health institute at Mount
32 11 Pleasant for salaries, support, maintenance, and
32 12 miscellaneous purposes, and for not more than the
32 13 following full-time equivalent positions:

32 14 \$ 1,874,721
32 15 FTEs 116.44

32 16 Sec. 22. STATE RESOURCE CENTERS.

32 17 1. There is appropriated from the general fund of
32 18 the state to the department of human services for the
32 19 fiscal year beginning July 1, 2008, and ending June
32 20 30, 2009, the following amounts, or so much thereof as
32 21 is necessary, to be used for the purposes designated:

32 22 a. For the state resource center at Glenwood for
32 23 salaries, support, maintenance, and miscellaneous
32 24 purposes:

32 25 \$ 17,102,330

32 26 b. For the state resource center at Woodward for
32 27 salaries, support, maintenance, and miscellaneous
32 28 purposes:

32 29 \$ 11,266,164

32 30 2. The department may continue to bill for state
32 31 resource center services utilizing a scope of services
32 32 approach used for private providers of ICFMR services,
32 33 in a manner which does not shift costs between the
32 34 medical assistance program, counties, or other sources
32 35 of funding for the state resource centers.

32 36 3. The state resource centers may expand the
32 37 time-limited assessment and respite services during
32 38 the fiscal year.

32 39 4. If the department's administration and the
32 40 department of management concur with a finding by a
32 41 state resource center's superintendent that projected
32 42 revenues can reasonably be expected to pay the salary
32 43 and support costs for a new employee position, or that
32 44 such costs for adding a particular number of new
32 45 positions for the fiscal year would be less than the
32 46 overtime costs if new positions would not be added,
32 47 the superintendent may add the new position or
32 48 positions. If the vacant positions available to a
32 49 resource center do not include the position
32 50 classification desired to be filled, the state
33 1 resource center's superintendent may reclassify any
33 2 vacant position as necessary to fill the desired
33 3 position. The superintendents of the state resource
33 4 centers may, by mutual agreement, pool vacant
33 5 positions and position classifications during the
33 6 course of the fiscal year in order to assist one
33 7 another in filling necessary positions.

33 8 5. If existing capacity limitations are reached in
33 9 operating units, a waiting list is in effect for a
33 10 service or a special need for which a payment source
33 11 or other funding is available for the service or to
33 12 address the special need, and facilities for the
33 13 service or to address the special need can be provided

33 14 within the available payment source or other funding,
33 15 the superintendent of a state resource center may
33 16 authorize opening not more than two units or other
33 17 facilities and begin implementing the service or
33 18 addressing the special need during fiscal year
33 19 2008=2009.

33 20 Sec. 23. MI/MR/DD STATE CASES.

33 21 1. There is appropriated from the general fund of
33 22 the state to the department of human services for the
33 23 fiscal year beginning July 1, 2008, and ending June
33 24 30, 2009, the following amount, or so much thereof as
33 25 is necessary, to be used for the purpose designated:

33 26 For distribution to counties for state case
33 27 services for persons with mental illness, mental
33 28 retardation, and developmental disabilities in
33 29 accordance with section 331.440:

33 30 \$ 13,067,178

33 31 2. For the fiscal year beginning July 1, 2008, and
33 32 ending June 30, 2009, \$200,000 is allocated for state
33 33 case services from the amounts appropriated from the
33 34 fund created in section 8.41 to the department of
33 35 human services from the funds received from the
33 36 federal government under 42 U.S.C., ch. 6A, subch.
33 37 XVII, relating to the community mental health center
33 38 block grant, for the federal fiscal years beginning
33 39 October 1, 2006, and ending September 30, 2007,
33 40 beginning October 1, 2007, and ending September 30,
33 41 2008, and beginning October 1, 2008, and ending
33 42 September 30, 2009. The allocation made in this
33 43 subsection shall be made prior to any other
33 44 distribution allocation of the appropriated federal
33 45 funds.

33 46 3. Notwithstanding section 8.33, moneys
33 47 appropriated in this section that remain unencumbered
33 48 or unobligated at the close of the fiscal year shall
33 49 not revert but shall remain available for expenditure
33 50 for the purposes designated until the close of the
34 1 succeeding fiscal year.

34 2 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
34 3 DISABILITIES == COMMUNITY SERVICES FUND. There is
34 4 appropriated from the general fund of the state to the
34 5 mental health and developmental disabilities community
34 6 services fund created in section 225C.7 for the fiscal
34 7 year beginning July 1, 2008, and ending June 30, 2009,
34 8 the following amount, or so much thereof as is
34 9 necessary, to be used for the purpose designated:

34 10 For mental health and developmental disabilities
34 11 community services in accordance with this division of
34 12 this Act:

34 13 \$ 18,017,890

34 14 1. Of the funds appropriated in this section,
34 15 \$17,727,890 shall be allocated to counties for funding
34 16 of community-based mental health and developmental
34 17 disabilities services. The moneys shall be allocated
34 18 to a county as follows:

34 19 a. Fifty percent based upon the county's
34 20 proportion of the state's population of persons with
34 21 an annual income which is equal to or less than the
34 22 poverty guideline established by the federal office of
34 23 management and budget.

34 24 b. Fifty percent based upon the county's
34 25 proportion of the state's general population.

34 26 2. a. A county shall utilize the funding the
34 27 county receives pursuant to subsection 1 for services
34 28 provided to persons with a disability, as defined in
34 29 section 225C.2. However, no more than 50 percent of
34 30 the funding shall be used for services provided to any
34 31 one of the service populations.

34 32 b. A county shall use at least 50 percent of the
34 33 funding the county receives under subsection 1 for
34 34 contemporary services provided to persons with a
34 35 disability, as described in rules adopted by the
34 36 department.

34 37 3. Of the funds appropriated in this section,
34 38 \$30,000 shall be used to support the Iowa compass
34 39 program providing computerized information and
34 40 referral services for Iowans with disabilities and
34 41 their families.

34 42 4. a. Funding appropriated for purposes of the
34 43 federal social services block grant is allocated for
34 44 distribution to counties for local purchase of

34 45 services for persons with mental illness or mental
34 46 retardation or other developmental disability.

34 47 b. The funds allocated in this subsection shall be
34 48 expended by counties in accordance with the county's
34 49 approved county management plan. A county without an
34 50 approved county management plan shall not receive
35 1 allocated funds until the county's management plan is
35 2 approved.

35 3 c. The funds provided by this subsection shall be
35 4 allocated to each county as follows:

35 5 (1) Fifty percent based upon the county's
35 6 proportion of the state's population of persons with
35 7 an annual income which is equal to or less than the
35 8 poverty guideline established by the federal office of
35 9 management and budget.

35 10 (2) Fifty percent based upon the amount provided
35 11 to the county for local purchase of services in the
35 12 preceding fiscal year.

35 13 5. A county is eligible for funds under this
35 14 section if the county qualifies for a state payment as
35 15 described in section 331.439.

35 16 6. Of the funds appropriated in this section,
35 17 \$260,000 is allocated to the department for continuing
35 18 the development of an assessment process for use
35 19 beginning in a subsequent fiscal year as authorized
35 20 specifically by a statute to be enacted in a
35 21 subsequent fiscal year, determining on a consistent
35 22 basis the needs and capacities of persons seeking or
35 23 receiving mental health, mental retardation,
35 24 developmental disabilities, or brain injury services
35 25 that are paid for in whole or in part by the state or
35 26 a county. The assessment process shall be developed
35 27 with the involvement of counties and the mental
35 28 health, mental retardation, developmental
35 29 disabilities, and brain injury commission.

35 30 7. The most recent population estimates issued by
35 31 the United States bureau of the census shall be
35 32 applied for the population factors utilized in this
35 33 section.

35 34 Sec. 25. SEXUALLY VIOLENT PREDATORS.

35 35 1. There is appropriated from the general fund of
35 36 the state to the department of human services for the
35 37 fiscal year beginning July 1, 2008, and ending June
35 38 30, 2009, the following amount, or so much thereof as
35 39 is necessary, to be used for the purpose designated:

35 40 For costs associated with the commitment and
35 41 treatment of sexually violent predators in the unit
35 42 located at the state mental health institute at
35 43 Cherokee, including costs of legal services and other
35 44 associated costs, including salaries, support,
35 45 maintenance, and miscellaneous purposes, and for not
35 46 more than the following full-time equivalent
35 47 positions:

35 48	\$ 6,492,008
35 49	FTEs 94.50

35 50 2. Unless specifically prohibited by law, if the
36 1 amount charged provides for recoupment of at least the
36 2 entire amount of direct and indirect costs, the
36 3 department of human services may contract with other
36 4 states to provide care and treatment of persons placed
36 5 by the other states at the unit for sexually violent
36 6 predators at Cherokee. The moneys received under such
36 7 a contract shall be considered to be repayment
36 8 receipts and used for the purposes of the
36 9 appropriation made in this section.

36 10 Sec. 26. FIELD OPERATIONS. There is appropriated
36 11 from the general fund of the state to the department
36 12 of human services for the fiscal year beginning July
36 13 1, 2008, and ending June 30, 2009, the following
36 14 amount, or so much thereof as is necessary, to be used
36 15 for the purposes designated:

36 16 For field operations, including salaries, support,
36 17 maintenance, and miscellaneous purposes, and for not
36 18 more than the following full-time equivalent
36 19 positions:

36 20	\$ 66,852,732
36 21	FTEs 2,130.68

36 22 Priority in filling full-time equivalent positions
36 23 shall be given to those positions related to child
36 24 protection services and eligibility determination for
36 25 low-income families.

36 26 Sec. 27. GENERAL ADMINISTRATION. There is
36 27 appropriated from the general fund of the state to the
36 28 department of human services for the fiscal year
36 29 beginning July 1, 2008, and ending June 30, 2009, the
36 30 following amount, or so much thereof as is necessary,
36 31 to be used for the purpose designated:
36 32 For general administration, including salaries,
36 33 support, maintenance, and miscellaneous purposes, and
36 34 for not more than the following full-time equivalent
36 35 positions:
36 36 \$ 16,682,067
36 37 FTEs 407.50
36 38 1. Of the funds appropriated in this section,
36 39 \$57,000 is allocated for the prevention of
36 40 disabilities policy council established in section
36 41 225B.3.
36 42 2. The department shall report at least monthly to
36 43 the legislative services agency concerning the
36 44 department's operational and program expenditures.

36 45 Sec. 28. VOLUNTEERS. There is appropriated from
36 46 the general fund of the state to the department of
36 47 human services for the fiscal year beginning July 1,
36 48 2008, and ending June 30, 2009, the following amount,
36 49 or so much thereof as is necessary, to be used for the
36 50 purpose designated:
37 1 For development and coordination of volunteer
37 2 services:
37 3 \$ 109,568
37 4 Sec. 29. FAMILY PLANNING SERVICES. There is
37 5 appropriated from the general fund of the state to the
37 6 department of human services for the fiscal year
37 7 beginning July 1, 2008, and ending June 30, 2009, the
37 8 following amount or so much thereof as is necessary,
37 9 to be used for the purpose designated:
37 10 For family planning services to individuals with
37 11 incomes not to exceed two hundred percent of the
37 12 federal poverty level as defined by the most recently
37 13 revised income guidelines published by the United
37 14 States department of health and human services, who
37 15 are not currently receiving the specific benefit under
37 16 the medical assistance program:
37 17 \$ 750,000
37 18 Moneys appropriated under this section shall not be
37 19 used to provide abortions. The department shall work
37 20 with appropriate stakeholders to implement and
37 21 administer the program.

37 22 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
37 23 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
37 24 UNDER THE DEPARTMENT OF HUMAN SERVICES.
37 25 1. a. (1) For the fiscal year beginning July 1,
37 26 2008, the total state funding amount for the nursing
37 27 facility budget shall not exceed \$183,367,323.
37 28 (2) For the state fiscal year beginning July 1,
37 29 2008, the patient-day weighted medians used in rate
37 30 setting for nursing facilities shall be recalculated
37 31 and the rates adjusted to provide an increase in
37 32 nursing facility rates by applying the skilled nursing
37 33 facility market basket inflation factor from the
37 34 mid-point of the cost report to July 1, 2007.
37 35 (3) The department, in cooperation with nursing
37 36 facility representatives, shall review projections for
37 37 state funding expenditures for reimbursement of
37 38 nursing facilities on a quarterly basis and the
37 39 department shall determine if an adjustment to the
37 40 medical assistance reimbursement rate is necessary in
37 41 order to provide reimbursement within the state
37 42 funding amount. Any temporary enhanced federal
37 43 financial participation that may become available to
37 44 the Iowa medical assistance program during the fiscal
37 45 year shall not be used in projecting the nursing
37 46 facility budget. Notwithstanding 2001 Iowa Acts,
37 47 chapter 192, section 4, subsection 2, paragraph "c",
37 48 and subsection 3, paragraph "a", subparagraph (2), if
37 49 the state funding expenditures for the nursing
37 50 facility budget for the fiscal year beginning July 1,
38 1 2008, are projected to exceed the amount specified in
38 2 subparagraph (1), the department shall adjust the
38 3 reimbursement for nursing facilities reimbursed under
38 4 the case-mix reimbursement system to maintain
38 5 expenditures of the nursing facility budget within the
38 6 specified amount. The department shall revise such

38 7 reimbursement as necessary to adjust the annual
38 8 accountability measures payment in accordance with the
38 9 amendment in this division of this Act to 2001 Iowa
38 10 Acts, chapter 192, section 4, subsection 4.
38 11 b. For the fiscal year beginning July 1, 2008, the
38 12 department shall reimburse pharmacy dispensing fees
38 13 using a single rate of \$4.52 per prescription or the
38 14 pharmacy's usual and customary fee, whichever is
38 15 lower.
38 16 c. (1) For the fiscal year beginning July 1,
38 17 2008, reimbursement rates for inpatient and outpatient
38 18 hospital services shall remain at the rates in effect
38 19 on June 30, 2008. The department shall continue the
38 20 outpatient hospital reimbursement system based upon
38 21 ambulatory patient groups implemented pursuant to 1994
38 22 Iowa Acts, chapter 1186, section 25, subsection 1,
38 23 paragraph "f", unless the department adopts the
38 24 Medicare ambulatory payment classification methodology
38 25 authorized in subparagraph (2).
38 26 (2) The department may implement the Medicare
38 27 ambulatory payment classification methodology for
38 28 reimbursement of outpatient hospital services. Any
38 29 change in hospital reimbursement shall be budget
38 30 neutral.
38 31 (3) In order to ensure the efficient use of
38 32 limited state funds in procuring health care services
38 33 for low-income Iowans, funds appropriated in this Act
38 34 for hospital services shall not be used for activities
38 35 which would be excluded from a determination of
38 36 reasonable costs under the federal Medicare program
38 37 pursuant to 42 U.S.C. } 1395X(v)(1)(N).
38 38 d. For the fiscal year beginning July 1, 2008,
38 39 reimbursement rates for rural health clinics,
38 40 hospices, independent laboratories, and acute mental
38 41 hospitals shall be increased in accordance with
38 42 increases under the federal Medicare program or as
38 43 supported by their Medicare audited costs.
38 44 e. (1) For the fiscal year beginning July 1,
38 45 2008, reimbursement rates for home health agencies
38 46 shall remain at the rates in effect on June 30, 2008,
38 47 not to exceed a home health agency's actual allowable
38 48 cost.
38 49 (2) The department shall establish a fixed fee
38 50 reimbursement schedule for home health agencies under
39 1 the medical assistance program beginning July 1, 2008.
39 2 f. For the fiscal year beginning July 1, 2008,
39 3 federally qualified health centers shall receive
39 4 cost-based reimbursement for 100 percent of the
39 5 reasonable costs for the provision of services to
39 6 recipients of medical assistance.
39 7 g. For the fiscal year beginning July 1, 2008, the
39 8 reimbursement rates for dental services shall remain
39 9 at the rates in effect on June 30, 2008.
39 10 h. For the fiscal year beginning July 1, 2008, the
39 11 maximum reimbursement rate for psychiatric medical
39 12 institutions for children shall be \$160.71 per day.
39 13 i. For the fiscal year beginning July 1, 2008,
39 14 unless otherwise specified in this Act, all
39 15 noninstitutional medical assistance provider
39 16 reimbursement rates shall remain at the rates in
39 17 effect on June 30, 2008, except for area education
39 18 agencies, local education agencies, infant and toddler
39 19 services providers, and those providers whose rates
39 20 are required to be determined pursuant to section
39 21 249A.20.
39 22 j. Notwithstanding section 249A.20, for the fiscal
39 23 year beginning July 1, 2008, the average reimbursement
39 24 rate for health care providers eligible for use of the
39 25 federal Medicare resource-based relative value scale
39 26 reimbursement methodology under that section shall
39 27 remain at the rate in effect on June 30, 2008;
39 28 however, this rate shall not exceed the maximum level
39 29 authorized by the federal government.
39 30 k. For the fiscal year beginning July 1, 2008, the
39 31 reimbursement rate for residential care facilities
39 32 shall not be less than the minimum payment level as
39 33 established by the federal government to meet the
39 34 federally mandated maintenance of effort requirement.
39 35 The flat reimbursement rate for facilities electing
39 36 not to file semiannual cost reports shall not be less
39 37 than the minimum payment level as established by the

39 38 federal government to meet the federally mandated
39 39 maintenance of effort requirement.

39 40 1. For the fiscal year beginning July 1, 2008,
39 41 inpatient mental health services provided at hospitals
39 42 shall be reimbursed at the cost of the services,
39 43 subject to Medicaid program upper payment limit rules;
39 44 community mental health centers and providers of
39 45 mental health services to county residents pursuant to
39 46 a waiver approved under section 225C.7, subsection 3,
39 47 shall be reimbursed at 100 percent of the reasonable
39 48 costs for the provision of services to recipients of
39 49 medical assistance; and psychiatrists shall be
39 50 reimbursed at the medical assistance program fee for
40 1 service rate.

40 2 2. For the fiscal year beginning July 1, 2008, the
40 3 reimbursement rate for providers reimbursed under the
40 4 in-home-related care program shall not be less than
40 5 the minimum payment level as established by the
40 6 federal government to meet the federally mandated
40 7 maintenance of effort requirement.

40 8 3. Unless otherwise directed in this section, when
40 9 the department's reimbursement methodology for any
40 10 provider reimbursed in accordance with this section
40 11 includes an inflation factor, this factor shall not
40 12 exceed the amount by which the consumer price index
40 13 for all urban consumers increased during the calendar
40 14 year ending December 31, 2002.

40 15 4. For the fiscal year beginning July 1, 2008, the
40 16 foster family basic daily maintenance rate paid in
40 17 accordance with section 234.38, the maximum adoption
40 18 subsidy rate, and the maximum supervised apartment
40 19 living foster care rate for children ages 0 through 5
40 20 years shall be \$16.36, the rate for children ages 6
40 21 through 11 years shall be \$17.01, the rate for
40 22 children ages 12 through 15 years shall be \$18.62, and
40 23 the rate for children ages 16 and older shall be
40 24 \$18.87.

40 25 5. For the fiscal year beginning July 1, 2008, the
40 26 maximum reimbursement rates for social services
40 27 providers reimbursed under a purchase of social
40 28 services contract shall remain at the rates in effect
40 29 on June 30, 2008, or the provider's actual and
40 30 allowable cost plus inflation for each service,
40 31 whichever is less. However, the rates may be adjusted
40 32 under any of the following circumstances:

40 33 a. If a new service was added after June 30, 2008,
40 34 the initial reimbursement rate for the service shall
40 35 be based upon actual and allowable costs.

40 36 b. If a social service provider loses a source of
40 37 income used to determine the reimbursement rate for
40 38 the provider, the provider's reimbursement rate may be
40 39 adjusted to reflect the loss of income, provided that
40 40 the lost income was used to support actual and
40 41 allowable costs of a service purchased under a
40 42 purchase of service contract.

40 43 6. For the fiscal year beginning July 1, 2008, the
40 44 reimbursement rates for family-centered service
40 45 providers, family foster care service providers, group
40 46 foster care service providers, and the resource family
40 47 recruitment and retention contractor shall remain at
40 48 rates in effect on June 30, 2008.

40 49 7. The group foster care reimbursement rates paid
40 50 for placement of children out of state shall be
41 1 calculated according to the same rate-setting
41 2 principles as those used for in-state providers,
41 3 unless the director of human services or the
41 4 director's designee determines that appropriate care
41 5 cannot be provided within the state. The payment of
41 6 the daily rate shall be based on the number of days in
41 7 the calendar month in which service is provided.

41 8 8. For the fiscal year beginning July 1, 2008,
41 9 remedial service providers shall receive cost-based
41 10 reimbursement for 100 percent of the reasonable costs
41 11 not to exceed the established limit for the provision
41 12 of services to recipients of medical assistance.

41 13 9. a. For the fiscal year beginning July 1, 2008,
41 14 the combined service and maintenance components of the
41 15 reimbursement rate paid for shelter care services
41 16 purchased under a contract shall be based on the
41 17 financial and statistical report submitted to the
41 18 department. The maximum reimbursement rate shall be

41 19 \$91.45 per day. The department shall reimburse a
41 20 shelter care provider at the provider's actual and
41 21 allowable unit cost, plus inflation, not to exceed the
41 22 maximum reimbursement rate.

41 23 b. Notwithstanding section 232.141, subsection 8,
41 24 for the fiscal year beginning July 1, 2008, the amount
41 25 of the statewide average of the actual and allowable
41 26 rates for reimbursement of juvenile shelter care homes
41 27 that is utilized for the limitation on recovery of
41 28 unpaid costs shall remain at the amount in effect for
41 29 this purpose in the preceding fiscal year.

41 30 10. For the fiscal year beginning July 1, 2008,
41 31 the department shall calculate reimbursement rates for
41 32 intermediate care facilities for persons with mental
41 33 retardation at the 80th percentile.

41 34 11. For the fiscal year beginning July 1, 2008,
41 35 for child care providers reimbursed under the state
41 36 child care assistance program, the department shall
41 37 set provider reimbursement rates based on the rate
41 38 reimbursement survey completed in December 2004. The
41 39 department shall set rates in a manner so as to
41 40 provide incentives for a nonregistered provider to
41 41 become registered.

41 42 12. For the fiscal year beginning July 1, 2008,
41 43 reimbursements for providers reimbursed by the
41 44 department of human services may be modified if
41 45 appropriated funding is allocated for that purpose
41 46 from the senior living trust fund created in section
41 47 249H.4, or as specified in appropriations from the
41 48 healthy Iowans tobacco trust created in section 12.65.

41 49 13. The department may adopt emergency rules to
41 50 implement this section.

42 1 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
42 2 subsection 4, is amended to read as follows:

42 3 4. ~~ACCOUNTABILITY MEASURES MEASUREMENTS == ANNUAL~~
42 4 ~~ACCOUNTABILITY PAYMENTS.~~

42 5 a. It is the intent of the general assembly that
42 6 the department of human services initiate a system to
42 7 measure a variety of elements to determine a nursing
42 8 facility's capacity to provide quality of life and
42 9 appropriate access to medical assistance program
42 10 beneficiaries in a cost-effective manner. Beginning
42 11 July 1, 2001, the department shall implement a process
42 12 to collect data for these measurements and shall
42 13 develop procedures to increase nursing facility
42 14 reimbursements based upon a nursing facility's
42 15 achievement of multiple favorable outcomes as
42 16 determined by these measurements. Any increased
42 17 reimbursement shall not exceed 3 percent of the
42 18 calculation of the modified price-based case-mix
42 19 reimbursement median. The increased reimbursement
42 20 shall be included in the calculation of nursing
42 21 facility modified price-based payment rates beginning
42 22 July 1, 2002, with the exception of Medicare-certified
42 23 hospital-based nursing facilities, state-operated
42 24 nursing facilities, and special population nursing
42 25 facilities.

~~42 26 b. It is the intent of the general assembly that
42 27 increases in payments to nursing facilities under the
42 28 case-mix adjusted component shall be used for the
42 29 provision of direct care with an emphasis on
42 30 compensation to direct care workers. The department
42 31 shall compile and provide a detailed analysis to
42 32 demonstrate growth of direct care costs, increased
42 33 acuity, and care needs of residents. The department
42 34 shall also provide analysis of cost reports submitted
42 35 by providers and the resulting desk review and field
42 36 audit adjustments to reclassify and amend provider
42 37 cost and statistical data. The results of these
42 38 analyses shall be submitted to the general assembly
42 39 for evaluation to determine payment levels following
42 40 the transition funding period.~~

~~42 41 b. Beginning July 1, 2008, notwithstanding any law
42 42 or rule to the contrary, the increased nursing
42 43 facility reimbursement available pursuant to paragraph
42 44 "a" shall be based upon the accountability measures
42 45 and calculations existing on July 1, 2008, pursuant to
42 46 441 IAC 81.6(16)(g), as adjusted in accordance with
42 47 the following provisions, and the increased
42 48 reimbursement shall be disbursed to each qualifying
42 49 nursing facility as an accountability payment at the~~

42 50 end of each fiscal year. The department of human
43 1 services shall request any medical assistance state
43 2 plan amendment necessary to implement the modified
43 3 accountability payment methodology. If the department
43 4 does not receive approval of the state plan amendment,
43 5 the funds designated for the purposes of providing the
43 6 accountability measures payment shall instead be
43 7 disbursed through the case-mix reimbursement system:

43 8 (1) If a nursing facility receives a citation
43 9 resulting in actual harm pursuant to the federal
43 10 certification guidelines at a G level scope and
43 11 severity or higher, the increased reimbursement
43 12 calculated for payment under this paragraph "b" shall
43 13 be reduced by 25 percent for each such citation during
43 14 the year. Additionally, if a nursing facility fails
43 15 to cure any deficiency cited within the time required
43 16 by the department of inspections and appeals, the
43 17 increased reimbursement calculated for payment under
43 18 this paragraph shall be forfeited and the nursing
43 19 facility shall not receive any accountability measure
43 20 payment for the year.

43 21 (2) If a nursing facility receives a deficiency
43 22 resulting in actual harm or immediate jeopardy,
43 23 pursuant to the federal certification guidelines at an
43 24 H level scope and severity or higher, regardless of
43 25 the amount of any fines assessed, the increased
43 26 reimbursement calculated for payment under this
43 27 paragraph "b" shall be forfeited and the nursing
43 28 facility shall not receive any accountability measure
43 29 payment for the year.

43 30 (3) Beginning July 1, 2008, accountability measure
43 31 payments to providers shall be reduced by 20 percent
43 32 of the calculated amount. The percentage reduction
43 33 shall continue until June 30, 2009, or until such time
43 34 as the general assembly adopts a modification of the
43 35 accountability measures system.

43 36 c. It is the intent of the general assembly that
43 37 the department of human services assemble a workgroup
43 38 to develop recommendations to redesign the
43 39 accountability measures for implementation in the
43 40 fiscal year beginning July 1, 2009. The workgroup
43 41 shall include long-term care services stakeholders and
43 42 advocates including but not limited to representatives
43 43 of the AARP Iowa chapter, direct care workers,
43 44 long-term care provider entities, the long-term care
43 45 resident's advocate, the consumer members of the
43 46 senior living coordinating unit, the department of
43 47 elder affairs, the department of inspections and
43 48 appeals, and the chairpersons and ranking members of
43 49 the joint appropriations subcommittee on health and
43 50 human services. The workgroup shall submit its
44 1 recommendations for the redesigned accountability
44 2 measures which shall meet all of the following
44 3 specifications:

44 4 (1) Acknowledge and establish higher benchmarks
44 5 for performance-based reimbursement to those nursing
44 6 facilities meeting the identified and weighted
44 7 components recommended by the workgroup.

44 8 (2) Reinforce the expectation that the
44 9 performance-based payments will be used to support
44 10 direct care and support care staff through increased
44 11 wages, enhanced benefits, and expanded training
44 12 opportunities and provide a system for determining
44 13 compliance with this expectation.

44 14 (3) Identify the best practices that are used in
44 15 facilities receiving a performance-based payment and
44 16 create a system to assist other facilities in the
44 17 implementation of those best practices.

44 18 Sec. 32. REVIEW == DRUG PRODUCT SELECTION. On or
44 19 after the effective date of this section, the
44 20 chairpersons of the joint appropriations subcommittee
44 21 on health and human services shall convene a group of
44 22 representatives of appropriate entities to review
44 23 current law regarding drug product selection. The
44 24 representatives shall include but are not limited to
44 25 representatives of the Iowa pharmacy association, the
44 26 Iowa medical society, pharmacy industry
44 27 representatives of the Iowa retail federation,
44 28 advocacy groups, the department of human services, the
44 29 board of pharmacy, and the department of public
44 30 health. The legislative services agency shall provide

44 31 administrative support to the group. The group shall
44 32 complete its deliberations on or before December 15,
44 33 2008.

44 34 Sec. 33. EMERGENCY RULES. If specifically
44 35 authorized by a provision of this division of this
44 36 Act, the department of human services or the mental
44 37 health, mental retardation, developmental
44 38 disabilities, and brain injury commission may adopt
44 39 administrative rules under section 17A.4, subsection
44 40 2, and section 17A.5, subsection 2, paragraph "b", to
44 41 implement the provisions and the rules shall become
44 42 effective immediately upon filing or on a later
44 43 effective date specified in the rules, unless the
44 44 effective date is delayed by the administrative rules
44 45 review committee. Any rules adopted in accordance
44 46 with this section shall not take effect before the
44 47 rules are reviewed by the administrative rules review
44 48 committee. The delay authority provided to the
44 49 administrative rules review committee under section
44 50 17A.4, subsection 5, and section 17A.8, subsection 9,
45 1 shall be applicable to a delay imposed under this
45 2 section, notwithstanding a provision in those sections
45 3 making them inapplicable to section 17A.5, subsection
45 4 2, paragraph "b". Any rules adopted in accordance
45 5 with the provisions of this section shall also be
45 6 published as notice of intended action as provided in
45 7 section 17A.4.

45 8 Sec. 34. REPORTS. Any reports or information
45 9 required to be compiled and submitted under this Act
45 10 shall be submitted to the chairpersons and ranking
45 11 members of the joint appropriations subcommittee on
45 12 health and human services, the legislative services
45 13 agency, and the legislative caucus staffs on or before
45 14 the dates specified for submission of the reports or
45 15 information.

45 16 Sec. 35. EFFECTIVE DATE. The following provisions
45 17 of this division of this Act, being deemed of
45 18 immediate importance, take effect upon enactment:

45 19 1. The provision under the appropriation for child
45 20 and family services, relating to requirements of
45 21 section 232.143 for representatives of the department
45 22 of human services and juvenile court services to
45 23 establish a plan for continuing group foster care
45 24 expenditures for the 2008=2009 fiscal year.

45 25 2. The section directing the chairpersons of the
45 26 joint appropriations subcommittee on health and human
45 27 services to convene a group to review drug product
45 28 selection.

45 29 DIVISION II

45 30 SENIOR LIVING TRUST FUND, 45 31 PHARMACEUTICAL SETTLEMENT ACCOUNT, 45 32 IOWACARE ACCOUNT, HEALTH CARE 45 33 TRANSFORMATION ACCOUNT, AND 45 34 PROPERTY TAX RELIEF FUND

45 35 Sec. 36. DEPARTMENT OF ELDER AFFAIRS. There is
45 36 appropriated from the senior living trust fund created
45 37 in section 249H.4 to the department of elder affairs
45 38 for the fiscal year beginning July 1, 2008, and ending
45 39 June 30, 2009, the following amount, or so much
45 40 thereof as is necessary, to be used for the purpose
45 41 designated:

45 42 For the development and implementation of a
45 43 comprehensive senior living program, including case
45 44 management only if the monthly cost per client for
45 45 case management for the frail elderly services
45 46 provided does not exceed an average of \$70, and
45 47 including program administration and costs associated
45 48 with implementation:

45 49 \$ 8,442,707

45 50 1. Of the funds appropriated in this section,
46 1 \$2,196,967 shall be used for case management for the
46 2 frail elderly. Of the funds allocated in this
46 3 subsection, \$1,010,000 shall be transferred to the
46 4 department of human services in equal amounts on a
46 5 quarterly basis for reimbursement of case management
46 6 services provided under the medical assistance elderly
46 7 waiver. The monthly cost per client for case
46 8 management for the frail elderly services provided
46 9 shall not exceed an average of \$70.

46 10 2. Notwithstanding section 249H.7, the department
46 11 of elder affairs shall distribute up to \$400,000 of

46 12 the funds appropriated in this section in a manner
46 13 that will supplement and maximize federal funds under
46 14 the federal Older Americans Act and shall not use the
46 15 amount distributed for any administrative purposes of
46 16 either the department of elder affairs or the area
46 17 agencies on aging.

46 18 3. Of the funds appropriated in this section,
46 19 \$60,000 shall be used to provide dementia-specific
46 20 education to direct care workers and other providers
46 21 of long-term care to enhance existing or scheduled
46 22 efforts through the Iowa caregivers association, the
46 23 Alzheimer's association, and other organizations
46 24 identified as appropriate by the department.

46 25 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS.

46 26 There is appropriated from the senior living trust
46 27 fund created in section 249H.4 to the department of
46 28 inspections and appeals for the fiscal year beginning
46 29 July 1, 2008, and ending June 30, 2009, the following
46 30 amount, or so much thereof as is necessary, to be used
46 31 for the purpose designated:

46 32 For the inspection and certification of assisted
46 33 living facilities and adult day care services,
46 34 including program administration and costs associated
46 35 with implementation:
46 36 \$ 1,183,303

46 37 Sec. 38. DEPARTMENT OF HUMAN SERVICES. There is
46 38 appropriated from the senior living trust fund created
46 39 in section 249H.4 to the department of human services
46 40 for the fiscal year beginning July 1, 2008, and ending
46 41 June 30, 2009, the following amount, or so much
46 42 thereof as is necessary, to be used for the purpose
46 43 designated:

46 44 To supplement the medical assistance appropriations
46 45 made in this Act, including program administration and
46 46 costs associated with implementation:
46 47 \$ 67,500,000

46 48 In order to carry out the purposes of this section,
46 49 the department may transfer funds appropriated in this
46 50 section to supplement other appropriations made to the
47 1 department of human services.

47 2 Sec. 39. IOWA FINANCE AUTHORITY. There is
47 3 appropriated from the senior living trust fund created
47 4 in section 249H.4 to the Iowa finance authority for
47 5 the fiscal year beginning July 1, 2008, and ending
47 6 June 30, 2009, the following amount, or so much
47 7 thereof as is necessary, to be used for the purposes
47 8 designated:

47 9 To provide reimbursement for rent expenses to
47 10 eligible persons:
47 11 \$ 700,000

47 12 Participation in the rent subsidy program shall be
47 13 limited to only those persons who meet the
47 14 requirements for the nursing facility level of care
47 15 for home and community-based services waiver services
47 16 as in effect on July 1, 2008, and to those individuals
47 17 who are eligible for the federal money follows the
47 18 person grant program under the medical assistance
47 19 program.

47 20 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
47 21 is appropriated from the pharmaceutical settlement
47 22 account created in section 249A.33 to the department
47 23 of human services for the fiscal year beginning July
47 24 1, 2008, and ending June 30, 2009, the following
47 25 amount, or so much thereof as is necessary, to be used
47 26 for the purpose designated:

47 27 To supplement the appropriations made for medical
47 28 contracts under the medical assistance program:
47 29 \$ 1,323,833

47 30 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

47 31 1. There is appropriated from the IowaCare account
47 32 created in section 249J.24 to the state board of
47 33 regents for distribution to the university of Iowa
47 34 hospitals and clinics for the fiscal year beginning
47 35 July 1, 2008, and ending June 30, 2009, the following
47 36 amount, or so much thereof as is necessary, to be used
47 37 for the purposes designated:

47 38 For salaries, support, maintenance, equipment, and
47 39 miscellaneous purposes, for the provision of medical
47 40 and surgical treatment of indigent patients, for
47 41 provision of services to members of the expansion
47 42 population pursuant to chapter 249J, and for medical

47 43 education:
47 44 \$ 27,284,584
47 45 a. Funds appropriated in this subsection shall not
47 46 be used to perform abortions except medically
47 47 necessary abortions, and shall not be used to operate
47 48 the early termination of pregnancy clinic except for
47 49 the performance of medically necessary abortions. For
47 50 the purpose of this subsection, an abortion is the
48 1 purposeful interruption of pregnancy with the
48 2 intention other than to produce a live-born infant or
48 3 to remove a dead fetus, and a medically necessary
48 4 abortion is one performed under one of the following
48 5 conditions:
48 6 (1) The attending physician certifies that
48 7 continuing the pregnancy would endanger the life of
48 8 the pregnant woman.
48 9 (2) The attending physician certifies that the
48 10 fetus is physically deformed, mentally deficient, or
48 11 afflicted with a congenital illness.
48 12 (3) The pregnancy is the result of a rape which is
48 13 reported within 45 days of the incident to a law
48 14 enforcement agency or public or private health agency
48 15 which may include a family physician.
48 16 (4) The pregnancy is the result of incest which is
48 17 reported within 150 days of the incident to a law
48 18 enforcement agency or public or private health agency
48 19 which may include a family physician.
48 20 (5) The abortion is a spontaneous abortion,
48 21 commonly known as a miscarriage, wherein not all of
48 22 the products of conception are expelled.
48 23 b. Notwithstanding any provision of law to the
48 24 contrary, the amount appropriated in this subsection
48 25 shall be allocated in twelve equal monthly payments as
48 26 provided in section 249J.24.
48 27 2. There is appropriated from the IowaCare account
48 28 created in section 249J.24 to the state board of
48 29 regents for distribution to the university of Iowa
48 30 hospitals and clinics for the fiscal year beginning
48 31 July 1, 2008, and ending June 30, 2009, the following
48 32 amount, or so much thereof as is necessary, to be used
48 33 for the purposes designated:
48 34 For salaries, support, maintenance, equipment, and
48 35 miscellaneous purposes, for the provision of medical
48 36 and surgical treatment of indigent patients, for
48 37 provision of services to members of the expansion
48 38 population pursuant to chapter 249J, and for medical
48 39 education:
48 40 \$ 35,969,365
48 41 The amount appropriated in this subsection shall be
48 42 distributed only if expansion population claims
48 43 adjudicated and paid by the Iowa Medicaid enterprise
48 44 exceed the appropriation to the state board of regents
48 45 for distribution to the university of Iowa hospitals
48 46 and clinics provided in subsection 1. The amount
48 47 appropriated in this subsection shall be distributed
48 48 monthly for expansion population claims adjudicated
48 49 and approved for payment by the Iowa Medicaid
48 50 enterprise using medical assistance program
49 1 reimbursement rates.
49 2 3. There is appropriated from the IowaCare account
49 3 created in section 249J.24 to the department of human
49 4 services for the fiscal year beginning July 1, 2008,
49 5 and ending June 30, 2009, the following amount, or so
49 6 much thereof as is necessary, to be used for the
49 7 purposes designated:
49 8 For distribution to a publicly owned acute care
49 9 teaching hospital located in a county with a
49 10 population over three hundred fifty thousand for the
49 11 provision of medical and surgical treatment of
49 12 indigent patients, for provision of services to
49 13 members of the expansion population pursuant to
49 14 chapter 249J, and for medical education:
49 15 \$ 40,000,000
49 16 Notwithstanding any provision of law to the
49 17 contrary, the amount appropriated in this subsection
49 18 shall be allocated in twelve equal monthly payments as
49 19 provided in section 249J.24. Any amount appropriated
49 20 in this subsection in excess of \$37,000,000 shall be
49 21 allocated only if federal funds are available to match
49 22 the amount allocated.
49 23 4. There is appropriated from the IowaCare account

49 24 created in section 249J.24 to the department of human
49 25 services for the fiscal year beginning July 1, 2008,
49 26 and ending June 30, 2009, the following amounts, or so
49 27 much thereof as is necessary, to be used for the
49 28 purposes designated:

49 29 a. For the state mental health institute at
49 30 Cherokee, for salaries, support, maintenance, and
49 31 miscellaneous purposes, including services to members
49 32 of the expansion population pursuant to chapter 249J:
49 33 \$ 3,164,766

49 34 b. For the state mental health institute at
49 35 Clarinda, for salaries, support, maintenance, and
49 36 miscellaneous purposes, including services to members
49 37 of the expansion population pursuant to chapter 249J:
49 38 \$ 687,779

49 39 c. For the state mental health institute at
49 40 Independence, for salaries, support, maintenance, and
49 41 miscellaneous purposes, including services to members
49 42 of the expansion population pursuant to chapter 249J:
49 43 \$ 3,146,494

49 44 d. For the state mental health institute at Mount
49 45 Pleasant, for salaries, support, maintenance, and
49 46 miscellaneous purposes, including services to members
49 47 of the expansion population pursuant to chapter 249J:
49 48 \$ 2,000,961

49 49 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
49 50 CARE TRANSFORMATION. Notwithstanding any provision to
50 1 the contrary, there is appropriated from the account
50 2 for health care transformation created in section
50 3 249J.23 to the department of human services for the
50 4 fiscal year beginning July 1, 2008, and ending June
50 5 30, 2009, the following amounts, or so much thereof as
50 6 is necessary, to be used for the purposes designated:

50 7 1. For the costs of medical examinations and
50 8 development of personal health improvement plans for
50 9 the expansion population pursuant to section 249J.6:
50 10 \$ 556,800

50 11 2. For the provision of a medical information
50 12 hotline for the expansion population as provided in
50 13 section 249J.6:
50 14 \$ 150,000

50 15 3. For other health promotion partnership
50 16 activities pursuant to section 249J.14:
50 17 \$ 900,000

50 18 4. For the costs related to audits, performance
50 19 evaluations, and studies required pursuant to chapter
50 20 249J:
50 21 \$ 400,000

50 22 5. For administrative costs associated with
50 23 chapter 249J:
50 24 \$ 1,132,412

50 25 6. For planning and development, in cooperation
50 26 with the department of public health, of a phased-in
50 27 program to provide a dental home for children:
50 28 \$ 500,000

50 29 The department shall issue a request for proposals
50 30 for a performance-based contract to implement the
50 31 dental home for children and shall apply for any
50 32 waivers from the centers for Medicare and Medicaid
50 33 services of the United States department of health and
50 34 human services as necessary to pursue a phased-in
50 35 approach. The department shall submit progress
50 36 reports regarding the planning and development of the
50 37 dental home for children to the medical assistance
50 38 projections and assessment council on a periodic
50 39 basis.

50 40 7. For a mental health transformation pilot
50 41 program:
50 42 \$ 250,000

50 43 8. For the tuition assistance for individuals
50 44 serving individuals with disabilities pilot program as
50 45 enacted in this Act:
50 46 \$ 500,000

50 47 9. For payment to the publicly owned acute care
50 48 teaching hospital located in a county with a
50 49 population of over 350,000 that is a participating
50 50 provider pursuant to chapter 249J:
51 1 \$ 230,000

51 2 Disbursements under this subsection shall be made
51 3 monthly. The hospital shall submit a report following
51 4 the close of the fiscal year regarding use of the

51 5 funds appropriated in this subsection to the persons
51 6 specified in this Act to receive reports.
51 7 10. For transfer to the department of elder
51 8 affairs to expand the elder abuse initiative program
51 9 established pursuant to section 231.56A to additional
51 10 counties:
51 11 \$ 200,000
51 12 11. For pregnancy counseling and support services
51 13 as specified in this subsection:
51 14 \$ 200,000

51 15 The department of human services shall establish a
51 16 pregnancy counseling and support services program to
51 17 provide core services consisting of information,
51 18 education, counseling, and support services to women
51 19 who experience unplanned pregnancies. Funds
51 20 appropriated in this subsection shall be used by the
51 21 department to award grants to service providers that
51 22 have been in existence for at least one year prior to
51 23 the awarding of the grant and that are experienced and
51 24 qualified in providing core pregnancy and parenting
51 25 support services, including but not limited to
51 26 pregnancy support organizations, maternity homes,
51 27 social service agencies, and adoption agencies.
51 28 Priority in the awarding of grants shall be given to
51 29 programs that serve areas of the state which
51 30 demonstrate the highest percentage of unplanned
51 31 pregnancies of females of childbearing age within the
51 32 geographic area to be served by the grant.

51 33 Notwithstanding section 8.39, subsection 1, without
51 34 the prior written consent and approval of the governor
51 35 and the director of the department of management, the
51 36 director of human services may transfer funds among
51 37 the appropriations made in this section as necessary
51 38 to carry out the purposes of the account for health
51 39 care transformation. The department shall report any
51 40 transfers made pursuant to this section to the
51 41 legislative services agency.

51 42 Sec. 43. TRANSFER FROM ACCOUNT FOR HEALTH CARE
51 43 TRANSFORMATION. There is transferred from the account
51 44 for health care transformation created pursuant to
51 45 section 249J.23 to the IowaCare account created in
51 46 section 249J.24 a total of \$3,000,000 for the fiscal
51 47 year beginning July 1, 2008, and ending June 30, 2009.

51 48 Sec. 44. IOWACARE PLAN REPORT. The department of
51 49 human services, in cooperation with the members of the
51 50 expansion population provider network as specified in
52 1 chapter 249J and other interested parties, shall
52 2 review the current IowaCare program and shall develop
52 3 a plan for continuation, expansion, or elimination of
52 4 the IowaCare program beyond June 30, 2010. The plan
52 5 shall address the issue of establishing a procedure to
52 6 either transfer an expansion population member who
52 7 seeks medical care or treatment for a covered service
52 8 from a nonparticipating provider to a participating
52 9 provider in the expansion population provider network,
52 10 or to compensate the nonparticipating provider for
52 11 medical care or treatment for a covered service
52 12 provided to an expansion population member, if
52 13 transfer is not medically possible or if the transfer
52 14 is refused and if no other third party is liable for
52 15 reimbursement for the services provided. The review
52 16 shall also address the issue of the future of the
52 17 IowaCare program beyond June 30, 2010, including but
52 18 not limited to expansion of the provider network
52 19 beyond the initial network, expansion population
52 20 member growth projections, member benefits,
52 21 alternatives for providing health care coverage to the
52 22 expansion population, and other issues pertinent to
52 23 the continuation, expansion, or elimination of the
52 24 program. The department shall report its findings and
52 25 recommendations to the medical assistance projections
52 26 and assessment council no later than December 15,
52 27 2008.

52 28 Sec. 45. PROPERTY TAX RELIEF FUND. There is
52 29 appropriated from the property tax relief fund created
52 30 in section 426B.1 to the department of human services
52 31 for the fiscal year beginning July 1, 2008, and ending
52 32 June 30, 2009, the following amount, or so much
52 33 thereof as is necessary, to be used for the purposes
52 34 designated:
52 35 For the medical assistance program in addition to

52 36 the appropriation made in section 426B.1, subsection
52 37 3, and other appropriations made for purposes of the
52 38 program:
52 39 \$ 624,000

52 40 The appropriation made in this section consists of
52 41 the revenues credited to the property tax relief fund
52 42 pursuant to sections 437A.8 and 437A.15 after November
52 43 1, 2007, and before April 1, 2008.

52 44 Sec. 46. Section 426B.2, subsection 3, Code 2007,
52 45 is amended to read as follows:

52 46 3. a. The director of human services shall draw
52 47 warrants on the property tax relief fund, payable to
52 48 the county treasurer in the amount due to a county in
52 49 accordance with subsection 1 and mail the warrants to
52 50 the county auditors in July and January of each year.

53 1 b. Any replacement generation tax in the property
53 2 tax relief fund as of ~~November~~ May 1 shall be paid to
53 3 the county treasurers in July and January of the
53 4 fiscal year beginning the following July 1. The
53 5 department of management shall determine the amount
53 6 each county will be paid pursuant to this lettered
53 7 paragraph for the following fiscal year. The
53 8 department shall reduce by the determined amount the
53 9 amount of each county's certified budget to be raised
53 10 by property tax for that fiscal year which is to be
53 11 expended for mental health, mental retardation, and
53 12 developmental disabilities services and shall revise
53 13 the rate of taxation as necessary to raise the reduced
53 14 amount. The department of management shall report the
53 15 reduction in the certified budget and the revised rate
53 16 of taxation to the county auditors by June 15.

53 17 Sec. 47. MEDICAL ASSISTANCE PROGRAM == REVERSION
53 18 TO SENIOR LIVING TRUST FUND FOR FY 2008=2009.
53 19 Notwithstanding section 8.33, if moneys appropriated
53 20 for purposes of the medical assistance program for the
53 21 fiscal year beginning July 1, 2008, and ending June
53 22 30, 2009, from the general fund of the state, the
53 23 senior living trust fund, the healthy Iowans tobacco
53 24 trust fund, the health care trust fund, and the
53 25 property tax relief fund are in excess of actual
53 26 expenditures for the medical assistance program and
53 27 remain unencumbered or unobligated at the close of the
53 28 fiscal year, the excess moneys shall not revert but
53 29 shall be transferred to the senior living trust fund
53 30 created in section 249H.4.

53 31 DIVISION III
53 32 MH/MR/DD/BI SERVICES
53 33 ALLOWED GROWTH FUNDING ==
53 34 FY 2008=2009

53 35 Sec. 48. Section 225C.5, subsection 1, Code 2007,
53 36 is amended by adding the following new paragraph:

53 37 NEW PARAGRAPH. ii. One member shall be an active
53 38 board member of an agency serving persons with a
53 39 substance abuse problem selected from nominees
53 40 submitted by the Iowa behavioral health association.

53 41 Sec. 49. NEW SECTION. 225C.19 EMERGENCY MENTAL
53 42 HEALTH CRISIS SERVICES SYSTEM.

53 43 1. For the purposes of this section:

53 44 a. "Emergency mental health crisis services
53 45 provider" means a provider accredited or approved by
53 46 the department to provide emergency mental health
53 47 crisis services.

53 48 b. "Emergency mental health crisis services
53 49 system" or "services system" means a coordinated array
53 50 of crisis services for providing a response to assist
54 1 an individual adult or child who is experiencing a
54 2 mental health crisis or who is in a situation that is
54 3 reasonably likely to cause the individual to have a
54 4 mental health crisis unless assistance is provided.

54 5 2. a. The division shall implement an emergency
54 6 mental health crisis services system in accordance
54 7 with this section.

54 8 b. The purpose of the services system is to
54 9 provide a statewide array of time-limited intervention
54 10 services to reduce escalation of crisis situations,
54 11 relieve the immediate distress of individuals
54 12 experiencing a crisis situation, reduce the risk of
54 13 individuals in a crisis situation doing harm to
54 14 themselves or others, and promote timely access to
54 15 appropriate services for those who require ongoing
54 16 mental health services.

54 17 c. The services system shall be available
54 18 twenty-four hours per day, seven days per week to any
54 19 individual who is determined by self or others to be
54 20 in a crisis situation, regardless of whether the
54 21 individual has been diagnosed with a mental illness or
54 22 a co-occurring mental illness and substance abuse
54 23 disorder, and shall address all ages, income levels,
54 24 and health coverage statuses.

54 25 d. The goals of an intervention offered by a
54 26 provider under the services system shall include but
54 27 are not limited to symptom reduction, stabilization of
54 28 the individual receiving the intervention, and
54 29 restoration of the individual to a previous level of
54 30 functioning.

54 31 e. The elements of the services system shall be
54 32 specified in administrative rules adopted by the
54 33 commission.

54 34 3. The services system elements shall include but
54 35 are not limited to all of the following:

54 36 a. Standards for accrediting or approving
54 37 emergency mental health crisis services providers.
54 38 Such providers may include but are not limited to a
54 39 community mental health center, a provider approved in
54 40 a waiver adopted by the commission to provide services
54 41 to a county in lieu of a community mental health
54 42 center, a unit of the department or other state
54 43 agency, a county, or any other public or private
54 44 provider who meets the accreditation or approval
54 45 standards for an emergency mental health crisis
54 46 services provider.

54 47 b. Identification by the division of geographic
54 48 regions, service areas, or other means of distributing
54 49 and organizing the emergency mental health crisis
54 50 services system to ensure statewide availability of
55 1 the services.

55 2 c. Coordination of emergency mental health crisis
55 3 services with all of the following:

55 4 (1) The district and juvenile courts.
55 5 (2) Law enforcement.
55 6 (3) Judicial district departments of correctional
55 7 services.
55 8 (4) County central point of coordination
55 9 processes.

55 10 (5) Other mental health, substance abuse, and
55 11 co-occurring mental illness and substance abuse
55 12 services available through the state and counties to
55 13 serve both children and adults.

55 14 d. Identification of basic services to be provided
55 15 through each accredited or approved emergency mental
55 16 health crisis services provider which may include but
55 17 are not limited to face-to-face crisis intervention,
55 18 stabilization, support, counseling, preadmission
55 19 screening for individuals who may require psychiatric
55 20 hospitalization, transportation, and follow-up
55 21 services.

55 22 e. Identification of operational requirements for
55 23 emergency mental health crisis services provider
55 24 accreditation or approval which may include providing
55 25 a telephone hotline, mobile crisis staff,
55 26 collaboration protocols, follow-up with community
55 27 services, information systems, and competency-based
55 28 training.

55 29 4. The division shall initially implement the
55 30 program through a competitive block grant process.
55 31 The implementation shall be limited to the extent of
55 32 the appropriations provided for the program.

55 33 Sec. 50. NEW SECTION. 225C.51 DEFINITIONS.

55 34 For the purposes of this division:

55 35 1. "Child" or "children" means a person or persons
55 36 under eighteen years of age.

55 37 2. "Children's system" or "mental health services
55 38 system for children and youth" means the mental health
55 39 services system for children and youth implemented
55 40 pursuant to this division.

55 41 3. "Functional impairment" means difficulties that
55 42 substantially interfere with or limit a person from
55 43 achieving or maintaining one or more developmentally
55 44 appropriate social, behavioral, cognitive,
55 45 communicative, or adaptive skills and that
55 46 substantially interfere with or limit the person's
55 47 role or functioning in family, school, or community

55 48 activities. "Functional impairment" includes
55 49 difficulties of episodic, recurrent, and continuous
55 50 duration. "Functional impairment" does not include
56 1 difficulties resulting from temporary and expected
56 2 responses to stressful events in a person's
56 3 environment.

56 4 4. "Other qualifying mental health disorder" means
56 5 a mental health crisis or any diagnosable mental
56 6 health disorder that is likely to lead to mental
56 7 health crisis unless there is an intervention.

56 8 5. "Serious emotional disturbance" means a
56 9 diagnosable mental, behavioral, or emotional disorder
56 10 of sufficient duration to meet diagnostic criteria
56 11 specified within the most current diagnostic and
56 12 statistical manual of mental disorders published by
56 13 the American psychiatric association that results in a
56 14 functional impairment. "Serious emotional
56 15 disturbance" does not include substance use and
56 16 developmental disorders unless such disorders co-occur
56 17 with such a diagnosable mental, behavioral, or
56 18 emotional disorder.

56 19 6. "Youth" means a person eighteen years of age or
56 20 older but under twenty-two years of age who met the
56 21 criteria for having a serious emotional disturbance
56 22 prior to the age of eighteen.

56 23 Sec. 51. NEW SECTION. 225C.52 MENTAL HEALTH
56 24 SERVICES SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.

56 25 1. Establishing a comprehensive community-based
56 26 mental health services system for children and youth
56 27 is part of fulfilling the requirements of the division
56 28 and the commission to facilitate a comprehensive,
56 29 continuous, and integrated state mental health
56 30 services plan in accordance with sections 225C.4,
56 31 225C.6, and 225C.6A, and other provisions of this
56 32 chapter. The purpose of establishing the children's
56 33 system is to improve access for children and youth
56 34 with serious emotional disturbances and youth with
56 35 other qualifying mental health disorders to mental
56 36 health treatment, services, and other support in the
56 37 least restrictive setting possible so the children and
56 38 youth can live with their families and remain in their
56 39 communities. The children's system is also intended
56 40 to meet the needs of children and youth who have
56 41 mental health disorders that co-occur with substance
56 42 abuse, mental retardation, developmental disabilities,
56 43 or other disabilities. The children's system shall
56 44 emphasize community-level collaborative efforts
56 45 between children and youth and the families and the
56 46 state's systems of education, child welfare, juvenile
56 47 justice, health care, substance abuse, and mental
56 48 health.

56 49 2. The goals and outcomes desired for the
56 50 children's system shall include but are not limited to
57 1 all of the following:

57 2 a. Identifying the mental health needs of children
57 3 and youth.

57 4 b. Performing comprehensive assessments of
57 5 children and youth that are designed to identify
57 6 functional skills, strengths, and services needed.

57 7 c. Providing timely access to available treatment,
57 8 services, and other support.

57 9 d. Offering information and referral services to
57 10 families to address service needs other than mental
57 11 health.

57 12 e. Improving access to needed mental health
57 13 services by allowing children and youth to be served
57 14 with their families in the community.

57 15 f. Preventing or reducing utilization of more
57 16 costly, restrictive care by reducing the unnecessary
57 17 involvement of children and youth who have mental
57 18 health needs and their families with law enforcement,
57 19 the corrections system, and detention, juvenile
57 20 justice, and other legal proceedings; reducing the
57 21 involvement of children and youth with child welfare
57 22 services or state custody; and reducing the placement
57 23 of children and youth in the state juvenile
57 24 institutions, state mental health institutes, or other

57 25 public or private residential psychiatric facilities.

57 26 g. Increasing the number of children and youth
57 27 assessed for functional skill levels.

57 28 h. Increasing the capacity to develop

57 29 individualized, strengths-based, and integrated
57 30 treatment plans for children, youth, and families.
57 31 i. Promoting communications with caregivers and
57 32 others about the needs of children, youth, and
57 33 families engaged in the children's system.
57 34 j. Developing the ability to aggregate data and
57 35 information, and to evaluate program, service, and
57 36 system efficacy for children, youth, and families
57 37 being served on a local and statewide basis.
57 38 k. Implementing and utilizing outcome measures
57 39 that are consistent with but not limited to the
57 40 national outcomes measures identified by the substance
57 41 abuse and mental health services administration of the
57 42 United States department of health and human services.
57 43 l. Identifying children and youth whose mental
57 44 health or emotional condition, whether chronic or
57 45 acute, represents a danger to themselves, their
57 46 families, school students or staff, or the community.
57 47 Sec. 52. NEW SECTION. 225C.53 ROLE OF DEPARTMENT
57 48 AND DIVISION == TRANSITION TO ADULT SYSTEM.
57 49 1. The department is the lead agency responsible
57 50 for the development, implementation, oversight, and
58 1 management of the mental health services system for
58 2 children and youth in accordance with this chapter.
58 3 The department's responsibilities shall be fulfilled
58 4 by the division.
58 5 2. The division's responsibilities relating to the
58 6 children's system include but are not limited to all
58 7 of the following:
58 8 a. Ensuring that the rules adopted for the
58 9 children's system provide that, within the limits of
58 10 appropriations for the children's system, children and
58 11 youth shall not be inappropriately denied necessary
58 12 mental health services.
58 13 b. Establishing standards for the provision of
58 14 home and community-based mental health treatment,
58 15 services, and other support under the children's
58 16 system.
58 17 c. Identifying and implementing eligibility
58 18 criteria for the treatment, services, and other
58 19 support available under the children's system.
58 20 d. Ongoing implementation of recommendations
58 21 identified through children's system improvement
58 22 efforts.
58 23 3. An adult person who met the criteria for having
58 24 a serious emotional disturbance prior to the age of
58 25 eighteen may qualify to continue services through the
58 26 adult mental health system.
58 27 Sec. 53. NEW SECTION. 225C.54 MENTAL HEALTH
58 28 SERVICES SYSTEM FOR CHILDREN AND YOUTH == INITIAL
58 29 IMPLEMENTATION.
58 30 1. The mental health services system for children
58 31 and youth shall be initially implemented by the
58 32 division commencing with the fiscal year beginning
58 33 July 1, 2008. The division shall begin implementation
58 34 by utilizing a competitive bidding process to allocate
58 35 state block grants to develop services through
58 36 existing community mental health centers, providers
58 37 approved in a waiver adopted by the commission to
58 38 provide services to a county in lieu of a community
58 39 mental health center, and other local service
58 40 partners. The implementation shall be limited to the
58 41 extent of the appropriations provided for the
58 42 children's system.
58 43 2. In order to maximize federal financial
58 44 participation in the children's system, the division
58 45 and the department's Medicaid program staff shall
58 46 analyze the feasibility of leveraging existing
58 47 Medicaid options, such as expanding the home and
58 48 community-based services waiver for children's mental
58 49 health services, reviewing the feasibility of
58 50 implementing other Medicaid options such as the
59 1 federal Tax Equity and Financial Responsibility Act of
59 2 1982 (TEFRA) option for children with severe mental
59 3 illness or emotional disturbance and Medicaid
59 4 administrative funding, and determining the need for
59 5 service enhancements through revisions to the Medicaid
59 6 state plan and the federal state children's health
59 7 insurance program and the healthy and well kids in
59 8 Iowa program.
59 9 3. Initial block grants shall support a wide range

59 10 of children, youth, and family services and
59 11 initiatives including but not limited to school-based
59 12 mental health projects, system reviews providing
59 13 service gap analysis, status studies of the mental
59 14 health needs of children and youth in representative
59 15 areas of the state, and mental health assessment
59 16 capacity development based in public and nonpublic
59 17 schools and clinical settings using standard
59 18 functional assessment tools. The purpose of
59 19 developing the assessment capacity is to determine
59 20 childrens' and youths' degree of impairment in daily
59 21 functioning due to emotional, behavioral,
59 22 psychological, psychiatric, or substance use problems.

59 23 4. The initial block grants may also support an
59 24 array of programs and services including but not
59 25 limited to mobile crisis intervention services, or
59 26 other support intended to prevent more intensive or
59 27 in-patient interventions, skills training, intensive
59 28 care coordination, and cognitive-behavioral and
59 29 multisystemic family therapy. In addition, support
59 30 may be provided for prevention-oriented services
59 31 including mental health consultations regarding home
59 32 visits, child welfare, juvenile justice, and maternal
59 33 and child health services, and consultation for
59 34 preschool programs.

59 35 5. The division shall report regularly to the
59 36 commission, general assembly, and governor concerning
59 37 the implementation status of the children's system,
59 38 including but not limited to an annual report
59 39 submitted each January. The report may address
59 40 funding requirements and statutory amendments
59 41 necessary to further develop the children's system.

59 42 Sec. 54. Section 331.439, subsection 1, paragraph
59 43 a, Code Supplement 2007, is amended to read as
59 44 follows:

59 45 a. The county accurately reported by December 1
59 46 the county's expenditures for mental health, mental
59 47 retardation, and developmental disabilities services
59 48 and the information required under section 225C.6A,
59 49 subsection 2, paragraph "c", for the previous fiscal
59 50 year on forms prescribed by rules adopted by the state
60 1 commission. If the department determines good cause
60 2 exists, the department may extend a deadline otherwise
60 3 imposed under this chapter, chapter 225C, or chapter
60 4 426B for a county's reporting concerning mental
60 5 health, mental retardation, or developmental
60 6 disabilities services or related revenues and
60 7 expenditures.

60 8 Sec. 55. 2007 Iowa Acts, chapter 215, section 1,
60 9 is amended to read as follows:

60 10 SECTION 1. COUNTY MENTAL HEALTH, MENTAL
60 11 RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN
60 12 INJURY ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS ==
60 13 FISCAL YEAR 2008=2009.

60 14 1. There is appropriated from the general fund of
60 15 the state to the department of human services for the
60 16 fiscal year beginning July 1, 2008, and ending June
60 17 30, 2009, the following amount, or so much thereof as
60 18 is necessary, to be used for the purpose designated:

60 19 For distribution to counties of the county mental
60 20 health, mental retardation, and developmental
60 21 disabilities allowed growth factor adjustment for
60 22 fiscal year 2008=2009, and for the brain injury
60 23 services program in the department of public health:
60 24 \$ 64,600,002
60 25 54,081,310

60 26 2. ~~The amount appropriated in this section shall~~
60 27 ~~be allocated as provided in a later enactment of the~~
60 28 ~~general assembly.~~

60 29 2. There is appropriated from the property tax
60 30 relief fund to the department of human services for
60 31 the fiscal year beginning July 1, 2008, and ending
60 32 June 30, 2009, the following amount, or so much
60 33 thereof as is necessary, to be used for the purposes
60 34 designated:

60 35 For distribution to counties of the county mental
60 36 health, mental retardation, and developmental
60 37 disabilities allowed growth factor adjustment, as
60 38 provided in this section in lieu of the provisions of
60 39 section 331.438, subsection 2, and section 331.439,
60 40 subsection 3, and chapter 426B:

60 41 \$ 7,592,099

60 42 Sec. 56. 2007 Iowa Acts, chapter 215, section 1,
60 43 as amended by this division of this Act, is amended by
60 44 adding the following new subsections:

60 45 NEW SUBSECTION. 3. Of the amount appropriated in
60 46 subsection 1, \$12,000,000 shall be distributed as
60 47 provided in this subsection.

60 48 a. To be eligible to receive a distribution under
60 49 this subsection, a county must meet the following
60 50 requirements:

61 1 (1) The county is levying for the maximum amount
61 2 allowed for the county's mental health, mental
61 3 retardation, and developmental disabilities services
61 4 fund under section 331.424A for taxes due and payable
61 5 in the fiscal year beginning July 1, 2008, or the
61 6 county is levying for at least 90 percent of the
61 7 maximum amount allowed for the county's services fund
61 8 and that levy rate is more than \$2 per \$1,000 of the
61 9 assessed value of all taxable property in the county.

61 10 (2) In the fiscal year beginning July 1, 2007, the
61 11 county's mental health, mental retardation, and
61 12 developmental disabilities services fund ending
61 13 balance under generally accepted accounting principles
61 14 was equal to or less than 15 percent of the county's
61 15 actual gross expenditures for that fiscal year.

61 16 b. A county's allocation of the amount
61 17 appropriated in this subsection shall be determined
61 18 based upon the county's proportion of the general
61 19 population of the counties eligible to receive an
61 20 allocation under this subsection. The most recent
61 21 population estimates issued by the United States
61 22 bureau of the census shall be applied in determining
61 23 population for the purposes of this paragraph.

61 24 c. The allocations made pursuant to this
61 25 subsection are subject to the distribution provisions
61 26 and withholding requirements established in this
61 27 section for the county mental health, mental
61 28 retardation, and developmental disabilities allowed
61 29 growth factor adjustment for the fiscal year beginning
61 30 July 1, 2008.

61 31 NEW SUBSECTION. 4. The funding appropriated in
61 32 this section is the allowed growth factor adjustment
61 33 for fiscal year 2008=2009, and shall be credited to
61 34 the allowed growth funding pool created in the
61 35 property tax relief fund and for distribution in
61 36 accordance with section 426B.5, subsection 1:
61 37 \$ 49,673,409

61 38 NEW SUBSECTION. 5. The following formula amounts
61 39 shall be utilized only to calculate preliminary
61 40 distribution amounts for fiscal year 2008=2009 under
61 41 this section by applying the indicated formula
61 42 provisions to the formula amounts and producing a
61 43 preliminary distribution total for each county:

61 44 a. For calculation of a distribution amount for
61 45 eligible counties from the allowed growth funding pool
61 46 created in the property tax relief fund in accordance
61 47 with the requirements in section 426B.5, subsection 1:
61 48 \$ 57,337,985

61 49 b. For calculation of a distribution amount for
61 50 counties from the mental health and developmental
62 1 disabilities (MH/DD) community services fund in
62 2 accordance with the formula provided in the
62 3 appropriation made for the MH/DD community services
62 4 fund for the fiscal year beginning July 1, 2008:
62 5 \$ 17,727,890

62 6 NEW SUBSECTION. 6. After applying the applicable
62 7 statutory distribution formulas to the amounts
62 8 indicated in subsection 5 for purposes of producing
62 9 preliminary distribution totals, the department of
62 10 human services shall apply a withholding factor to
62 11 adjust an eligible individual county's preliminary
62 12 distribution total. In order to be eligible for a
62 13 distribution under this section, a county must be
62 14 levying seventy percent or more of the maximum amount
62 15 allowed for the county's mental health, mental
62 16 retardation, and developmental disabilities services
62 17 fund under section 331.424A for taxes due and payable
62 18 in the fiscal year for which the distribution is
62 19 payable. An ending balance percentage for each county
62 20 shall be determined by expressing the county's ending
62 21 balance on a modified accrual basis under generally

62 22 accepted accounting principles for the fiscal year
62 23 beginning July 1, 2007, in the county's mental health,
62 24 mental retardation, and developmental disabilities
62 25 services fund created under section 331.424A, as a
62 26 percentage of the county's gross expenditures from
62 27 that fund for that fiscal year. If a county borrowed
62 28 moneys for purposes of providing services from the
62 29 county's services fund on or before July 1, 2007, and
62 30 the county's services fund ending balance for that
62 31 fiscal year includes the loan proceeds or an amount
62 32 designated in the county budget to service the loan
62 33 for the borrowed moneys, those amounts shall not be
62 34 considered to be part of the county's ending balance
62 35 for purposes of calculating an ending balance
62 36 percentage under this subsection. The withholding
62 37 factor for a county shall be the following applicable
62 38 percent:

62 39 a. For an ending balance percentage of less than 5
62 40 percent, a withholding factor of 0 percent. In
62 41 addition, a county that is subject to this lettered
62 42 paragraph shall receive an inflation adjustment equal
62 43 to 3 percent of the gross expenditures reported for
62 44 the county's services fund for the fiscal year.

62 45 b. For an ending balance percentage of 5 percent
62 46 or more but less than 10 percent, a withholding factor
62 47 of 0 percent. In addition, a county that is subject
62 48 to this lettered paragraph shall receive an inflation
62 49 adjustment equal to 2 percent of the gross
62 50 expenditures reported for the county's services fund
63 1 for the fiscal year.

63 2 c. For an ending balance percentage of 10 percent
63 3 or more but less than 25 percent, a withholding factor
63 4 of 25 percent. However, for counties with an ending
63 5 balance percentage of 10 percent or more but less than
63 6 15 percent, the amount withheld shall be limited to
63 7 the amount by which the county's ending balance was in
63 8 excess of the ending balance percentage of 10 percent.

63 9 d. For an ending balance percentage of 25 percent
63 10 or more, a withholding percentage of 100 percent.

63 11 NEW SUBSECTION. 7. The total withholding amounts
63 12 applied pursuant to subsection 6 shall be equal to a
63 13 withholding target amount of \$7,664,576. If the
63 14 department of human services determines that the
63 15 amount to be withheld in accordance with subsection 6
63 16 is not equal to the target withholding amount, the
63 17 department shall adjust the withholding factors listed
63 18 in subsection 6 as necessary to achieve the target
63 19 withholding amount. However, in making such
63 20 adjustments to the withholding factors, the department
63 21 shall strive to minimize changes to the withholding
63 22 factors for those ending balance percentage ranges
63 23 that are lower than others and shall not adjust the
63 24 zero withholding factor or the inflation adjustment
63 25 percentage specified in subsection 6, paragraph "a".

63 26 NEW SUBSECTION. 8. It is the intent of the
63 27 general assembly that for distribution of the moneys
63 28 addressed in this section to counties for the fiscal
63 29 year beginning July 1, 2009, any factor utilizing
63 30 services fund ending balances will be based upon the
63 31 fiscal year beginning July 1, 2007.

63 32 NEW SUBSECTION. 9. a. The department of human
63 33 services may implement a pilot project for a regional
63 34 service network established for mental health, mental
63 35 retardation, and developmental disabilities services
63 36 paid from the services funds under section 331.424A.
63 37 The initial term of the pilot project is limited to
63 38 the two-year period beginning July 1, 2008, and ending
63 39 June 30, 2010.

63 40 b. Under the pilot project, the department may
63 41 enter into an agreement with the counties
63 42 participating in the pilot project to administer a
63 43 risk-based contract for the mental health, mental
63 44 retardation, and developmental disabilities services
63 45 provided by the participating counties. The pilot
63 46 project provisions may include but are not limited to
63 47 all of the following:

63 48 (1) Pooling of the participating counties services
63 49 fund moneys.

63 50 (2) Pooling of waiver slots for the participating
64 1 counties.

64 2 (3) To the extent allowed under federal

64 3 requirements, decategorizing the funding streams for
64 4 mental health, mental retardation, and developmental
64 5 disabilities available to the counties participating
64 6 in the pilot project.

64 7 (4) If the department implements a new program,
64 8 initiative, or service addressing the needs of the
64 9 populations receiving services paid for by a county
64 10 services fund, adapting any associated requirements to
64 11 optimize implementation within the pilot project
64 12 counties.

64 13 c. For purposes of qualifying for the allowed
64 14 growth and MH/DD community services fund moneys
64 15 distributed under this section, the minimum levy and
64 16 services fund ending balances of the counties
64 17 participating in the pilot project may be combined and
64 18 an average utilized to qualify for the moneys.

64 19 d. For the allowed growth and MH/DD community
64 20 services fund moneys distributed for the fiscal year
64 21 beginning July 1, 2009, provided the counties
64 22 participating in the pilot project do not reduce
64 23 levies below the required percentages, the combined
64 24 percentage of those moneys of such counties shall not
64 25 be less than the combined percentage of such moneys in
64 26 the preceding fiscal year.

64 27 e. A county's participation in the pilot project
64 28 and the provisions of the pilot project must be agreed
64 29 upon by the department and the board of supervisors of
64 30 each of the counties participating in the pilot
64 31 project.

64 32 f. The department may specify a minimum population
64 33 level and other prerequisites for the consortium of
64 34 counties participating in the pilot project.

64 35 g. The pilot project counties shall provide
64 36 periodic performance and evaluation information to the
64 37 department, governor, and general assembly.

64 38 Sec. 57. COUNTY=STATE SHARED FUNDING FOR MENTAL
64 39 HEALTH AND DISABILITY SERVICES COVERED BY THE MEDICAID
64 40 PROGRAM.

64 41 1. The legislative council is requested to
64 42 authorize for the 2008 legislative interim a task
64 43 force to consider county=state shared funding for
64 44 mental health and disability services covered by the
64 45 Medicaid program. The membership of the task force
64 46 should include five legislators from each chamber, one
64 47 member of the mental health, mental retardation,
64 48 developmental disabilities, and brain injury
64 49 (MH/MR/DD/BI) commission; three members of county
64 50 boards of supervisors, with one each from a large,
65 1 medium, and small population county; three staff
65 2 members from the county central point of coordination
65 3 (CPC) office, with one each from a large, medium, and
65 4 small population county; two individuals representing
65 5 advocacy organizations, one of which shall be the
65 6 governor's developmental disabilities council; one
65 7 current consumer of county MH/MR/DD services; and one
65 8 MH/MR/DD/BI service provider representative from each
65 9 of the state's five congressional districts.

65 10 2. The task force should be charged to review and
65 11 estimate the shared impact for the state and for Iowa
65 12 counties if financial responsibility for the
65 13 nonfederal share of the costs of mental health and
65 14 disability services covered under the Medicaid program
65 15 is shifted from counties to the state. The task force
65 16 should be charged to develop an eight-year transition
65 17 plan that reflects the shared responsibility of costs
65 18 and service delivery resulting from the shift in
65 19 responsibilities. It is the intent of the general
65 20 assembly that the task force will be formed by June
65 21 15, 2008, and meet a minimum of four times in 2008.

65 22 3. In addition to legislative staff,
65 23 representatives of the department of management, the
65 24 Iowa state association of counties, the department of
65 25 human services, association of community providers,
65 26 and Iowa substance abuse program directors association
65 27 shall comprise a team of resource experts to the task
65 28 force.

65 29 4. The task force's final report for consideration
65 30 by the 2009 regular session of the general assembly
65 31 and governor shall include findings and
65 32 recommendations and a service delivery and funding
65 33 transition plan.

65 34 Sec. 58. COMMUNITY MENTAL HEALTH CENTER LAW
65 35 UPDATE.

65 36 1. The administrator of the division of mental
65 37 health and disability services of the department of
65 38 human services shall appoint a stakeholder advisory
65 39 committee to develop a proposal for updating and
65 40 revising Code chapter 230A, relating to community
65 41 mental health centers, and for revising the
65 42 accreditation standards in rule that would result from
65 43 the statutory revisions.

65 44 2. The membership of the advisory committee shall
65 45 include all of the following:

65 46 a. Five voting members representing the board of
65 47 directors and professional staff of community mental
65 48 health centers and division staff, selected by the
65 49 administrator.

65 50 b. Five voting members, not more than two of whom
66 1 shall be employed by, providing services to, or
66 2 otherwise affiliated with a community mental health
66 3 center, selected one each by the following:

66 4 (1) The child welfare advisory committee
66 5 established pursuant to section 234.3.

66 6 (2) The coalition for family and children's
66 7 services in Iowa.

66 8 (3) The Iowa association of community providers.

66 9 (4) The Iowa chapter of the national association
66 10 of social workers.

66 11 (5) The Iowa psychological association jointly
66 12 with the Iowa psychiatric society.

66 13 c. Four ex officio, nonvoting members selected one
66 14 each by the following:

66 15 (1) A member of the senate selected by the
66 16 majority leader of the senate.

66 17 (2) A member of the senate selected by the
66 18 minority leader of the senate.

66 19 (3) A member of the house of representatives
66 20 selected by the speaker of the house of
66 21 representatives.

66 22 (4) A member of the house of representatives
66 23 selected by the minority leader of the house of
66 24 representatives.

66 25 Those selecting the voting members of the advisory
66 26 committee shall identify more than one option as
66 27 necessary for the membership to comply with the
66 28 political affiliation and gender balance requirements
66 29 of sections 69.16 and 69.16A.

66 30 3. The advisory committee recommendations shall
66 31 include but are not limited to addressing Code chapter
66 32 230A requirements in the following areas:

66 33 establishment and support of community mental health
66 34 centers, services offered, consumer and family
66 35 involvement, capability to address co-occurring
66 36 disorders, forms of organization, board of directors,
66 37 organization meetings, duties and powers of directors,
66 38 center organization as a nonprofit entity, annual
66 39 budget, financial support of centers through federal
66 40 and state block grants, comprehensive community mental
66 41 health programs, target populations to be served,
66 42 emergency mental health crisis services, quality
66 43 improvement programs, use of evidence-based practices,
66 44 use of functional assessments and outcomes measures,
66 45 establishment of standards, and review and evaluation
66 46 processes.

66 47 4. The advisory committee shall submit its report
66 48 with findings and recommendations to the governor and
66 49 general assembly on or before December 1, 2008. Until
66 50 the advisory committee report has been considered and
67 1 acted upon by the general assembly, the division
67 2 administrator may defer consideration of requests for
67 3 accreditation of a new community mental health center
67 4 or for approval of a provider to fill the role of a
67 5 community mental health center.

67 6 DIVISION IV

67 7 HEALTH CARE TRUST FUND APPROPRIATIONS ==

67 8 HEALTH CARE ACTIVITIES

67 9 Sec. 59. DEPARTMENT OF PUBLIC HEALTH. The
67 10 allocations made in this section may include amounts
67 11 carried forward from appropriations and allocations
67 12 made for the same purposes in the previous fiscal
67 13 year. In addition to any other appropriation made in
67 14 this Act for the purposes designated, there is

67 15 appropriated from the health care trust fund created
67 16 in section 453A.35A to the department of public health
67 17 for the fiscal year beginning July 1, 2008, and ending
67 18 June 30, 2009, the following amounts, or so much
67 19 thereof as is necessary, for the purposes designated,
67 20 and for not more than the following full-time
67 21 equivalent positions:

67 22	1. ADDICTIVE DISORDERS	
67 23	\$ 2,955,164
67 24 FTEs	5.00

67 25 a. Of the funds appropriated in this subsection,
67 26 \$450,000 shall be used for culturally competent
67 27 substance abuse treatment pilot projects.
67 28 (1) The department shall utilize the amount
67 29 allocated in this lettered paragraph for at least
67 30 three pilot projects to provide culturally competent
67 31 substance abuse treatment in various areas of the
67 32 state. Each pilot project shall target a particular
67 33 ethnic minority population. The populations targeted
67 34 shall include but are not limited to African-American,
67 35 Asian, and Latino.
67 36 (2) The pilot project requirements shall provide
67 37 for documentation or other means to ensure access to
67 38 the cultural competence approach used by a pilot
67 39 project so that such approach can be replicated and
67 40 improved upon in successor programs.
67 41 b. Of the funds appropriated in this subsection,
67 42 \$2,747,754 shall be used for tobacco use prevention,
67 43 cessation, and treatment. The department shall
67 44 utilize the funds to provide for a variety of
67 45 activities related to tobacco use prevention,
67 46 cessation, and treatment including to support Quitline
67 47 Iowa, QuitNet cessation counseling and education,
67 48 grants to school districts and community organizations
67 49 to support Just Eliminate Lies youth chapters and
67 50 youth tobacco prevention activities, the Just
68 1 Eliminate Lies tobacco prevention media campaign,
68 2 nicotine replacement therapy, and other prevention and
68 3 cessation materials and media promotion. Of the funds
68 4 allocated in this lettered paragraph, \$255,000 may be
68 5 utilized by the department for administrative
68 6 purposes.
68 7 c. Of the funds appropriated in this subsection,
68 8 \$682,000 shall be used for substance abuse treatment
68 9 activities.

68 10	2. HEALTHY CHILDREN AND FAMILIES	
68 11	\$ 667,700
68 12 FTEs	1.00

68 13 a. Of the funds appropriated in this subsection,
68 14 \$200,000 shall be used to address the healthy mental
68 15 development of children from birth through five years
68 16 of age through local evidence-based strategies that
68 17 engage both the public and private sectors in
68 18 promoting healthy development, prevention, and
68 19 treatment for children.
68 20 b. Of the funds appropriated in this subsection,
68 21 \$180,000 shall be used for childhood obesity
68 22 prevention.
68 23 c. Of the funds appropriated in this subsection,
68 24 \$39,000 shall be used for the dental screening of
68 25 children program pursuant to 2007 Iowa Acts, chapter
68 26 146, section 1.
68 27 d. Of the funds appropriated in this subsection,
68 28 \$10,000 shall be used for public health education and
68 29 awareness of the children's vision initiatives,
68 30 including the InfantSee program and the student vision
68 31 program, administered through a statewide association
68 32 of optometric professionals for infants and preschool
68 33 children.
68 34 e. Of the funds appropriated in this subsection,
68 35 \$238,500 shall be used to provide audiological
68 36 services and hearing aids for children. The
68 37 department may enter into a contract to administer
68 38 this paragraph.
68 39 f. It is the intent of the general assembly that
68 40 the department of public health shall implement the
68 41 recommendations of the postnatal tissue and fluid bank
68 42 task force created in 2007 Iowa Acts, chapter 147,
68 43 based upon the report submitted to the general
68 44 assembly in November 2007, as funding becomes
68 45 available. The department shall notify the Iowa Code

68 46 editor and the persons specified in this Act to
68 47 receive reports when such funding becomes available.

68 48 3. CHRONIC CONDITIONS

68 49	\$	1,164,181
68 50	FTEs	1.00

69 1 a. Of the funds appropriated in this subsection,
69 2 \$473,981 shall be used for child health specialty
69 3 clinics.

69 4 b. Of the funds appropriated in this subsection,
69 5 \$500,000 shall be used for the comprehensive cancer
69 6 control program to reduce the burden of cancer in Iowa
69 7 through prevention, early detection, effective
69 8 treatment, and ensuring quality of life. The
69 9 department shall utilize one of the full-time
69 10 equivalent positions authorized in this subsection for
69 11 administration of the activities related to the
69 12 comprehensive cancer control program.

69 13 c. Of the funds appropriated in this subsection,
69 14 \$5,000 shall be used for the hemophilia advisory
69 15 council pursuant to chapter 135N.

69 16 d. Of the funds appropriated in this subsection,
69 17 \$200,000 shall be used for cervical and colon cancer
69 18 screening.

69 19 4. COMMUNITY CAPACITY

69 20	\$	2,790,000
69 21	FTEs	6.00

69 22 a. Of the funds appropriated in this subsection,
69 23 \$75,000 shall be used to further develop and implement
69 24 at the state level, and pilot at the local level, the
69 25 Iowa public health standards approved by the
69 26 department.

69 27 b. Of the funds appropriated in this subsection,
69 28 \$200,000 shall be used for the mental health
69 29 professional shortage area program implemented
69 30 pursuant to section 135.80.

69 31 c. Of the funds appropriated in this subsection,
69 32 \$50,000 shall be used for a grant to a statewide
69 33 association of psychologists that is affiliated with
69 34 the American psychological association to be used for
69 35 continuation of a program to rotate intern
69 36 psychologists in placements in urban and rural mental
69 37 health professional shortage areas, as defined in
69 38 section 135.80.

69 39 d. Of the funds appropriated in this subsection,
69 40 the following amounts shall be allocated to the Iowa
69 41 collaborative safety net provider network established
69 42 pursuant to section 135.153 to be used for the
69 43 purposes designated:

69 44 (1) For distribution to the Iowa-Nebraska primary 69 45 care association for statewide coordination of the 69 46 Iowa collaborative safety net provider network: 69 47	\$	100,000
69 48 (2) For distribution to the Iowa family planning 69 49 network agencies for necessary infrastructure, 69 50 statewide coordination, provider recruitment, service 70 1 delivery, and provision of assistance to patients in 70 2 determining an appropriate medical home: 70 3	\$	100,000
70 4 (3) For distribution to the local boards of health 70 5 that provide direct services for pilot programs in 70 6 three counties to assist patients in determining an 70 7 appropriate medical home: 70 8	\$	100,000
70 9 (4) For distribution to maternal and child health 70 10 centers for pilot programs in three counties to assist 70 11 patients in determining an appropriate medical home: 70 12	\$	100,000
70 13 (5) For distribution to free clinics for necessary 70 14 infrastructure, statewide coordination, provider 70 15 recruitment, service delivery, and provision of 70 16 assistance to patients in determining an appropriate 70 17 medical home: 70 18	\$	250,000
70 19 (6) For distribution to rural health clinics for 70 20 necessary infrastructure, statewide coordination, 70 21 provider recruitment, service delivery, and provision 70 22 of assistance to patients in determining an 70 23 appropriate medical home: 70 24	\$	150,000
70 25 (7) For continuation of the safety net provider 70 26 patient access to specialty health care initiative as		

70 27 described in 2007 Iowa Acts, ch. 218, section 109:
70 28 \$ 400,000
70 29 (8) For continuation of the pharmaceutical
70 30 infrastructure for safety net providers as described
70 31 in 2007 Iowa Acts, ch. 218, section 108:
70 32 \$ 400,000
70 33 The Iowa collaborative safety net provider network
70 34 may continue to distribute funds allocated pursuant to
70 35 this paragraph "d" through existing contracts or
70 36 renewal of existing contracts.
70 37 e. Of the funds appropriated in this subsection,
70 38 \$650,000 shall be used for the incubation grant
70 39 program to community health centers that receive a
70 40 total score of 85 based on the evaluation criteria of
70 41 the health resources and services administration of
70 42 the United States department of health and human
70 43 services.
70 44 f. Of the funds appropriated in this subsection,
70 45 \$75,000 shall be used for implementation of the
70 46 recommendations of the direct care worker task force
70 47 established pursuant to 2005 Iowa Acts, chapter 88,
70 48 based upon the report submitted to the governor and
70 49 the general assembly in December 2006.
70 50 g. Of the funds appropriated in this subsection,
71 1 \$140,000 shall be used for allocation to an
71 2 independent statewide direct care worker association
71 3 for education, outreach, leadership development,
71 4 mentoring, and other initiatives intended to enhance
71 5 the recruitment and retention of direct care workers
71 6 in health and long-term care.
71 7 h. The department shall utilize one of the
71 8 full-time equivalent positions authorized in this
71 9 subsection for administration of the activities
71 10 related to the Iowa collaborative safety net provider
71 11 network.
71 12 i. The department shall utilize one of the
71 13 full-time equivalent positions authorized in this
71 14 subsection for administration of the voluntary health
71 15 care provider program pursuant to section 135.24.
71 16 Sec. 60. DEPARTMENT OF HUMAN SERVICES. In
71 17 addition to any other appropriation made in this Act
71 18 for the purposes designated, there is appropriated
71 19 from the health care trust fund created in section
71 20 453A.35A to the department of human services for the
71 21 fiscal year beginning July 1, 2008, and ending June
71 22 30, 2009, the following amounts, or so much thereof as
71 23 is necessary, for the purposes designated:
71 24 1. MEDICAL ASSISTANCE
71 25 \$113,690,856
71 26 Of the funds appropriated in this subsection,
71 27 \$250,000 shall be used for the grant to the Iowa
71 28 healthcare collaborative as described in section
71 29 135.40.
71 30 2. MH/MR/DD ALLOWED GROWTH FACTOR
71 31 \$ 7,592,099
71 32 The funds appropriated in this subsection shall be
71 33 credited to the property tax relief fund created in
71 34 section 426B.1.
71 35 Sec. 61. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE
71 36 COMPETENCIES.
71 37 1. The department of public health shall continue
71 38 during the fiscal year beginning July 1, 2008, the
71 39 collaborative work with the departments of
71 40 corrections, education, elder affairs, and human
71 41 services, and other state agencies, commenced pursuant
71 42 to 2007 Iowa Acts, ch. 218, section 111, to enhance
71 43 the workforce competencies of professional and direct
71 44 care staff who provide behavioral health services,
71 45 including but not limited to all of the following:
71 46 a. Treatment of persons with co-occurring mental
71 47 health and substance use disorders.
71 48 b. Treatment of children with mental health or
71 49 substance use disorders.
71 50 c. Treatment of persons with serious mental
72 1 illness.
72 2 d. Treatment of veterans of United States or Iowa
72 3 military service with mental health or substance use
72 4 disorders.
72 5 e. Treatment of older adults with mental health or
72 6 substance use disorders.
72 7 2. The department's collaborative effort shall

72 8 utilize the findings of the substance abuse and mental
72 9 health services administration of the United States
72 10 department of health and human services and materials
72 11 developed by the Annapolis coalition on the behavioral
72 12 health workforce in planning and implementing efforts
72 13 to enhance the competency-based training of the
72 14 state's behavioral health workforce.

72 15 DIVISION V

72 16 APPROPRIATION-RELATED CHANGES == EFFECTIVE DATE

72 17 Sec. 62. Section 35D.18, subsection 5, Code 2007,
72 18 is amended to read as follows:

72 19 5. Notwithstanding section 8.33, ~~up to five~~
~~72 20 hundred thousand dollars of any balance in the Iowa~~
72 21 veterans home ~~revenue annual appropriation or revenues~~
72 22 that ~~remain remains~~ unencumbered or unobligated at the
72 23 close of the fiscal year shall not revert but shall
72 24 remain available for expenditure for specified
72 25 purposes of the Iowa veterans home until the close of
72 26 the succeeding fiscal year.

72 27 JUVENILE DETENTION HOME FUND

72 28 Sec. 63. HEALTHY IOWANS TOBACCO TRUST. There is
72 29 appropriated from the healthy Iowans tobacco trust
72 30 created in section 12.65, to the department of human
72 31 services for the fiscal year beginning July 1, 2007,
72 32 and ending June 30, 2008, for deposit in the juvenile
72 33 detention home fund created in section 232.142:

72 34 \$ 1,000,000

72 35 CHILD WELFARE DECATEGORIZATION

72 36 FY 2006=2007 NONREVERSION

72 37 Sec. 64. 2006 Iowa Acts, chapter 1184, section 17,
72 38 subsection 4, is amended by adding the following new
72 39 unnumbered paragraph:

72 40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
72 41 232.188, subsection 5, moneys from the allocations
72 42 made in this subsection or made from any other source
72 43 for the decategorization of child welfare and juvenile
72 44 justice funding initiative under section 232.188, that
72 45 are designated as carryover funding and that remain
72 46 unencumbered or unobligated at the close of the fiscal
72 47 year beginning July 1, 2007, shall not revert but
72 48 shall remain available for expenditure until the close
72 49 of the succeeding fiscal year to be used for the
72 50 purposes of continuing the initiative in the
73 1 succeeding fiscal year.

73 2 VIETNAM CONFLICT VETERANS BONUS FUND

73 3 Sec. 65. 2007 Iowa Acts, chapter 176, section 3,
73 4 is amended by adding the following new unnumbered
73 5 paragraph:

73 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
73 7 8.33, moneys appropriated in this section that remain
73 8 unencumbered or unobligated at the close of the fiscal
73 9 year shall not revert but shall remain available for
73 10 expenditure for the purposes designated until the
73 11 close of the succeeding fiscal year.

73 12 INJURED VETERANS GRANT PROGRAM

73 13 Sec. 66. 2006 Iowa Acts, chapter 1184, section 5,
73 14 as enacted by 2007 Iowa Acts, chapter 203, section 1,
73 15 subsection 4, unnumbered paragraph 2, is amended to
73 16 read as follows:

73 17 Notwithstanding section 8.33, moneys appropriated
73 18 in this subsection that remain unencumbered or
73 19 unobligated at the close of the fiscal year shall not
73 20 revert but shall remain available for expenditure for
73 21 the purposes designated until the close of the
73 22 ~~succeeding~~ fiscal year beginning July 1, 2008.

73 23 DEPARTMENT OF ELDER AFFAIRS == LIVABLE

73 24 COMMUNITY INITIATIVE

73 25 Sec. 67. 2007 Iowa Acts, chapter 215, section 32,
73 26 is amended by adding the following new subsection:

73 27 NEW SUBSECTION. 4. Notwithstanding section 8.33,
73 28 moneys appropriated in this section that remain
73 29 unencumbered or unobligated at the close of the fiscal
73 30 year shall not revert but shall remain available for
73 31 expenditure for the purposes designated until the
73 32 close of the succeeding fiscal year.

73 33 CHRONIC CONDITIONS == PKU

73 34 Sec. 68. 2007 Iowa Acts, chapter 218, section 2,
73 35 subsection 3, unnumbered paragraph 2, is amended to
73 36 read as follows:

73 37 Of the funds appropriated in this subsection,
73 38 \$100,000 shall be used as additional funding to

73 39 provide grants to individual patients who have
73 40 phenylketonuria (PKU) to assist with the costs of
73 41 necessary special foods. Notwithstanding section
73 42 8.33, moneys appropriated in this subsection and
73 43 allocated in this paragraph that remain unencumbered
73 44 or unobligated at the close of the fiscal year shall
73 45 not revert but shall remain available for expenditure
73 46 for the purposes designated until the close of the
73 47 succeeding fiscal year.

73 48 PUBLIC PROTECTION == ANTIVIRAL STOCKPILE
73 49 Sec. 69. 2007 Iowa Acts, chapter 218, section 2,
73 50 subsection 8, paragraph d, is amended to read as
74 1 follows:
74 2 d. Of the funds appropriated in this subsection,
74 3 \$150,000 shall be used for management of the antiviral
74 4 stockpile. Notwithstanding section 8.33, moneys
74 5 appropriated in this subsection and allocated in this
74 6 paragraph that remain unencumbered or unobligated at
74 7 the close of the fiscal year shall not revert but
74 8 shall remain available for expenditure for the
74 9 purposes designated until the close of the succeeding
74 10 fiscal year.

74 11 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
74 12 Sec. 70. 2007 Iowa Acts, chapter 218, section 4,
74 13 subsection 1, is amended by adding the following new
74 14 unnumbered paragraph:
74 15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
74 16 8.33, up to \$100,000 of the moneys appropriated in
74 17 this subsection that remain unencumbered or
74 18 unobligated at the close of the fiscal year shall not
74 19 revert but shall remain available for expenditure for
74 20 the purposes designated in this paragraph until the
74 21 close of the succeeding fiscal year. The purposes
74 22 shall include the sign for the veterans cemetery and
74 23 other necessary expenses.

74 24 COUNTY GRANT PROGRAM
74 25 Sec. 71. 2007 Iowa Acts, chapter 218, section 4,
74 26 subsection 4, unnumbered paragraph 3, is amended to
74 27 read as follows:
74 28 Notwithstanding section 8.33, moneys appropriated
74 29 in this subsection that remain unencumbered or
74 30 unobligated at the close of the fiscal year shall not
74 31 revert to the fund from which appropriated but shall
74 32 be credited to the veterans trust fund but shall
74 33 remain available for expenditure for the purposes
74 34 designated until the close of the succeeding fiscal
74 35 year.

74 36 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
74 37 BLOCK GRANT == CHILD CARE
74 38 Sec. 72. 2007 Iowa Acts, chapter 218, section 7,
74 39 subsections 1 and 7, are amended to read as follows:
74 40 1. To be credited to the family investment program
74 41 account and used for assistance under the family
74 42 investment program under chapter 239B:
74 43 \$ 36,890,944
74 44 28,390,944
74 45 7. For state child care assistance:
74 46 \$ 18,986,177
74 47 27,486,177

74 48 a. Of the funds appropriated in this subsection,
74 49 up to \$18,986,177 shall be transferred to the child
74 50 care and development block grant appropriation made
75 1 for the federal fiscal year beginning October 1, 2007,
75 2 and ending September 30, 2008, in 2007 Iowa Acts, ch.
75 3 204, section 14. Of this amount, \$200,000 shall be
75 4 used for provision of educational opportunities to
75 5 registered child care home providers in order to
75 6 improve services and programs offered by this category
75 7 of providers and to increase the number of providers.
75 8 The department may contract with institutions of
75 9 higher education or child care resource and referral
75 10 centers to provide the educational opportunities.
75 11 Allowable administrative costs under the contracts
75 12 shall not exceed 5 percent. The application for a
75 13 grant shall not exceed two pages in length.
75 14 b. ~~The Any~~ funds appropriated in this subsection
75 15 ~~shall be transferred to the child care and development~~
75 16 ~~block grant appropriation that remain unallocated~~
75 17 ~~shall be used for state child care assistance payments~~
75 18 ~~for individuals enrolled in the family investment~~
75 19 ~~program who are employed.~~

75 20 FAMILY INVESTMENT PROGRAM ACCOUNT
75 21 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
75 22 Sec. 73. 2007 Iowa Acts, chapter 218, section 8,
75 23 subsection 4, paragraph b, is amended by adding the
75 24 following new subparagraph:
75 25 NEW SUBPARAGRAPH. (7) Notwithstanding section
75 26 8.33, moneys allocated in this lettered paragraph that
75 27 remain unencumbered or unobligated at the close of the
75 28 fiscal year shall not revert but shall remain
75 29 available for expenditure for the purposes designated
75 30 until the close of the succeeding fiscal year.
75 31 FAMILY INVESTMENT PROGRAM == TRANSITIONAL BENEFITS
75 32 Sec. 74. 2007 Iowa Acts, chapter 218, section 8,
75 33 subsection 4, paragraph d, is amended to read as
75 34 follows:
75 35 ~~d. For developing and implementing a new program~~
~~75 36 to provide transitional benefits to families with~~
~~75 37 members who are employed at the time the family leaves~~
~~75 38 the family investment program in accordance with~~
~~75 39 section 239B.11A, as enacted by this Act:~~
75 40 \$ 2,000,000
~~75 41 The department may adopt emergency rules to~~
~~75 42 implement the new program.~~
75 43 CHILDREN'S HEALTH INSURANCE PROGRAM
75 44 Sec. 75. 2007 Iowa Acts, chapter 218, section 15,
75 45 is amended by adding the following new subsection:
75 46 NEW SUBSECTION. 4. Notwithstanding sections 8.33
75 47 and 514I.11, up to \$441,000 of the moneys appropriated
75 48 in this section that remain unencumbered or
75 49 unobligated at the close of the fiscal year shall not
75 50 revert to any other fund but shall instead be
76 1 transferred to the appropriation made in section 16 of
76 2 this Act for child care assistance to be used for the
76 3 state child care assistance program until the close of
76 4 the succeeding fiscal year.
76 5 CHILD AND FAMILY SERVICES
76 6 TRANSFER FOR CHILD CARE
76 7 Sec. 76. 2007 Iowa Acts, chapter 218, section 18,
76 8 subsection 3, is amended to read as follows:
76 9 3. The department may transfer funds appropriated
76 10 in this section as necessary to pay the nonfederal
76 11 costs of services reimbursed under the medical
76 12 assistance program, the state child care assistance
~~76 13 program,~~ or the family investment program which are
76 14 provided to children who would otherwise receive
76 15 services paid under the appropriation in this section.
76 16 The department may transfer funds appropriated in this
76 17 section to the appropriations in this division of this
76 18 Act for general administration and for field
76 19 operations for resources necessary to implement and
76 20 operate the services funded in this section.
76 21 CHILD AND FAMILY SERVICES FY 2007=2008
76 22 Sec. 77. 2007 Iowa Acts, chapter 218, section 18,
76 23 is amended by adding the following new subsection:
76 24 NEW SUBSECTION. 5A. Notwithstanding sections 8.33
76 25 and 232.188, up to \$6,600,000 of the funds
76 26 appropriated in this section that could otherwise be
76 27 designated as carryover funding under section 232.188
76 28 and that would remain unencumbered or unobligated at
76 29 the close of the fiscal year shall instead be
76 30 transferred to the appropriation made in section 16 of
76 31 this Act for child care assistance to be used for the
76 32 state child care assistance program until the close of
76 33 the succeeding fiscal year.
76 34 CHILD AND FAMILY SERVICES
76 35 PROTECTIVE CHILD CARE
76 36 Sec. 78. 2007 Iowa Acts, chapter 218, section 18,
76 37 subsection 9, is amended to read as follows:
76 38 9. Of the funds appropriated in this section, at
~~76 39 least~~ \$3,696,285 shall be used for protective child
76 40 care assistance.
76 41 JUVENILE DETENTION FUNDING
76 42 Sec. 79. 2007 Iowa Acts, chapter 218, section 20,
76 43 is amended to read as follows:
76 44 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys
76 45 deposited in the juvenile detention home fund created
76 46 in section 232.142 during the fiscal year beginning
76 47 July 1, 2007, and ending June 30, 2008, are
76 48 appropriated to the department of human services for
76 49 the fiscal year beginning July 1, 2007, and ending
76 50 June 30, 2008, for distribution as follows:

77 1 1. ~~Am~~ The following amount which is equal to more
 77 2 than 10 percent of the costs of the establishment,
 77 3 improvement, operation, and maintenance of county or
 77 4 multicounty juvenile detention homes in the fiscal
 77 5 year beginning July 1, 2006. Moneys appropriated for
 77 6 distribution in accordance with this subsection shall
 77 7 be allocated among eligible detention homes, prorated
 77 8 on the basis of an eligible detention home's
 77 9 proportion of the costs of all eligible detention
 77 10 homes in the fiscal year beginning July 1, 2006-
 77 11 ~~Notwithstanding section 232.142, subsection 3, the~~
 77 12 ~~financial aid payable by the state under that~~
 77 13 ~~provision for the fiscal year beginning July 1, 2007,~~
 77 14 ~~shall be limited to the amount appropriated for the~~
 77 15 ~~purposes of this subsection.:~~

77 16 \$ 3,764,041

77 17 2. For renewal of a grant to a county with a
 77 18 population between 189,000 and 196,000 in the latest
 77 19 preceding certified federal census for implementation
 77 20 of the county's runaway treatment plan under section
 77 21 232.195:
 77 22 \$ 80,000

77 23 3. For continuation and expansion of the community
 77 24 partnership for child protection sites:
 77 25 \$ 418,000

77 26 4. For continuation of the department's minority
 77 27 youth and family projects under the redesign of the
 77 28 child welfare system:
 77 29 \$ 375,000

77 30 5. For funding of the state match for the federal
 77 31 substance abuse and mental health services
 77 32 administration (SAMHSA) system of care grant:
 77 33 \$ 400,000
 77 34 300,000

~~77 35 6. For transfer to the appropriation made in this~~
~~77 36 Act for child and family services to supplement the~~
~~77 37 statewide expenditure target amount under section~~
~~77 38 232.143 designated in the appropriation made in this~~
~~77 39 Act for child and family services:~~
 77 40 \$ 1,324,000

~~77 41 7. For training of nonlicensed relatives caring~~
~~77 42 for children in the child welfare system:~~
 77 43 \$ 276,000

~~77 44 8. 6. The remainder for additional allocations to~~
~~77 45 county or multicounty juvenile detention homes, in~~
~~77 46 accordance with the distribution requirements of~~
~~77 47 subsection 1 shall be credited to the appropriation~~
~~77 48 made in section 18 of this Act for child and family~~
~~77 49 services to supplement the statewide expenditure~~
~~77 50 target amount under section 232.143 designated in that~~
 78 1 appropriation. Notwithstanding section 8.33, moneys
 78 2 credited pursuant to this subsection that remain
 78 3 unencumbered or unobligated at the close of the fiscal
 78 4 year shall not revert but shall remain available for
 78 5 expenditure for caseload growth in the preparation for
 78 6 adult living program pursuant to section 234.46 until
 78 7 the close of the succeeding fiscal year.

78 8 SEXUALLY VIOLENT PREDATORS
 78 9 Sec. 80. 2007 Iowa Acts, chapter 218, section 27,
 78 10 is amended by adding the following new subsection:
 78 11 NEW SUBSECTION. 3. Notwithstanding section 8.33,
 78 12 moneys appropriated in this section that remain
 78 13 unencumbered or unobligated at the close of the fiscal
 78 14 year shall not revert but shall remain available for
 78 15 expenditure for the purposes designated until the
 78 16 close of the succeeding fiscal year.

78 17 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS
 78 18 Sec. 81. 2007 Iowa Acts, chapter 218, section 28,
 78 19 is amended by adding the following new subsection:
 78 20 NEW SUBSECTION. 4. Notwithstanding section 8.33,
 78 21 up to \$1,500,000 of the moneys appropriated in this
 78 22 section that remain unencumbered or unobligated at the
 78 23 close of the fiscal year shall not revert but shall
 78 24 remain available for expenditure for the purposes
 78 25 designated until the close of the succeeding fiscal
 78 26 year.

78 27 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION
 78 28 Sec. 82. 2007 Iowa Acts, chapter 218, section 29,
 78 29 is amended by adding the following new subsections:
 78 30 NEW SUBSECTION. 4. Of the funds appropriated in
 78 31 this section, \$1,000,000 is transferred to the

78 32 juvenile detention home fund created in section
78 33 232.142.
78 34 NEW SUBSECTION. 5. Notwithstanding section 8.33,
78 35 up to \$110,000 of the moneys appropriated in this
78 36 section that remain unencumbered or unobligated at the
78 37 close of the fiscal year shall not revert but shall
78 38 remain available for expenditure for the purposes
78 39 designated until the close of the succeeding fiscal
78 40 year.

78 41 ADJUSTMENT OF PHARMACY DISPENSING FEE

78 42 Sec. 83. 2007 Iowa Acts, chapter 218, section 31,
78 43 subsection 1, paragraph b, is amended to read as
78 44 follows:

78 45 b. (1) For the fiscal year beginning July 1,
78 46 2007, the department shall reimburse pharmacy
78 47 dispensing fees using a single rate of \$4.52 per
78 48 prescription, or the pharmacy's usual and customary
78 49 fee, whichever is lower.

~~78 50 (2) Beginning July 1, 2007, the department of
79 1 human services shall adopt rules, pursuant to chapter
79 2 17A, to provide for the adjustment of the pharmacy
79 3 dispensing fee to compensate for any reduction in the
79 4 drug product cost reimbursement resulting from
79 5 implementation of the average manufacturer price
79 6 reimbursement standards for multisource generic drug
79 7 products imposed pursuant to the federal Deficit
79 8 Reduction Act of 2005, Pub. L. No. 109-171. In
79 9 implementing the reimbursement, the department may
79 10 adjust the reimbursement amount as necessary to
79 11 provide reimbursement within the state funding
79 12 appropriated for the fiscal year beginning July 1,
79 13 2007, and ending June 30, 2008, for this purpose. The
79 14 department shall submit a medical assistance state
79 15 plan amendment to the centers for Medicare and
79 16 Medicaid services of the United States department of
79 17 health and human services as necessary to implement
79 18 this subparagraph (2).~~

79 19 PHARMACEUTICAL SETTLEMENT ACCOUNT

79 20 Sec. 84. 2007 Iowa Acts, chapter 218, section 72,
79 21 is amended to read as follows:

79 22 SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
79 23 is appropriated from the pharmaceutical settlement
79 24 account created in section 249A.33 to the department
79 25 of human services for the fiscal year beginning July
79 26 1, 2007, and ending June 30, 2008, the following
79 27 amount, or so much thereof as is necessary, to be used
79 28 for the purpose designated:

79 29 To supplement the appropriations made for medical
79 30 contracts under the medical assistance program:

79 31 \$ 1,323,833
79 32 1,349,833

79 33 Of the funds appropriated in this section,
79 34 notwithstanding section 249A.33, \$26,000 is
79 35 transferred to the appropriation made in this Act from
79 36 the general fund of the state to the department of
79 37 public health for chronic conditions to be used for
79 38 the center for congenital and inherited disorders
79 39 established pursuant to section 136A.3.

79 40 IOWACARE COSTS

79 41 Sec. 85. 2007 Iowa Acts, chapter 218, section 74,
79 42 is amended by adding the following new subsection:

79 43 NEW SUBSECTION. 8. For payment to the publicly
79 44 owned acute care teaching hospital located in a county
79 45 with a population of over 350,000 included in the
79 46 expansion population provider network pursuant to
79 47 chapter 249J:

79 48 \$ 230,000

79 49 Disbursements under this subsection shall be made
79 50 monthly. The hospital shall submit a report following
80 1 the close of the fiscal year regarding use of the
80 2 funds appropriated in this subsection to the persons
80 3 specified in this Act to receive reports.

80 4 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

80 5 Sec. 86. 2006 Iowa Acts, chapter 1185, section 1,
80 6 subsection 2, as amended by 2007 Iowa Acts, chapter
80 7 218, section 83, subsection 2, paragraph c, is amended
80 8 by adding the following new unnumbered paragraph:

80 9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
80 10 provision of law to the contrary, moneys that were
80 11 transferred to the department of public health
80 12 pursuant to this paragraph "c" that remain

80 13 unencumbered or unobligated at the close of the fiscal
80 14 year shall not revert but shall instead be transferred
80 15 to the department of human services to the
80 16 appropriation made for the medical assistance program
80 17 in 2007 Iowa Acts, chapter 218, section 11.
80 18 Notwithstanding section 8.33, the transferred moneys
80 19 shall not revert at the close of the fiscal year but
80 20 shall instead remain available to be used for the
80 21 medical assistance program in the succeeding fiscal
80 22 year.

80 23 HEALTH CARE TRUST FUND

80 24 DEPARTMENT OF PUBLIC HEALTH == ADDICTIVE DISORDERS
80 25 Sec. 87. 2007 Iowa Acts, chapter 218, section 97,
80 26 subsection 1, is amended by adding the following new
80 27 paragraph:

80 28 NEW PARAGRAPH. d. Notwithstanding section 8.33,
80 29 moneys appropriated and allocated in this subsection
80 30 that remain unencumbered or unobligated at the close
80 31 of the fiscal year shall not revert but shall remain
80 32 available for expenditure for the purposes designated
80 33 until the close of the succeeding fiscal year.

80 34 HEALTH CARE TRUST FUND == DEPARTMENT OF
80 35 PUBLIC HEALTH == HEALTHY CHILDREN AND FAMILIES
80 36 Sec. 88. 2007 Iowa Acts, chapter 218, section 97,
80 37 subsection 2, is amended by adding the following new
80 38 paragraph:

80 39 NEW PARAGRAPH. g. Notwithstanding section 8.33,
80 40 moneys appropriated and allocated in this subsection
80 41 that remain unencumbered or unobligated at the close
80 42 of the fiscal year shall not revert but shall remain
80 43 available for expenditure for the purposes designated
80 44 until the close of the succeeding fiscal year.

80 45 HEALTH CARE TRUST FUND == DEPARTMENT OF
80 46 PUBLIC HEALTH == CHRONIC CONDITIONS
80 47 Sec. 89. 2007 Iowa Acts, chapter 218, section 97,
80 48 subsection 3, is amended by adding the following new
80 49 paragraph:

80 50 NEW PARAGRAPH. dd. Notwithstanding section 8.33,
81 1 moneys appropriated and allocated in this subsection
81 2 that remain unencumbered or unobligated at the close
81 3 of the fiscal year shall not revert but shall remain
81 4 available for expenditure for the purposes designated
81 5 until the close of the succeeding fiscal year.

81 6 HEALTH CARE TRUST FUND == DEPARTMENT OF
81 7 HUMAN SERVICES == STATE CHILDREN'S
81 8 HEALTH INSURANCE PROGRAM
81 9 Sec. 90. 2007 Iowa Acts, chapter 218, section 98,
81 10 subsection 2, is amended by adding the following new
81 11 paragraph:

81 12 NEW PARAGRAPH. d. Notwithstanding section 8.33,
81 13 moneys appropriated in this subsection that are
81 14 allocated for outreach and remain unencumbered or
81 15 unobligated at the close of the fiscal year, shall not
81 16 revert but shall remain available for expenditure for
81 17 the purposes designated until the close of the
81 18 succeeding fiscal year.

81 19 Sec. 91. Section 239B.11A, Code Supplement 2007,
81 20 is repealed.

81 21 Sec. 92. EFFECTIVE DATE. This division of this
81 22 Act, being deemed of immediate importance, takes
81 23 effect upon enactment.

81 24 DIVISION VI

81 25 PRIOR YEAR APPROPRIATION CHANGES

81 26
81 27 Sec. 93. 2007 Iowa Acts, chapter 214, section 9,
81 28 subsection 2, paragraph b, is amended to read as
81 29 follows:

81 30 b. Psychiatric hospital
81 31 For salaries, support, maintenance, equipment,
81 32 miscellaneous purposes, for the care, treatment, and
81 33 maintenance of committed and voluntary public
81 34 patients, and for not more than the following
81 35 full-time equivalent positions:

81 36 \$ 7,043,056
81 37 FTEs 269.65⁰

81 39 Sec. 94. 2007 Iowa Acts, chapter 215, section 15,
81 40 unnumbered paragraph 1, is amended to read as follows:
81 41 There is appropriated from the general fund of the
81 42 state to the salary adjustment fund for distribution
81 43 by the department of management to the various state

81 44 departments, boards, commissions, councils, and
81 45 agencies, including the state board of regents except
81 46 as otherwise provided, and the judicial branch, for
81 47 the fiscal year beginning July 1, 2007, and ending
81 48 June 30, 2008, the amount of ~~\$106,848,094~~
81 49 \$106,569,196, or so much thereof as may be necessary,
81 50 to fully fund annual pay adjustments, expense
82 1 reimbursements, and related benefits implemented
82 2 pursuant to the following:

82 3 Sec. 95. 2007 Iowa Acts, chapter 215, section 15,
82 4 is amended by adding the following new subsection:
82 5 NEW SUBSECTION. 16. The amount distributed to the
82 6 state psychiatric hospital administered by the state
82 7 board of regents from the appropriation in this
82 8 section shall be reduced to zero.

82 9 Sec. 96. 2007 Iowa Acts, chapter 218, section 11,
82 10 unnumbered paragraph 2, is amended to read as follows:
82 11 For medical assistance reimbursement and associated
82 12 costs as specifically provided in the reimbursement
82 13 methodologies in effect on June 30, 2007, except as
82 14 otherwise expressly authorized by law, including
82 15 reimbursement for abortion services, which shall be
82 16 available under the medical assistance program only
82 17 for those abortions which are medically necessary:
82 18 \$~~616,771,820~~
82 19 631,593,774

82 20 Sec. 97. 2007 Iowa Acts, chapter 218, section 11,
82 21 is amended by adding the following new subsections:
82 22 NEW SUBSECTION. 17. a. Of the funds appropriated
82 23 in this section, \$2,797,719 is allocated for state
82 24 match for disproportionate share hospital payment of
82 25 \$7,321,954 to hospitals that meet both of the
82 26 following conditions:
82 27 (1) The hospital qualifies for disproportionate
82 28 share and graduate medical education payments.
82 29 (2) The hospital is an Iowa state-owned hospital
82 30 with more than 500 beds and eight or more distinct
82 31 residency specialty or subspecialty programs
82 32 recognized by the American college of graduate medical
82 33 education.

82 34 b. Distribution of the disproportionate share
82 35 payment shall be made on a monthly basis. The total
82 36 amount of disproportionate share payments including
82 37 graduate medical education, enhanced disproportionate
82 38 share, and Iowa state-owned teaching hospital payments
82 39 shall not exceed the amount of the state's allotment
82 40 under Pub. L. No. 102=234. In addition, the total
82 41 amount of all disproportionate share payments shall
82 42 not exceed the hospital-specific disproportionate
82 43 share limits under Pub. L. No. 103=66.

82 44 NEW SUBSECTION. 18. Of the funds appropriated in
82 45 this section, \$4,524,235 is transferred to the
82 46 IowaCare account created in section 249J.24 for the
82 47 fiscal year beginning July 1, 2007, and ending June
82 48 30, 2008.

82 49 NEW SUBSECTION. 19. The department shall
82 50 immediately notify the governor and the general
83 1 assembly of any changes in federal policies or
83 2 application of policies that impact the distribution
83 3 of hospital disproportionate share payments.

83 4 Sec. 98. 2007 Iowa Acts, chapter 218, section 73,
83 5 subsection 2, is amended to read as follows:
83 6 2. There is appropriated from the IowaCare account
83 7 created in section 249J.24 to the state board of
83 8 regents for distribution to the university of Iowa
83 9 hospitals and clinics for the fiscal year beginning
83 10 July 1, 2007, and ending June 30, 2008, the following
83 11 amount, or so much thereof as is necessary, to be used
83 12 for the purposes designated:
83 13 For salaries, support, maintenance, equipment, and
83 14 miscellaneous purposes, for the provision of medical
83 15 and surgical treatment of indigent patients, for
83 16 provision of services to members of the expansion
83 17 population pursuant to chapter 249J, and for medical
83 18 education:
83 19 \$ ~~10,000,000~~
83 20 25,684,211

83 21 The amount appropriated in this subsection shall be
83 22 distributed only if expansion population claims
83 23 adjudicated and paid by the Iowa Medicaid enterprise
83 24 exceed the appropriation to the state board of regents

83 25 for distribution to the university of Iowa hospitals
83 26 and clinics provided in subsection 1. The amount
83 27 appropriated in this subsection shall be distributed
83 28 monthly for expansion population claims adjudicated
83 29 and approved for payment by the Iowa Medicaid
83 30 enterprise using medical assistance program
83 31 reimbursement rates.

83 32 Notwithstanding section 8.33, moneys appropriated
83 33 in this subsection that remain unencumbered or
83 34 unobligated at the close of the fiscal year shall not
83 35 revert but shall remain available for expenditure for
83 36 the purposes designated until the close of the
83 37 succeeding fiscal year.

83 38 Sec. 99. EFFECTIVE DATE == RETROACTIVE
83 39 APPLICABILITY. This division of this Act, being
83 40 deemed of immediate importance, takes effect upon
83 41 enactment and is retroactively applicable to December
83 42 21, 2007.

83 43 DIVISION VII
83 44 CODE CHANGES

83 45 Sec. 100. Section 28.9, subsection 5, Code 2007,
83 46 is amended to read as follows:

83 47 5. ~~A community empowerment gifts and grants first~~
83 48 ~~years first~~ account is created in the Iowa empowerment
83 49 fund under the authority of the department of
83 50 management. The account shall consist of gift or
84 1 grant moneys obtained from any source, including but
84 2 not limited to the federal government. Moneys
84 3 credited to the account are appropriated to the
84 4 department of management to be used for the community
84 5 empowerment-related purposes for which the moneys were
84 6 received.

84 7 Sec. 101. Section 135.22B, subsections 3 and 4,
84 8 Code Supplement 2007, are amended to read as follows:

84 9 3. PURPOSE. The purpose of the brain injury
84 10 services program is to provide services, service
84 11 funding, or other support for persons with a brain
84 12 injury under ~~one of the cost-share program component~~
84 13 ~~or other components established pursuant to this~~
84 14 ~~section. Implementation of the cost-share component~~
84 15 ~~or any other component of the program is subject to~~
84 16 ~~the funding made available for the program.~~

84 17 ~~4. GENERAL REQUIREMENTS -- WAIVER-ELIGIBLE~~
84 18 ~~COMPONENT.~~

84 19 ~~a. The component of the brain injury services~~
84 20 ~~program for persons eligible for the brain injury~~
84 21 ~~services waiver is subject to the requirements~~
84 22 ~~provided in this subsection.~~

84 23 ~~b. If a person is eligible for the brain injury~~
84 24 ~~services waiver and is on the waiting list for the~~
84 25 ~~assistance program does not have sufficient funding~~
84 26 ~~designated to pay the nonfederal share of the costs to~~
84 27 ~~remove the person from the waiting list, the brain~~
84 28 ~~injury services program may provide the funding for~~
84 29 ~~the nonfederal share of the costs in order for the~~
84 30 ~~person to be removed from the waiting list and receive~~
84 31 ~~services under the waiver.~~

84 32 ~~c. A person who receives support under the~~
84 33 ~~waiver-eligible component is not eligible to receive~~
84 34 ~~support under the cost-share component of the program.~~

84 35 ~~d. Provision of funding under the waiver-eligible~~
84 36 ~~component is not an entitlement. Subject to the~~
84 37 ~~department of human services requirements for the~~
84 38 ~~brain injury services waiver waiting list, the program~~
84 39 ~~administrator shall make the final determination~~
84 40 ~~whether funding will be authorized under this~~
84 41 ~~component.~~

84 42 ~~Sec. 102. Section 135.22B, subsection 5,~~
84 43 ~~unnumbered paragraph 1, Code Supplement 2007, is~~
84 44 ~~amended to read as follows:~~

84 45 The cost-share component of the brain injury
84 46 services program shall be directed to persons who have
84 47 been determined to be ineligible for the brain injury
84 48 services waiver or persons who are eligible for the
84 49 waiver but funding was not authorized or available to
85 1 provide waiver eligibility for the persons ~~under the~~
85 2 ~~waiver-eligible component.~~ The cost-share component
85 3 is subject to general requirements which shall include
85 4 but are not limited to all of the following:
85 5 Sec. 103. Section 135.22B, subsection 8, paragraph

85 6 a, Code Supplement 2007, is amended to read as
85 7 follows:

85 8 a. The application materials for services under
85 9 ~~both the waiver-eligible and cost-share components~~
85 10 ~~component~~ of the brain injury services program shall
85 11 use the application form and other materials of the
85 12 brain injury services waiver. In order to apply for
85 13 the brain injury services program, the applicant must
85 14 authorize the department of human services to provide
85 15 the applicant's waiver application materials to the
85 16 brain injury services program. The application
85 17 materials provided shall include but are not limited
85 18 to the waiver application and any denial letter,
85 19 financial assessment, and functional assessment
85 20 regarding the person.

85 21 Sec. 104. NEW SECTION. 135.155 EARLY CHILDHOOD
85 22 IOWA COUNCIL.

85 23 1. COUNCIL CREATED. An early childhood Iowa
85 24 council is created as an alliance of stakeholders in
85 25 early care, health, and education systems that affect
85 26 children ages zero through five in Iowa.

85 27 2. PURPOSE. The purpose of the early childhood
85 28 Iowa council is to oversee the development of an Iowa
85 29 early childhood system by integrating the early care,
85 30 health, and education systems addressing the needs of
85 31 children ages zero through five and their families.
85 32 The council shall advise the governor, general
85 33 assembly, and public and private policy and service
85 34 providers in coordinating activities throughout the
85 35 state to fulfill its purpose.

85 36 3. VISION STATEMENT. All system development
85 37 activities addressed by the early childhood Iowa
85 38 council shall be aligned around the following vision
85 39 statement for the children of Iowa: "Every child,
85 40 beginning at birth, will be healthy and successful."

85 41 4. MEMBERSHIP. The early childhood Iowa council
85 42 membership shall include a representative of any
85 43 organization that touches the lives of young children
85 44 in the state ages zero through five, has endorsed the
85 45 purpose and vision statement for the council, has
85 46 endorsed the guiding principles adopted by the council
85 47 for the early childhood system, and has formally asked
85 48 to be a member and remains actively engaged in council
85 49 activities. The council shall work to ensure there is
85 50 geographic, cultural, and ethnic diversity among the
86 1 membership.

86 2 5. PROCEDURE. Except as otherwise provided by
86 3 law, the early childhood Iowa council shall determine
86 4 its own rules of procedure and operating provisions.

86 5 6. STEERING COMMITTEE. The early childhood Iowa
86 6 council shall operate with a steering committee to
86 7 organize, manage, and coordinate the activities of the
86 8 council and its component groups. The steering
86 9 committee may act on behalf of the council as
86 10 necessary. The steering committee membership shall
86 11 consist of the co-chairpersons of the council's
86 12 component groups, the chairperson of the state agency
86 13 liaison team, the community empowerment facilitator or
86 14 the facilitator's designee, and other leaders
86 15 designated by the council.

86 16 7. COMPONENT GROUPS. The early childhood Iowa
86 17 council shall maintain component groups to address the
86 18 key components of the Iowa early childhood system.
86 19 Each component group shall have one private and one
86 20 public agency co-chairperson. The council may change
86 21 the component groups as deemed necessary by the
86 22 advisory council. Initially, there shall be a
86 23 component group for each of the following:

- 86 24 a. Governance planning and administration.
- 86 25 b. Professional development.
- 86 26 c. Public engagement.
- 86 27 d. Quality services and programs.
- 86 28 e. Resources and funding.
- 86 29 f. Results accountability.

86 30 8. STATE AGENCY LIAISON TEAM. A state agency
86 31 liaison team shall provide input into the efforts of
86 32 the early childhood Iowa council. In addition to
86 33 designees of the governor, the team shall consist of
86 34 the directors or chief administrators, or their
86 35 designees, from the following state agencies and
86 36 programs:

86 37 a. Child health specialty clinics.
86 38 b. Office of community empowerment in the
86 39 department of management.
86 40 c. Department of education.
86 41 d. Division of libraries and information services
86 42 of the department of education.
86 43 e. Office of the governor.
86 44 f. Department of human rights.
86 45 g. Department of human services.
86 46 h. Postsecondary education institutions, including
86 47 but not limited to institutions of higher learning
86 48 under the control of the state board of regents and
86 49 Iowa community colleges.
86 50 i. Department of public health.

87 1 9. DUTIES. In addition to the advisory function
87 2 specified in subsection 2, the early childhood Iowa
87 3 council's duties shall include but are not limited to
87 4 all of the following regarding the Iowa early
87 5 childhood system:

87 6 a. Coordinate the development and implementation
87 7 of a strategic plan.
87 8 b. Assist in the development of responsibilities
87 9 across agencies and other entities to achieve
87 10 strategic goals.
87 11 c. Work with the Iowa empowerment board in
87 12 developing public-private partnerships to support the
87 13 early childhood system through the first years first
87 14 account in the Iowa empowerment fund and other efforts
87 15 for expanding investment of private funding in the
87 16 early childhood system. As this and similar efforts
87 17 to expand and coordinate investments from all public
87 18 and private sources evolve and mature, make
87 19 recommendations for designation of or contracting with
87 20 a private nonprofit organization to serve as a fiscal
87 21 agent for the early childhood system or another
87 22 approach for increasing public and private investment
87 23 in the system.
87 24 d. Report annually by December 31 to the governor
87 25 and general assembly. The report content shall
87 26 include but is not limited to all of the following:

87 27 (1) The status and results of the council's
87 28 efforts to engage the public regarding the early care,
87 29 health, and education needs of children ages zero
87 30 through five and the efforts to develop and promote
87 31 private sector involvement with the early childhood
87 32 system.

87 33 (2) The status of the community empowerment
87 34 initiative and the overall early childhood system in
87 35 achieving the following initial set of desired results
87 36 identified in section 28.2:

87 37 (a) Healthy children.
87 38 (b) Children ready to succeed in school.
87 39 (c) Safe and supportive communities.
87 40 (d) Secure and nurturing families.
87 41 (e) Secure and nurturing early care and education
87 42 environments.

87 43 Sec. 105. NEW SECTION. 135.156 LEAD AGENCY AND
87 44 OTHER STATE AGENCIES.

87 45 1. The lead agency for support of the early
87 46 childhood Iowa council for state agency efforts to
87 47 develop an early childhood system for Iowa shall be
87 48 the department of public health.

87 49 2. The department shall work with the early
87 50 childhood Iowa council in integrating early care,
88 1 health, and education systems to develop an early
88 2 childhood system for Iowa. The department shall do
88 3 all of the following in developing the system:

88 4 a. Work with state agencies to enter into
88 5 memorandums of understanding outlining the agencies'
88 6 responsibilities in the system.
88 7 b. Work with private businesses, foundations, and
88 8 nonprofit organizations in implementing a
88 9 public-private partnership to develop and provide
88 10 funding for the system.
88 11 c. Maintain an internet site for distributing the
88 12 information provided through the council and its
88 13 component groups.

88 14 Sec. 106. Section 135B.34, Code 2007, is amended
88 15 by striking the section and inserting in lieu thereof
88 16 the following:
88 17 135B.34 HOSPITAL EMPLOYEES == CRIMINAL HISTORY AND

88 18 ABUSE RECORD CHECKS == PENALTY.
88 19 1. Prior to employment of a person in a hospital,
88 20 the hospital shall request that the department of
88 21 public safety perform a criminal history check and the
88 22 department of human services perform child and
88 23 dependent adult abuse record checks of the person in
88 24 this state. A hospital shall inform all persons prior
88 25 to employment regarding the performance of the records
88 26 checks and shall obtain, from the persons, a signed
88 27 acknowledgment of the receipt of the information. A
88 28 hospital shall include the following inquiry in an
88 29 application for employment: "Do you have a record of
88 30 founded child or dependent adult abuse or have you
88 31 ever been convicted of a crime, in this state or any
88 32 other state?"
88 33 2. a. If it is determined that a person being
88 34 considered for employment in a hospital has committed
88 35 a crime, the department of public safety shall notify
88 36 the hospital that upon the request of the hospital the
88 37 department of human services will perform an
88 38 evaluation to determine whether the crime warrants
88 39 prohibition of the person's employment in the
88 40 hospital.
88 41 b. If a department of human services child or
88 42 dependent adult abuse record check shows that the
88 43 person has a record of founded child or dependent
88 44 adult abuse, the department of human services shall
88 45 notify the hospital that upon the request of the
88 46 hospital the department of human services will perform
88 47 an evaluation to determine whether the founded child
88 48 or dependent adult abuse warrants prohibition of the
88 49 person's employment in the hospital.
88 50 c. An evaluation performed under this subsection
89 1 shall be performed in accordance with procedures
89 2 adopted for this purpose by the department of human
89 3 services.
89 4 d. (1) If a person owns or operates more than one
89 5 hospital, and an employee of one of such hospitals is
89 6 transferred to another such hospital without a lapse
89 7 in employment, the hospital is not required to request
89 8 additional criminal and child and dependent adult
89 9 abuse records checks of that employee.
89 10 (2) If the ownership of a hospital is transferred,
89 11 at the time of transfer the records checks required by
89 12 this section shall be performed for each employee for
89 13 whom there is no documentation that such records
89 14 checks have been performed. The hospital may continue
89 15 to employ such employee pending the performance of the
89 16 records checks and any related evaluation.
89 17 3. In an evaluation, the department of human
89 18 services shall consider the nature and seriousness of
89 19 the crime or founded child or dependent adult abuse in
89 20 relation to the position sought or held, the time
89 21 elapsed since the commission of the crime or founded
89 22 child or dependent adult abuse, the circumstances
89 23 under which the crime or founded child or dependent
89 24 adult abuse was committed, the degree of
89 25 rehabilitation, the likelihood that the person will
89 26 commit the crime or founded child or dependent adult
89 27 abuse again, and the number of crimes or founded child
89 28 or dependent adult abuses committed by the person
89 29 involved. If the department of human services
89 30 performs an evaluation for the purposes of this
89 31 section, the department of human services has final
89 32 authority in determining whether prohibition of the
89 33 person's employment is warranted.
89 34 4. a. Except as provided in paragraph "b" and
89 35 subsection 2, a person who has committed a crime or
89 36 has a record of founded child or dependent adult abuse
89 37 shall not be employed in a hospital licensed under
89 38 this chapter unless an evaluation has been performed
89 39 by the department of human services.
89 40 b. A person with a criminal or abuse record who is
89 41 employed by a hospital licensed under this chapter and
89 42 is hired by another licensee without a lapse in
89 43 employment shall be subject to the criminal history
89 44 and abuse record checks required pursuant to
89 45 subsection 1. If an evaluation was previously
89 46 performed by the department of human services
89 47 concerning the person's criminal or abuse record and
89 48 it was determined that the record did not warrant

89 49 prohibition of the person's employment and the latest
89 50 record checks do not indicate a crime was committed or
90 1 founded abuse record was entered subsequent to that
90 2 evaluation, the person may commence employment with
90 3 the other licensee while the department of human
90 4 services' evaluation of the latest record checks is
90 5 pending. Otherwise, the requirements of paragraph "a"
90 6 remain applicable to the person's employment.

90 7 5. a. If a person employed by a hospital that is
90 8 subject to this section is convicted of a crime or has
90 9 a record of founded child or dependent adult abuse
90 10 entered in the abuse registry after the person's
90 11 employment application date, the person shall inform
90 12 the hospital of such information within forty-eight
90 13 hours of the criminal conviction or entry of the
90 14 record of founded child or dependent adult abuse. The
90 15 hospital shall act to verify the information within
90 16 forty-eight hours of notification. If the information
90 17 is verified, the requirements of subsections 2, 3, and
90 18 4 regarding employability and evaluations shall be
90 19 applied by the hospital to determine whether or not
90 20 the person's employment is continued. The hospital
90 21 may continue to employ the person pending the
90 22 performance of an evaluation by the department of
90 23 human services to determine whether prohibition of the
90 24 person's employment is warranted. A person who is
90 25 required by this subsection to inform the person's
90 26 employer of a conviction or entry of an abuse record
90 27 and fails to do so within the required period commits
90 28 a serious misdemeanor.

90 29 b. If a hospital receives credible information, as
90 30 determined by the hospital, that a person employed by
90 31 the hospital has been convicted of a crime or a record
90 32 of founded child or dependent adult abuse has been
90 33 entered in the abuse registry after employment from a
90 34 person other than the employee and the employee has
90 35 not informed the hospital of such information within
90 36 the period required under paragraph "a", the hospital
90 37 shall act to verify the credible information within
90 38 forty-eight hours of receipt of the credible
90 39 information. If the information is verified, the
90 40 requirements of subsections 2, 3, and 4 regarding
90 41 employability and evaluations shall be applied by the
90 42 hospital to determine whether or not the person's
90 43 employment is continued.

90 44 c. The hospital may notify the county attorney for
90 45 the county where the hospital is located of any
90 46 violation or failure by an employee to notify the
90 47 hospital of a criminal conviction or entry of an abuse
90 48 record within the period required under paragraph "a".

90 49 6. A hospital licensed in this state may access
90 50 the single contact repository established by the
91 1 department pursuant to section 135C.33 as necessary
91 2 for the hospital to perform record checks of persons
91 3 employed or being considered for employment by the
91 4 hospital.

91 5 Sec. 107. Section 135C.33, Code 2007, is amended
91 6 to read as follows:
91 7 135C.33 EMPLOYEES == CHILD OR DEPENDENT ADULT
91 8 ABUSE INFORMATION AND CRIMINAL RECORDS RECORD CHECKS
91 9 == EVALUATIONS == APPLICATION TO OTHER PROVIDERS ==
91 10 PENALTY.

~~91 11 1. Beginning July 1, 1997, prior~~ Prior to
91 12 employment of a person in a facility, the facility
91 13 shall request that the department of public safety
91 14 perform a criminal history check and the department of
91 15 human services perform a child and dependent adult
91 16 abuse record check checks of the person in this state.
91 17 ~~In addition, the facility may request that the~~
91 18 ~~department of human services perform a child abuse~~
91 19 ~~record check in this state. Beginning July 1, 1997, a~~

91 20 A facility shall inform all persons prior to
91 21 employment regarding the performance of the records
91 22 checks and shall obtain, from the persons, a signed
91 23 acknowledgment of the receipt of the information.
91 24 ~~Additionally, a~~ A facility shall include the following
91 25 inquiry in an application for employment: "Do you
91 26 have a record of founded child or dependent adult
91 27 abuse or have you ever been convicted of a crime, in
91 28 this state or any other state?"

91 29 2. a. If ~~the~~ it is determined that a person being

~~91 30 considered for employment in a facility has been
91 31 convicted of a crime under a law of any state or has a
91 32 record of founded child or dependent adult abuse, the
91 33 department of public safety shall notify the licensee
91 34 that upon the request of the licensee the department
91 35 of human services shall, upon the facility's request,
91 36 perform an evaluation will perform an evaluation to
91 37 determine whether the crime or founded child or
91 38 dependent adult abuse warrants prohibition of the
91 39 person's employment in the facility.~~

~~91 40 b. If a department of human services child or
91 41 dependent adult abuse record check shows that such
91 42 person has a record of founded child or dependent
91 43 adult abuse, the department of human services shall
91 44 notify the licensee that upon the request of the
91 45 licensee the department of human services will perform
91 46 an evaluation to determine whether the founded child
91 47 or dependent adult abuse warrants prohibition of
91 48 employment in the facility.~~

~~91 49 c. The An evaluation performed under this
91 50 subsection shall be performed in accordance with
92 1 procedures adopted for this purpose by the department
92 2 of human services.~~

~~92 3 d. (1) If a person owns or operates more than one
92 4 facility, and an employee of one of such facilities is
92 5 transferred to another such facility without a lapse
92 6 in employment, the facility is not required to request
92 7 additional criminal and child and dependent adult
92 8 abuse record checks of that employee.~~

~~92 9 (2) If the ownership of a facility is transferred,
92 10 at the time of transfer the records checks required by
92 11 this section shall be performed for each employee for
92 12 whom there is no documentation that such records
92 13 checks have been performed. The facility may continue
92 14 to employ such employee pending the performance of the
92 15 records checks and any related evaluation.~~

~~92 16 2. If the department of public safety determines
92 17 that a person has committed a crime and is to be
92 18 employed in a facility licensed under this chapter,
92 19 the department of public safety shall notify the
92 20 licensee that an evaluation, if requested by the
92 21 facility, will be conducted by the department of human
92 22 services to determine whether prohibition of the
92 23 person's employment is warranted. If a department of
92 24 human services child or dependent adult abuse record
92 25 check shows that the person has a record of founded
92 26 child or dependent adult abuse, the department of
92 27 human services shall inform the licensee that an
92 28 evaluation, if requested by the facility, will be
92 29 conducted to determine whether prohibition of the
92 30 person's employment is warranted.~~

~~92 31 3. In an evaluation, the department of human
92 32 services shall consider the nature and seriousness of
92 33 the crime or founded child or dependent adult abuse in
92 34 relation to the position sought or held, the time
92 35 elapsed since the commission of the crime or founded
92 36 child or dependent adult abuse, the circumstances
92 37 under which the crime or founded child or dependent
92 38 adult abuse was committed, the degree of
92 39 rehabilitation, the likelihood that the person will
92 40 commit the crime or founded child or dependent adult
92 41 abuse again, and the number of crimes or founded child
92 42 or dependent adult abuses committed by the person
92 43 involved. The If the department of human services
92 44 performs an evaluation for the purposes of this
92 45 section, the department of human services has final
92 46 authority in determining whether prohibition of the
92 47 person's employment is warranted.~~

~~92 48 4. a. Except as provided in paragraph "b" and
92 49 subsection 2, a person who has committed a crime or
92 50 has a record of founded child or dependent adult abuse
93 1 shall not be employed in a facility licensed under
93 2 this chapter unless an evaluation has been performed
93 3 by the department of human services. If the
93 4 department of human services determines from the
93 5 evaluation that the person has committed a crime or
93 6 has a record of founded child or dependent adult abuse
93 7 which warrants prohibition of employment, the person
93 8 shall not be employed in a facility licensed under
93 9 this chapter.~~

~~93 10 b. A person with a criminal or abuse record who is~~

93 11 employed by a facility licensed under this chapter and
93 12 is hired by another licensee without a lapse in
93 13 employment shall be subject to the criminal history
93 14 and abuse record checks required pursuant to
93 15 subsection 1. If an evaluation was previously
93 16 performed by the department of human services
93 17 concerning the person's criminal or abuse record and
93 18 it was determined that the record did not warrant
93 19 prohibition of the person's employment and the latest
93 20 record checks do not indicate a crime was committed or
93 21 founded abuse record was entered subsequent to that
93 22 evaluation, the person may commence employment with
93 23 the other licensee while the department of human
93 24 services' evaluation of the latest record checks is
93 25 pending. Otherwise, the requirements of paragraph "a"
93 26 remain applicable to the person's employment.

93 27 5. ~~a. Beginning July 1, 1998, this~~ This section
93 28 shall also apply to prospective employees of all of
93 29 the following, if the provider is regulated by the
93 30 state or receives any state or federal funding:

93 31 ~~a-~~ (1) An employee of a homemaker, home-health
93 32 aide, home-care aide, adult day services, or other
93 33 provider of in-home services if the employee provides
93 34 direct services to consumers.

93 35 ~~b-~~ (2) An employee of a hospice, if the employee
93 36 provides direct services to consumers.

93 37 ~~c-~~ (3) An employee who provides direct services
93 38 to consumers under a federal home and community-based
93 39 services waiver.

93 40 ~~d-~~ (4) An employee of an elder group home
93 41 certified under chapter 231B, if the employee provides
93 42 direct services to consumers.

93 43 ~~e-~~ (5) An employee of an assisted living program
93 44 certified under chapter 231C, if the employee provides
93 45 direct services to consumers.

93 46 b. In substantial conformance with the provisions
93 47 of this section, prior to the employment of such an
93 48 employee, the provider shall request the performance
93 49 of the criminal and child and dependent adult abuse
93 50 ~~record checks and may request the performance of the~~
~~94 1 child abuse record checks.~~ The provider shall inform
94 2 the prospective employee and obtain the prospective
94 3 employee's signed acknowledgment. The department of
94 4 human services shall perform the evaluation of any
94 5 criminal record or founded child or dependent adult
94 6 abuse record and shall make the determination of
94 7 whether a prospective employee of a provider shall not
94 8 be employed by the provider.

94 9 6. a. The department of inspections and appeals,
94 10 in conjunction with other departments and agencies of
94 11 state government involved with criminal history and
94 12 abuse registry information, shall establish a single
94 13 contact repository for facilities and other providers
94 14 to have electronic access to data to perform
94 15 background checks for purposes of employment, as
94 16 required of the facilities and other providers under
94 17 this section.

94 18 b. The department may access the single contact
94 19 repository for any of the following purposes:

94 20 (1) To verify data transferred from the
94 21 department's nurse aide registry to the repository.

94 22 (2) To conduct record checks of applicants for
94 23 employment with the department.

94 24 7. a. If a person employed by a facility,
94 25 service, or program employer that is subject to this
94 26 section is convicted of a crime or has a record of
94 27 founded child or dependent adult abuse entered in the
94 28 abuse registry after the person's employment
94 29 application date, the person shall inform the employer
94 30 of such information within forty-eight hours of the
94 31 criminal conviction or entry of the record of founded
94 32 child or dependent adult abuse. The employer shall
94 33 act to verify the information within forty-eight hours
94 34 of notification. If the information is verified, the
94 35 requirements of subsections 2, 3, and 4 regarding
94 36 employability and evaluations shall be applied by the
94 37 employer to determine whether or not the person's
94 38 employment is continued. The employer may continue to
94 39 employ the person pending the performance of an
94 40 evaluation by the department of human services to
94 41 determine whether prohibition of the person's

94 42 employment is warranted. A person who is required by
94 43 this subsection to inform the person's employer of a
94 44 conviction or entry of an abuse record and fails to do
94 45 so within the required period commits a serious
94 46 misdemeanor.

94 47 b. If a facility, service, or program employer
94 48 receives credible information, as determined by the
94 49 employer, that a person employed by the employer has
94 50 been convicted of a crime or a record of founded child
95 1 or dependent adult abuse has been entered in the abuse
95 2 registry after employment from a person other than the
95 3 employee and the employee has not informed the
95 4 employer of such information within the period
95 5 required under paragraph "a", the employer shall act
95 6 to verify the credible information within forty-eight
95 7 hours of receipt of the credible information. If the
95 8 information is verified, the requirements of
95 9 subsections 2, 3, and 4 regarding employability and
95 10 evaluations shall be applied to determine whether or
95 11 not the person's employment is continued.

95 12 c. The employer may notify the county attorney for
95 13 the county where the employer is located of any
95 14 violation or failure by an employee to notify the
95 15 employer of a criminal conviction or entry of an abuse
95 16 record within the period required under paragraph "a".

95 17 Sec. 108. Section 135H.3, Code 2007, is amended to
95 18 read as follows:

95 19 135H.3 NATURE OF CARE.

95 20 1. A psychiatric medical institution for children
95 21 shall utilize a team of professionals to direct an
95 22 organized program of diagnostic services, psychiatric
95 23 services, nursing care, and rehabilitative services to
95 24 meet the needs of residents in accordance with a
95 25 medical care plan developed for each resident. Social
95 26 and rehabilitative services shall be provided under
95 27 the direction of a qualified mental health
95 28 professional.

95 29 2. A child who requires treatment for a
95 30 biologically based mental illness as defined in
95 31 section 514C.22, and meets the medical assistance
95 32 program criteria for admission to a psychiatric
95 33 medical institution for children shall be deemed to
95 34 meet the acuity criteria for inpatient benefits under
95 35 a group policy, contract, or plan providing for
95 36 third-party payment or prepayment of health, medical,
95 37 and surgical coverage benefits issued by a carrier, as
95 38 defined in section 513B.2, or by an organized delivery
95 39 system authorized under 1993 Iowa Acts, chapter 158,
95 40 that is subject to section 514C.22.

95 41 Sec. 109. Section 217.19, Code 2007, is amended by
95 42 adding the following new unnumbered paragraph:

95 43 NEW UNNUMBERED PARAGRAPH. The department of
95 44 administrative services shall work with the department
95 45 of human services to develop and implement an expense
95 46 policy applicable to the members of a board,
95 47 commission, committee, or other body under the
95 48 auspices of the department of human services who meet
95 49 the income requirements for payment of per diem in
95 50 accordance with section 7E.6, subsection 2. The
96 1 policy shall allow for the payment of the member's
96 2 expenses to be addressed through use of direct
96 3 billings, travel purchase card, prepaid expenses, or
96 4 other alternative means of addressing the expenses in
96 5 lieu of reimbursement of the member.

96 6 Sec. 110. Section 225C.40, Code 2007, is amended
96 7 by adding the following new subsection:

96 8 NEW SUBSECTION. 4. If a family appeals the
96 9 termination of a family member who has attained the
96 10 age of eighteen years, family support subsidy payments
96 11 for that family member shall be withheld pending
96 12 resolution of the appeal.

96 13 Sec. 111. NEW SECTION. 234.47 STATE CHILD CARE
96 14 ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS ==
96 15 EXPENDITURE PROJECTIONS. The department of human
96 16 services, the department of management, and the
96 17 legislative services agency shall utilize a joint
96 18 process to arrive at consensus projections for
96 19 expenditures for the state child care assistance
96 20 program under section 237A.13 and adoption subsidy and
96 21 other assistance provided under section 600.17.

96 22 Sec. 112. Section 235B.6, subsection 2, Code

96 23 Supplement 2007, is amended by adding the following
96 24 new paragraph:

96 25 NEW PARAGRAPH. f. To a person who submits written
96 26 authorization from an individual allowing the person
96 27 access to information on the determination only on
96 28 whether or not the individual who authorized the
96 29 access is named in a founded dependent adult abuse
96 30 report as having abused a dependent adult.

96 31 Sec. 113. Section 237A.3, Code 2007, is amended by
96 32 adding the following new subsection:

96 33 NEW SUBSECTION. 3. The location at which the
96 34 child care is provided shall be a single-family
96 35 residence that is owned, rented, or leased by the
96 36 person or program providing the child care. For
96 37 purposes of this subsection, a "single-family
96 38 residence" includes an apartment, condominium,
96 39 townhouse, or other individual unit within a multiple
96 40 unit residential dwelling, but does not include a
96 41 commercial or industrial building that is primarily
96 42 used for purposes other than a residence.

96 43 Sec. 114. Section 237A.3A, subsection 3, Code
96 44 2007, is amended by adding the following new
96 45 paragraph:

96 46 NEW PARAGRAPH. d. The rules shall require a child
96 47 development home to be located in a single-family
96 48 residence that is owned, rented, or leased by the
96 49 person or, for dual registrations, at least one of the
96 50 persons who is named on the child development home's
97 1 certificate of registration. For purposes of this
97 2 paragraph, a "single-family residence" includes an
97 3 apartment, condominium, townhouse, or other individual
97 4 unit within a multiple unit residential dwelling, but
97 5 does not include a commercial or industrial building
97 6 that is primarily used for purposes other than a
97 7 residence.

97 8 Sec. 115. Section 237A.5, subsection 2, Code 2007,
97 9 is amended by adding the following new paragraph:

97 10 NEW PARAGRAPH. cc. If a record check performed in
97 11 accordance with paragraph "b" or "c" identifies that
97 12 an individual is a person subject to an evaluation,
97 13 the department shall perform the evaluation in
97 14 accordance with this subsection, even if the
97 15 application which made the person subject to the
97 16 record check is withdrawn or the circumstances which
97 17 made the person subject to the record check are no
97 18 longer applicable. If the department's evaluation
97 19 determines that prohibition of the person's
97 20 involvement with child care is warranted, the
97 21 provisions of this subsection regarding such a
97 22 prohibition shall apply.

97 23 Sec. 116. Section 237A.13, subsection 8, Code
97 24 Supplement 2007, is amended by striking the
97 25 subsection.

97 26 Sec. 117. NEW SECTION. 249A.15A LICENSED MARITAL
97 27 AND FAMILY THERAPISTS AND LICENSED MASTER SOCIAL
97 28 WORKERS.

97 29 1. The department shall adopt rules pursuant to
97 30 chapter 17A entitling marital and family therapists
97 31 who are licensed pursuant to chapter 154D to payment
97 32 for behavioral health services provided to recipients
97 33 of medical assistance, subject to limitations and
97 34 exclusions the department finds necessary on the basis
97 35 of federal laws and regulations.

97 36 2. The department shall adopt rules pursuant to
97 37 chapter 17A entitling master social workers who hold a
97 38 master's degree approved by the board of social work,
97 39 are licensed as a master social worker pursuant to
97 40 section 154C.3, subsection 1, paragraph "b", and
97 41 provide treatment services under the supervision of an
97 42 independent social worker licensed pursuant to section
97 43 154C.3, subsection 1, paragraph "c", to payment for
97 44 behavioral health services provided to recipients of
97 45 medial assistance, subject to limitations and
97 46 exclusions the department finds necessary on the basis
97 47 of federal laws and regulations.

97 48 Sec. 118. Section 249J.20, subsections 2 and 4,
97 49 Code 2007, are amended to read as follows:

97 50 2. The council shall meet as often as deemed
98 1 necessary, but shall meet at least ~~quarterly~~ annually.
98 2 The council may use sources of information deemed
98 3 appropriate, and the department and other agencies of

98 4 state government shall provide information to the
98 5 council as requested. The legislative services agency
98 6 shall provide staff support to the council.

98 7 4. The council shall do all of the following:

98 8 a. Make ~~quarterly~~ cost projections for the medical
98 9 assistance program and the expansion population.

98 10 b. Review ~~quarterly~~ reports on all initiatives
98 11 under this chapter, including those provisions in the
98 12 design, development, and implementation phases, and
98 13 make additional recommendations for medical assistance
98 14 program and expansion population reform on an annual
98 15 basis.

98 16 c. Review annual audited financial statements
98 17 relating to the expansion population submitted by the
98 18 providers included in the expansion population
98 19 provider network.

98 20 d. Review ~~quarterly~~ reports on the success of the
98 21 Iowa Medicaid enterprise based upon the contractual
98 22 performance measures for each Iowa Medicaid enterprise
98 23 partner.

98 24 e. Assure that the expansion population is managed
98 25 at all times within funding limitations. In assuring
98 26 such compliance, the council shall assume that
98 27 supplemental funding will not be available for
98 28 coverage of services provided to the expansion
98 29 population.

98 30 Sec. 119. NEW SECTION. 256.35A IOWA AUTISM
98 31 COUNCIL.

98 32 1. An Iowa autism council is created to act in an
98 33 advisory capacity to the state in developing and
98 34 implementing a comprehensive, coordinated system to
98 35 provide appropriate diagnostic, intervention, and
98 36 support services for children with autism and to meet
98 37 the unique needs of adults with autism.

98 38 2. a. The council shall consist of thirteen
98 39 voting members appointed by the governor and confirmed
98 40 by the senate. The majority of the voting members
98 41 shall be individuals with autism or members of their
98 42 families. Additionally, each of the following shall
98 43 be represented among the voting members:

98 44 (1) Autism diagnostic and research specialists.

98 45 (2) Individuals with recognized expertise in
98 46 utilizing best practices for diagnosis, intervention,
98 47 education, and support services for individuals with
98 48 autism.

98 49 (3) Individuals providing residential services for
98 50 individuals with autism.

99 1 (4) Mental health professionals with background or
99 2 expertise in a pertinent mental health field such as
99 3 psychiatry, psychology, or behavioral health.

99 4 (5) Private insurers.

99 5 (6) Teachers and representatives of area education
99 6 agencies.

99 7 b. In addition, representatives of the department
99 8 of education, the division of vocational
99 9 rehabilitation of the department of education, the
99 10 department of public health, the department of human
99 11 services, the governor's developmental disabilities
99 12 council, the division of insurance of the department
99 13 of commerce, and the state board of regents shall
99 14 serve as ex officio members of the advisory council.
99 15 Ex officio members shall work together in a
99 16 collaborative manner to serve as a resource to the
99 17 advisory council. The council may also form
99 18 workgroups as necessary to address specific issues
99 19 within the technical purview of individual members.

99 20 c. Voting members shall serve three-year terms
99 21 beginning and ending as provided in section 69.19, and
99 22 appointments shall comply with sections 69.16 and
99 23 69.16A. Vacancies on the council shall be filled in
99 24 the same manner as the original appointment. A person
99 25 appointed to fill a vacancy shall serve only for the
99 26 unexpired portion of the term. Public members shall
99 27 receive reimbursement for actual expenses incurred
99 28 while serving in their official capacity and may also
99 29 be eligible to receive compensation as provided in
99 30 section 7E.6.

99 31 d. The council shall elect a chairperson from its
99 32 voting members annually. A majority of the voting
99 33 members of the council shall constitute a quorum.

99 34 e. The department shall convene and provide

99 35 administrative support to the council.
99 36 3. The council shall focus its efforts on
99 37 addressing the unmet needs of individuals with autism
99 38 at various levels of severity and their families. The
99 39 council shall address all of the following:
99 40 a. Early identification by medical professionals
99 41 of autism, including education and training of health
99 42 care and mental health care professionals and the use
99 43 of best practice guidelines.
99 44 b. Appropriate early and intensive early
99 45 intervention services with access to models of
99 46 training.
99 47 c. Integration and coordination of the medical
99 48 community, community educators, childhood educators,
99 49 health care providers, and community-based services
99 50 into a seamless support system for individuals and
100 1 their families.
100 2 d. General and special education support services.
100 3 e. In-home support services for families requiring
100 4 behavioral and other supports.
100 5 f. Training for educators, parents, siblings, and
100 6 other family members.
100 7 g. Enhancing of community agency responsiveness to
100 8 the living, learning, and employment needs of adults
100 9 with autism and provision of services including but
100 10 not limited to respite services, crisis intervention,
100 11 employment assistance, case management, and long-term
100 12 care options.
100 13 h. Financing options including but not limited to
100 14 medical assistance waivers and private health
100 15 insurance coverage.
100 16 i. Data collection.
100 17 4. The council shall meet quarterly. The council
100 18 shall submit a report to the governor and the general
100 19 assembly, annually by December 15, identifying the
100 20 needs and making recommendations for improving and
100 21 enhancing the lives of individuals with autism and
100 22 their families.
100 23 5. For the purposes of this section, "autism"
100 24 means a spectrum disorder that includes at various
100 25 levels of severity, autism, Asperger's disorder,
100 26 pervasive developmental disorder not otherwise
100 27 specified, Rett's syndrome, and childhood
100 28 disintegrative disorder.
100 29 Sec. 120. Section 514I.6, Code 2007, is amended by
100 30 adding the following new subsection:
100 31 NEW SUBSECTION. 7. Provide qualified child health
100 32 plans to eligible children. A participating insurer
100 33 shall not require participation by a provider in other
100 34 health insurance products of the participating insurer
100 35 as a condition of participation in the qualified child
100 36 health plan.
100 37 Sec. 121. Section 642.2, subsection 4, Code 2007,
100 38 is amended to read as follows:
100 39 4. Notwithstanding subsections 2, 3, and 6, and 7,
100 40 any moneys owed to the child support obligor by the
100 41 state, with the exception of unclaimed property held
100 42 by the treasurer of state pursuant to chapter 556, and
100 43 payments owed to the child support obligor through the
100 44 Iowa public employees' retirement system are subject
100 45 to garnishment, attachment, execution, or assignment
100 46 by the child support recovery unit if the child
100 47 support recovery unit is providing enforcement
100 48 services pursuant to chapter 252B. Any moneys that
100 49 are determined payable by the treasurer pursuant to
100 50 section 556.20, subsection 2, to the child support
101 1 obligor shall be subject to setoff pursuant to section
101 2 8A.504, notwithstanding any administrative rule
101 3 pertaining to the child support recovery unit limiting
101 4 the amount of the offset.
101 5 Sec. 122. 2005 Iowa Acts, chapter 167, section 61,
101 6 is amended by striking the section and inserting in
101 7 lieu thereof the following:
101 8 SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER
101 9 INMATES OF STATE INSTITUTIONS == REVIEW.
101 10 1. The president of the state board of regents
101 11 shall convene a workgroup comprised of the president
101 12 or the president's designee, the director of the
101 13 department of corrections or the director's designee,
101 14 the director of the department of human services or
101 15 the director's designee, and a representative of the

101 16 university of Iowa hospitals and clinics to review the
101 17 provision of treatment and care to the inmates,
101 18 students, patients, and former inmates specified in
101 19 sections 263.21 and 263.22. The review shall
101 20 determine all of the following:

101 21 a. The actual cost to the university of Iowa
101 22 hospitals and clinics to provide care and treatment to
101 23 the inmates, students, patients, and former inmates on
101 24 an annual basis. The actual cost shall be determined
101 25 utilizing Medicare cost accounting principles.

101 26 b. The number of inmates, students, patients, and
101 27 former inmates provided treatment at the university of
101 28 Iowa hospitals and clinics, annually.

101 29 c. The specific types of treatment and care
101 30 provided to the inmates, students, patients, and
101 31 former inmates.

101 32 d. The existing sources of revenue that may be
101 33 available to pay for the costs of providing care and
101 34 treatment to the inmates, students, patients, and
101 35 former inmates.

101 36 e. The cost to the department of human services,
101 37 the Iowa department of corrections, and the state
101 38 board of regents to provide transportation and
101 39 staffing relative to provision of care and treatment
101 40 to the inmates, students, patients, and former inmates
101 41 at the university of Iowa hospitals and clinics.

101 42 f. The effect of any proposed alternatives for
101 43 provision of care and treatment for inmates, students,
101 44 patients, or former inmates, including the proposed
101 45 completion of the hospital unit at the Iowa state
101 46 penitentiary at Fort Madison.

101 47 2. The workgroup shall submit a report of its
101 48 findings to the governor and the general assembly no
101 49 later than December 31, 2008. The report shall also
101 50 include any recommendations for improvement in the
102 1 provision of care and treatment to inmates, students,
102 2 patients, and former inmates, under the control of the
102 3 department of human services, the Iowa department of
102 4 corrections, and the state board of regents.

102 5 Sec. 123. MEDICAID STATE PLAN == MARITAL AND
102 6 FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

102 7 1. The department of human services shall amend
102 8 the medical assistance state plan to allow marital and
102 9 family therapists licensed in the state to be
102 10 participating behavioral health providers under the
102 11 medical assistance program.

102 12 2. The department of human services shall amend
102 13 the medical assistance state plan to allow master
102 14 social workers who hold a master's degree approved by
102 15 the board of social work, are licensed as a master
102 16 social worker pursuant to section 154C.3, subsection
102 17 1, paragraph "b", and provide treatment services under
102 18 the supervision of an independent social worker
102 19 licensed pursuant to section 154C.3, subsection 1,
102 20 paragraph "c", to be participating behavioral health
102 21 services providers under the medical assistance
102 22 program.

102 23 DIVISION VIII
102 24 DOMESTIC VIOLENCE

102 25 Sec. 124. Section 236.2, Code 2007, is amended by
102 26 adding the following new subsection:

102 27 NEW SUBSECTION. 4A. "Household pet" means pet as
102 28 defined in section 198.3.

102 29 Sec. 125. Section 236.3, subsection 6, Code 2007,
102 30 is amended to read as follows:

102 31 6. Name and age of each child under eighteen whose
102 32 welfare may be affected by the controversy. The

102 33 petition may also specify household pets which may be
102 34 affected by the controversy.

102 35 Sec. 126. Section 236.4, subsection 2, Code 2007,
102 36 is amended to read as follows:

102 37 2. The court may enter any temporary order it
102 38 deems necessary to protect the plaintiff from domestic
102 39 abuse prior to the hearing, including temporary
102 40 custody or visitation orders or temporary orders

102 41 relating to household pets, upon good cause shown in
102 42 an ex parte proceeding. Present danger of domestic
102 43 abuse to the plaintiff constitutes good cause for
102 44 purposes of this subsection.

102 45 a. The court may award temporary custody of or
102 46 establish temporary visitation rights with regard to

102 47 children under eighteen years of age. In awarding
102 48 temporary custody or temporary visitation rights, the
102 49 court shall give primary consideration to the safety
102 50 of the alleged victim and the children. Prior to the
103 1 entry of any temporary order pursuant to this
103 2 subsection related to a child custody determination as
103 3 defined in section 598B.102, the plaintiff shall
103 4 comply with the provisions of section 598B.209. If
103 5 the court finds that the safety of the alleged victim
103 6 will be jeopardized by unsupervised or unrestricted
103 7 visitation, the court shall set conditions or restrict
103 8 visitation as to time, place, duration, or
103 9 supervision, or deny visitation entirely, as needed to
103 10 guard the safety of the victim and the children. The
103 11 court shall also determine whether any other existing
103 12 orders awarding custody or visitation should be
103 13 modified.

103 14 b. The court may issue a temporary order granting
103 15 the petitioner the exclusive care, possession, or
103 16 control of a household pet specified in the petition
103 17 which may be affected by the controversy. In granting
103 18 temporary care, possession, or control of a household
103 19 pet, the court shall give primary consideration to the
103 20 safety of the alleged victim and the children.

103 21 Sec. 127. Section 236.5, subsection 2, Code 2007,
103 22 is amended by adding the following new paragraph:
103 23 NEW PARAGRAPH. bb. That the plaintiff or
103 24 defendant have exclusive care, possession, or control
103 25 of a household pet affected by the controversy.

103 26 DIVISION IX
103 27 TUITION ASSISTANCE == HEALTH CARE
103 28 FACILITY EMPLOYEES

103 29 Sec. 128. TUITION ASSISTANCE FOR INDIVIDUALS
103 30 SERVING INDIVIDUALS WITH DISABILITIES == PILOT
103 31 PROGRAM.

103 32 1. If the general assembly appropriates moneys for
103 33 the establishment of a tuition assistance pilot
103 34 program for employees of health care facilities
103 35 serving adults with mental illness or mental
103 36 retardation, the department of education, in
103 37 consultation with the department of human services and
103 38 the community colleges, shall establish a statewide
103 39 pilot program to provide grants to community colleges
103 40 for the purpose of awarding tuition assistance to
103 41 individuals pursuing a course of study leading to a
103 42 degree applicable to the health care workforce and
103 43 employment by health care facilities that provide
103 44 services to adults with mental illness or mental
103 45 retardation.

103 46 2. Within the limits set by the appropriation for
103 47 this purpose, the departments of education and human
103 48 services shall work collaboratively to develop a
103 49 system for determining the number of hours a student
103 50 shall work in a health care facility in return for a
104 1 percentage reduction in the student's tuition costs.

104 2 3. A participating community college shall enter
104 3 into an agreement with one or more participating
104 4 health care facilities, and may also enter into an
104 5 agreement with one or more local nonprofit public
104 6 agencies, to match state funds provided on a
104 7 dollar-for-dollar basis for tuition assistance for an
104 8 eligible student who is employed by a participating
104 9 health care facility to provide services to adults
104 10 with mental illness or mental retardation. A
104 11 participating health care facility shall agree to
104 12 provide the community college with the number of hours
104 13 the student has accrued in order that the community
104 14 college may determine the percentage reduction in the
104 15 student's tuition costs.

104 16 4. The grant recipient shall compile and submit
104 17 information regarding the program's implementation and
104 18 level of local participation in the program in the
104 19 manner prescribed by the department. The department
104 20 shall summarize the information and shall submit the
104 21 information and its findings and recommendations in a
104 22 report to the general assembly by January 15 of the
104 23 fiscal year following the completion of the pilot
104 24 program.

104 25 5. For purposes of this section, unless the
104 26 context otherwise requires:

104 27 a. "Eligible student" means an individual who is a

104 28 resident of Iowa, enrolled in a community college
104 29 pursuing a course of study leading to a degree
104 30 applicable to the health care workforce, and employed
104 31 by a participating health care facility to serve
104 32 adults with mental illness or mental retardation.
104 33 b. "Health care facility" means as defined in
104 34 section 135C.1.
104 35 c. "Participating health care facility" means a
104 36 health care facility that has entered into an
104 37 agreement with a community college in accordance with
104 38 this section and which employs an eligible student.

DIVISION X

JUVENILE COURT PROCEEDINGS

104 41 Sec. 129. Section 232.2, subsection 4, paragraph
104 42 e, Code Supplement 2007, is amended to read as
104 43 follows:

104 44 e. The most recent information available regarding
104 45 the child's health and education records, including
104 46 the date the records were supplied to the agency or
104 47 individual who is the child's foster care provider.
104 48 If the child remains in foster care until the age of
104 49 majority, the child is entitled to receive prior to
104 50 discharge the most recent information available
105 1 regarding the child's health and educational records.

105 2 Sec. 130. Section 232.46, subsection 4, Code 2007,
105 3 is amended to read as follows:

105 4 4. A consent decree shall remain in force for ~~six~~
105 5 ~~months~~ up to one year unless the child is sooner
105 6 discharged by the court or by the juvenile court
105 7 officer or other agency or person supervising the
105 8 child. Upon application of a juvenile court officer
105 9 or other agency or person supervising the child made
105 10 prior to the expiration of the decree and after notice
105 11 and hearing, or upon agreement by the parties, a
105 12 consent decree may be extended for up to an additional
105 13 ~~six months~~ year by order of the court.

105 14 Sec. 131. Section 232.91, subsection 3, Code
105 15 Supplement 2007, is amended to read as follows:

105 16 3. Any person who is entitled under section 232.88
105 17 to receive notice of a hearing concerning a child
105 18 shall be given the opportunity to be heard in any
105 19 other review or hearing involving the child. A foster
105 20 parent, relative, or other individual with whom a
105 21 child has been placed for preadoptive care shall have
105 22 the right to be heard in any proceeding involving the
105 23 child. If a child is of an age appropriate to attend
105 24 the hearing but the child does not attend, the court
105 25 shall determine if the child was informed of the
105 26 child's right to attend the hearing.

DIVISION XI

INVESTIGATION OF DEATHS AT INSTITUTIONS

105 29 Sec. 132. NEW SECTION. 218.64 INVESTIGATION OF
105 30 DEATH.

105 31 1. For the purposes of this section, unless the
105 32 context otherwise requires, "institution" and
105 33 "resident" mean the same as defined in section 218.13.

105 34 2. Upon the death of a resident of an institution,
105 35 the county medical examiner shall conduct a
105 36 preliminary investigation of the death as provided in
105 37 section 331.802. The cost of the preliminary
105 38 investigation shall be paid by the department of human
105 39 services.

105 40 Sec. 133. Section 222.12, Code 2007, is amended to
105 41 read as follows:

105 42 222.12 DEATHS INVESTIGATED.

105 43 1. In the event of a sudden or mysterious Upon the
105 44 death of a patient of a resource center or the special
105 45 unit or any private institution for persons with
105 46 mental retardation, an, a preliminary investigation of
105 47 the death shall be held conducted as required by
105 48 section 218.64 by the county medical examiner as
105 49 provided in section 331.802. Such a preliminary
105 50 investigation shall also be conducted in the event of

106 1 a sudden or mysterious death of a patient in a private
106 2 institution for persons with mental retardation. The
106 3 superintendent of a resource center or a special unit
106 4 or chief administrative officer of any private
106 5 institution may request an investigation of the death
106 6 of any patient by the county medical examiner.

106 7 2. Notice of the death of the patient, and the
106 8 cause thereof of death, shall be sent to the county

106 9 board of supervisors and to the judge of the court
106 10 ~~having that~~ had jurisdiction over a committed patient.
106 11 The fact of death with the time, place, and alleged
106 12 cause shall be entered upon the docket of the court.
106 13 3. The parent, guardian, or other person
106 14 responsible for the admission of a patient to ~~such~~
~~106 15 institutions a private institution for persons with~~
~~106 16 mental retardation may also request an such a~~
~~106 17 preliminary~~ investigation by the county medical
106 18 examiner in the event of the death of the patient ~~that~~
~~106 19 is not sudden or mysterious.~~ The person or persons
106 20 making the request ~~shall be~~ are liable for the expense
106 21 of such ~~preliminary~~ investigation and payment ~~therefor~~
106 22 ~~for the expense~~ may be required in advance. ~~The~~
~~106 23 expense of a county medical examiner's investigation~~
~~106 24 when requested by the superintendent of a state~~
~~106 25 resource center or a special unit shall be paid from~~
~~106 26 support funds of that institution.~~
106 27 Sec. 134. Section 226.34, Code 2007, is amended to
106 28 read as follows:
106 29 226.34 INVESTIGATION OF DEATH == NOTICE.
106 30 1. ~~An~~ Upon the death of a patient, the county
106 31 ~~medical examiner shall conduct a preliminary~~
~~106 32 investigation by the county medical examiner shall be~~
~~106 33 held in those cases where a death shall occur suddenly~~
~~106 34 and without apparent cause, or a patient die and the~~
~~106 35 patient's relatives so request, but in the latter case~~
~~106 36 the relatives making the request shall be liable for~~
~~106 37 the expense of the same, and payment therefor may be~~
~~106 38 required in advance as required by section 218.64, in~~
~~106 39 accordance with section 331.802.~~
106 40 2. ~~When~~ If a patient in ~~any~~ a mental health
106 41 institute ~~shall die~~ dies from any cause, the
106 42 superintendent of ~~said the~~ institute shall within
106 43 three days of the date of death, send by certified
106 44 mail a written notice of death to ~~all of the~~
106 45 following:
106 46 1- ~~a.~~ The decedent's nearest relative.
106 47 2- ~~b.~~ The clerk of the district court of the
106 48 county from which the patient was committed, ~~and,~~
106 49 3- ~~c.~~ The sheriff of the county from which the
106 50 patient was committed.
107 1 Sec. 135. Section 331.802, subsection 2, Code
107 2 2007, is amended to read as follows:
107 3 2. ~~a.~~ If a person's death affects the public
107 4 interest, the county medical examiner shall conduct a
107 5 preliminary investigation of the cause and manner of
107 6 death, prepare a written report of the findings,
107 7 promptly submit the full report to the state medical
107 8 examiner on forms prescribed for that purpose, and
107 9 submit a copy of the report to the county attorney.
107 10 ~~b. For Except as provided in section 218.64 or as~~
~~107 11 otherwise provided by law, for each preliminary~~
107 12 investigation and the preparation and submission of
107 13 the required reports, the county medical examiner
107 14 shall receive from the county of appointment a fee
107 15 determined by the board plus the examiner's actual
107 16 expenses. The fee and expenses paid by the county of
107 17 appointment shall be reimbursed to the county of
107 18 appointment by the county of the person's residence.
107 19 However, if the person's death is caused by a
107 20 defendant for whom a judgment of conviction and
107 21 sentence is rendered under section 707.2, 707.3,
107 22 707.4, 707.5, or 707.6A, the county of the person's
107 23 residence may recover from the defendant the fee and
107 24 expenses.
107 25 ~~c.~~ The fee and expenses of the county medical
107 26 examiner who performs an autopsy or conducts an
107 27 investigation of a person who dies after being brought
107 28 into this state for emergency medical treatment by or
107 29 at the direction of an out-of-state law enforcement
107 30 officer or public authority shall be paid by the
107 31 state. A claim for payment shall be filed with the
107 32 Iowa department of public health. If moneys are not
107 33 appropriated to the Iowa department of public health
107 34 for the payment of autopsies under this ~~subsection~~
107 35 ~~paragraph~~, claims for payment shall be forwarded to
107 36 the state appeal board and, if authorized by the
107 37 board, shall be paid out of moneys in the general fund
107 38 of the state not otherwise appropriated.
107 39 Sec. 136. Section 331.802, subsection 3, Code

107 40 2007, is amended by adding the following new
107 41 paragraph:
107 42 NEW PARAGRAPH. k. Death of a person committed or
107 43 admitted to a state mental health institute, a state
107 44 resource center, the state training school, or the
107 45 Iowa juvenile home.>
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107 48 _____
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107 50 HF 2697.301 82
108 1 pf/jp/11638