

Senate Amendment 5382

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1 1 Amend Senate File 2425 as follows:
1 2 [#1.](#) Page 4, by striking lines 1 through 5 and
1 3 inserting the following:
1 4 <e. Of the funds appropriated in this subsection,
1 5 \$100,000 shall be transferred to the university of
1 6 Iowa college of dentistry for provision of primary
1 7 dental services to children. State funds shall be
1 8 matched on a dollar-for-dollar basis. The university
1 9 of Iowa college of dentistry shall coordinate efforts
1 10 with the department of public health bureau of oral
1 11 health to provide dental care to underserved
1 12 populations throughout the state.>
1 13 [#2.](#) Page 4, by inserting after line 5 the
1 14 following:
1 15 <f. The department shall consult with other
1 16 agencies involved with provision of health-related
1 17 services to children and with legislators, providers,
1 18 advocates, and other stakeholders in performing a
1 19 study of services and other support promoting healthy
1 20 kids.>
1 21 [#3.](#) Page 5, by striking lines 21 through 23.
1 22 [#4.](#) Page 5, line 24, by striking the word <b.>
1 23 [#5.](#) Page 5, line 33, by striking the word <Of> and
1 24 inserting the following:
1 25 <a. Of>.
1 26 [#6.](#) Page 5, by inserting after line 35 the
1 27 following:
1 28 <b. Of the funds appropriated in this subsection,
1 29 \$100,000 shall be used to fund the position of bureau
1 30 chief for the center for acute disease epidemiology
1 31 (CADE).>
1 32 [#7.](#) Page 14, by inserting after line 21 the
1 33 following:
1 34 <(3) Notwithstanding section 8.33, moneys
1 35 allocated in this lettered paragraph that remain
1 36 unencumbered or unobligated at the close of the fiscal
1 37 year shall not revert but shall remain available for
1 38 expenditure for the purposes designated until the
1 39 close of the succeeding fiscal year.>
1 40 [#8.](#) Page 24, line 30, by inserting after the
1 41 figure <\$2,000,000.> the following: <The department
1 42 shall distribute the funding allocated under this
1 43 subparagraph proportionately among all home and
1 44 community-based services waivers.>
1 45 [#9.](#) Page 25, by inserting after line 1 the
1 46 following:
1 47 <d. The department shall provide the results of
1 48 the audits of the third party administering behavioral
1 49 health services under the medical assistance program
1 50 for the fiscal years beginning July 1, 2006, and July
2 1 1, 2007, to the legislative services agency for
2 2 review.>
2 3 [#10.](#) Page 33, line 6, by inserting after the word
2 4 <section,> the following: <at least>.
2 5 [#11.](#) Page 35, by striking lines 25 through 27 and
2 6 inserting the following:
2 7 <15. Of the funds appropriated in this section,
2 8 \$203,000 is allocated for continuation of the
2 9 contracts for the multidimensional treatment level
2 10 foster care program established pursuant to 2006 Iowa
2 11 Acts, chapter 1123, for a third year.>
2 12 [#12.](#) Page 46, by inserting after line 3 the
2 13 following:
2 14 (2) For the state fiscal year beginning July 1,
2 15 2008, the patient-day weighted medians used in rate
2 16 setting for nursing facilities shall be recalculated
2 17 and the rates adjusted to provide an increase in
2 18 nursing facility rates by applying the skilled nursing
2 19 facility market basket inflation factor from the
2 20 mid-point of the cost report to July 1, 2007.>
2 21 [#13.](#) Page 46, line 4, by striking the figure <(2)>
2 22 and inserting the following: <(3)>.
2 23 [#14.](#) By striking page 52, line 21, through page
2 24 53, line 22, and inserting the following:

2 25 <b. Beginning July 1, 2008, notwithstanding any
2 26 law or rule to the contrary, the increased nursing
2 27 facility reimbursement available pursuant to paragraph
2 28 "a" shall be based upon the accountability measures
2 29 and calculations existing on July 1, 2008, pursuant to
2 30 441 IAC 81.6(16)(g), as adjusted in accordance with
2 31 the following provisions, and the increased
2 32 reimbursement shall be disbursed to each qualifying
2 33 nursing facility as an accountability payment at the
2 34 end of each fiscal year. The department of human
2 35 services shall request any medical assistance state
2 36 plan amendment necessary to implement the modified
2 37 accountability payment methodology. If the department
2 38 does not receive approval of the state plan amendment,
2 39 the funds designated for the purposes of providing the
2 40 accountability measures payment shall instead be
2 41 disbursed through the case-mix reimbursement system:
2 42 (1) If a nursing facility receives a citation
2 43 resulting in actual harm pursuant to the federal
2 44 certification guidelines at a G level scope and
2 45 severity or higher, the increased reimbursement
2 46 calculated for payment under this paragraph "b" shall
2 47 be reduced by 25 percent for each such citation during
2 48 the year. Additionally, if a nursing facility fails
2 49 to cure any deficiency cited within the time required
2 50 by the department of inspections and appeals, the
3 1 increased reimbursement calculated for payment under
3 2 this paragraph shall be forfeited and the nursing
3 3 facility shall not receive any accountability measure
3 4 payment for the year.
3 5 (2) If a nursing facility receives a deficiency
3 6 resulting in actual harm or immediate jeopardy,
3 7 pursuant to the federal certification guidelines at an
3 8 H level scope and severity or higher, regardless of
3 9 the amount of any fines assessed, the increased
3 10 reimbursement calculated for payment under this
3 11 paragraph "b" shall be forfeited and the nursing
3 12 facility shall not receive any accountability measure
3 13 payment for the year.
3 14 (3) Beginning July 1, 2008, accountability measure
3 15 payments to providers shall be reduced by 20 percent
3 16 of the calculated amount. The percentage reduction
3 17 shall continue until June 30, 2009, or until such time
3 18 as the general assembly adopts a modification of the
3 19 accountability measures system.
3 20 c. It is the intent of the general assembly that
3 21 the department of human services assemble a workgroup
3 22 to develop recommendations to redesign the
3 23 accountability measures for implementation in the
3 24 fiscal year beginning July 1, 2009. The workgroup
3 25 shall include long-term care services stakeholders and
3 26 advocates including but not limited to representatives
3 27 of the AARP Iowa chapter, direct care workers,
3 28 long-term care provider entities, the long-term care
3 29 resident's advocate, the consumer members of the
3 30 senior living coordinating unit, the department of
3 31 elder affairs, the department of inspections and
3 32 appeals, and the chairpersons and ranking members of
3 33 the joint appropriations subcommittee on health and
3 34 human services. The workgroup shall submit its
3 35 recommendations for the redesigned accountability
3 36 measures which shall meet all of the following
3 37 specifications:
3 38 (1) Acknowledge and establish higher benchmarks
3 39 for performance-based reimbursement to those nursing
3 40 facilities meeting the identified and weighted
3 41 components recommended by the workgroup.
3 42 (2) Reinforce the expectation that the
3 43 performance-based payments will be used to support
3 44 direct care and support care staff through increased
3 45 wages, enhanced benefits, and expanded training
3 46 opportunities and provide a system for determining
3 47 compliance with this expectation.
3 48 (3) Identify the best practices that are used in
3 49 facilities receiving a performance-based payment and
3 50 create a system to assist other facilities in the
4 1 implementation of those best practices.>

4 2 #15. Page 53, line 32, by inserting after the word
4 3 <services,> the following: <the board of pharmacy,>.
4 4 #16. Page 61, line 32, by striking the figure
4 5 <1,050,000> and inserting the following: <500,000>.

4 6 #17. Page 62, by inserting after line 6 the
4 7 following:
4 8 <____. For transfer to the department of elder
4 9 affairs to expand the elder abuse initiative program
4 10 established pursuant to section 231.56A to additional
4 11 counties:
4 12 \$ 200,000>
4 13 #18. Page 84, by striking lines 21 through 24 and
4 14 inserting the following:
4 15 <____. Of the funds appropriated in this
4 16 subsection, \$75,000 shall be used to further develop
4 17 and implement at the state level, and pilot at the
4 18 local level, the Iowa public health standards approved
4 19 by the department.>
4 20 #19. Page 92, by inserting after line 6 the
4 21 following:
4 22 <FAMILY INVESTMENT PROGRAM ACCOUNT
4 23 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
4 24 Sec. _____. 2007 Iowa Acts, chapter 218, section 8,
4 25 subsection 4, paragraph b, is amended by adding the
4 26 following new subparagraph:
4 27 NEW SUBPARAGRAPH. (7) Notwithstanding section
4 28 8.33, moneys allocated in this lettered paragraph that
4 29 remain unencumbered or unobligated at the close of the
4 30 fiscal year shall not revert but shall remain
4 31 available for expenditure for the purposes designated
4 32 until the close of the succeeding fiscal year.>
4 33 #20. Page 93, by striking lines 21 through 31 and
4 34 inserting the following:
4 35 <CHILD AND FAMILY SERVICES
4 36 PROTECTIVE CHILD CARE
4 37 Sec. _____. 2007 Iowa Acts, chapter 218, section 18,
4 38 subsection 9, is amended to read as follows:
4 39 9. Of the funds appropriated in this section, at
4 40 least \$3,696,285 shall be used for protective child
4 41 care assistance.>
4 42 #21. Page 95, line 17, by inserting after the word
4 43 <appropriation.> the following: <Notwithstanding
4 44 section 8.33, moneys credited pursuant to this
4 45 subsection that remain unencumbered or unobligated at
4 46 the close of the fiscal year shall not revert but
4 47 shall remain available for expenditure for caseload
4 48 growth in the preparation for adult living program
4 49 pursuant to section 234.46 until the close of the
4 50 succeeding fiscal year.>
5 1 #22. Page 99, lines 28 and 29, by striking the
5 2 words: <WITH CONTINGENT APPLICABILITY DATE>.
5 3 #23. Page 102, line 24, by striking the words
5 4 <CONTINGENT EFFECTIVE DATE ==>.
5 5 #24. By striking page 102, line 28, through page
5 6 103, line 1.
5 7 #25. Page 105, by striking line 12 and inserting
5 8 the following: <and service providers in coordinating
5 9 activities throughout the state to fulfill its
5 10 purpose.>
5 11 #26. Page 105, by striking lines 25 through 27 and
5 12 inserting the following: <council activities. The
5 13 council shall work to ensure there is geographic,
5 14 cultural, and ethnic diversity among the membership.>
5 15 #27. Page 106, line 6, by striking the word
5 16 <establish> and inserting the following: <maintain>.
5 17 #28. Page 106, line 19, by striking the word
5 18 <support> and inserting the following: <provide input
5 19 into>.
5 20 #29. Page 106, by striking line 32 and inserting
5 21 the following:
5 22 <g. Postsecondary education institutions,
5 23 including but not limited to institutions of higher
5 24 learning under the control of the state board of
5 25 regents and Iowa community colleges.>
5 26 #30. Page 107, by striking lines 3 through 24 and
5 27 inserting the following:
5 28 <a. Coordinate the development and implementation
5 29 of a strategic plan.
5 30 b. Assist in the development of responsibilities
5 31 across agencies and other entities to achieve
5 32 strategic goals.>
5 33 #31. Page 108, by striking lines 9 through 11.
5 34 #32. By striking page 126, line 34, through page
5 35 132, line 11.
5 36 #33. By striking page 133, line 16, through page

5 37 136, line 5.
5 38 #34. Page 136, by striking lines 16 through 20 and
5 39 inserting the following: <community colleges, shall
5 40 establish a statewide pilot program to provide grants
5 41 to community colleges for the purpose of awarding
5 42 tuition assistance to individuals pursuing a course of
5 43 study leading to a degree applicable to the health
5 44 care workforce and employment by health care
5 45 facilities that provide services to adults with mental
5 46 illness or mental retardation.>

5 47 #35. Page 137, line 15, by inserting after the
5 48 word <college> the following: <pursuing a course of
5 49 study leading to a degree applicable to the health
5 50 care workforce>.

6 1 #36. Page 137, by inserting after line 23 the
6 2 following:

6 3 <DIVISION ____
6 4 JUVENILE COURT PROCEEDINGS
6 5 Sec. ____ Section 232.2, subsection 4, paragraph
6 6 e, Code Supplement 2007, is amended to read as
6 7 follows:
6 8 e. The most recent information available regarding
6 9 the child's health and education records, including
6 10 the date the records were supplied to the agency or
6 11 individual who is the child's foster care provider.
6 12 If the child remains in foster care until the age of
6 13 majority, the child is entitled to receive prior to
6 14 discharge the most recent information available
6 15 regarding the child's health and educational records.

6 16 Sec. ____ Section 232.46, subsection 4, Code 2007,
6 17 is amended to read as follows:

6 18 4. A consent decree shall remain in force for ~~six~~
6 19 ~~months up to one year~~ unless the child is sooner
6 20 discharged by the court or by the juvenile court
6 21 officer or other agency or person supervising the
6 22 child. Upon application of a juvenile court officer
6 23 or other agency or person supervising the child made
6 24 prior to the expiration of the decree and after notice
6 25 and hearing, or upon agreement by the parties, a
6 26 consent decree may be extended for up to an additional
6 27 six months year by order of the court.

6 28 Sec. ____ Section 232.91, subsection 3, Code
6 29 Supplement 2007, is amended to read as follows:

6 30 3. Any person who is entitled under section 232.88
6 31 to receive notice of a hearing concerning a child
6 32 shall be given the opportunity to be heard in any
6 33 other review or hearing involving the child. A foster
6 34 parent, relative, or other individual with whom a
6 35 child has been placed for preadoptive care shall have
6 36 the right to be heard in any proceeding involving the
6 37 child. If a child is of an age appropriate to attend
6 38 the hearing but the child does not attend, the court
6 39 shall determine if the child was informed of the
6 40 child's right to attend the hearing.

6 41 #37. Page 137, by inserting before line 24 the
6 42 following:

6 43 <DIVISION ____
6 44 INVESTIGATION OF DEATHS AT INSTITUTIONS
6 45 Sec. ____ NEW SECTION. 218.64 INVESTIGATION OF
6 46 DEATH.

6 47 1. For the purposes of this section, unless the
6 48 context otherwise requires, "institution" and
6 49 "resident" mean the same as defined in section 218.13.

6 50 2. Upon the death of a resident of an institution,
7 1 the county medical examiner shall conduct a
7 2 preliminary investigation of the death as provided in
7 3 section 331.802. The cost of the preliminary
7 4 investigation shall be paid by the department of human
7 5 services.

7 6 Sec. ____ Section 222.12, Code 2007, is amended to
7 7 read as follows:

7 8 222.12 DEATHS INVESTIGATED.
7 9 1. In the event of a sudden or mysterious Upon the
7 10 death of a patient of a resource center or the special
7 11 unit or any private institution for persons with
7 12 mental retardation, an preliminary investigation of
7 13 the death shall be held conducted as required by
7 14 section 218.64 by the county medical examiner as
7 15 provided in section 331.802. Such a preliminary
7 16 investigation shall also be conducted in the event of
7 17 a sudden or mysterious death of a patient in a private

7 18 institution for persons with mental retardation. The
7 19 superintendent of a resource center or a special unit
7 20 or chief administrative officer of any private
7 21 institution may request an investigation of the death
7 22 of any patient by the county medical examiner.

7 23 2. Notice of the death of the patient, and the
7 24 cause thereof of death, shall be sent to the county
7 25 board of supervisors and to the judge of the court
7 26 having that had jurisdiction over a committed patient.
7 27 The fact of death with the time, place, and alleged
7 28 cause shall be entered upon the docket of the court.

7 29 3. The parent, guardian, or other person
7 30 responsible for the admission of a patient to such
7 31 institutions a private institution for persons with
7 32 mental retardation may also request an such a
7 33 preliminary investigation by the county medical
7 34 examiner in the event of the death of the patient that
7 35 is not sudden or mysterious. The person or persons
7 36 making the request shall be are liable for the expense
7 37 of such preliminary investigation and payment therefor
7 38 for the expense may be required in advance. The
7 39 expense of a county medical examiner's investigation
7 40 when requested by the superintendent of a state
7 41 resource center or a special unit shall be paid from
7 42 support funds of that institution.

7 43 Sec. ____ Section 226.34, Code 2007, is amended to
7 44 read as follows:

7 45 226.34 INVESTIGATION OF DEATH == NOTICE.

7 46 1. ~~An~~ Upon the death of a patient, the county
7 47 medical examiner shall conduct a preliminary
7 48 investigation by the county medical examiner shall be
7 49 held in those cases where a death shall occur suddenly
7 50 and without apparent cause, or a patient die and the
8 1 patient's relatives so request, but in the latter case
8 2 the relatives making the request shall be liable for
8 3 the expense of the same, and payment therefor may be
8 4 required in advance as required by section 218.64, in
8 5 accordance with section 331.802.

8 6 2. When if a patient in any a mental health
8 7 institute shall die dies from any cause, the
8 8 superintendent of said the institute shall within
8 9 three days of the date of death, send by certified
8 10 mail a written notice of death to all of the
8 11 following:

- 8 12 1- a. The decedent's nearest relative.
- 8 13 2- b. The clerk of the district court of the
- 8 14 county from which the patient was committed, and,
- 8 15 3- c. The sheriff of the county from which the
- 8 16 patient was committed.

8 17 Sec. ____ Section 331.802, subsection 2, Code
8 18 2007, is amended to read as follows:

8 19 2. a. If a person's death affects the public
8 20 interest, the county medical examiner shall conduct a
8 21 preliminary investigation of the cause and manner of
8 22 death, prepare a written report of the findings,
8 23 promptly submit the full report to the state medical
8 24 examiner on forms prescribed for that purpose, and
8 25 submit a copy of the report to the county attorney.

8 26 b. For Except as provided in section 218.64 or as
8 27 otherwise provided by law, for each preliminary
8 28 investigation and the preparation and submission of
8 29 the required reports, the county medical examiner
8 30 shall receive from the county of appointment a fee
8 31 determined by the board plus the examiner's actual
8 32 expenses. The fee and expenses paid by the county of
8 33 appointment shall be reimbursed to the county of
8 34 appointment by the county of the person's residence.
8 35 However, if the person's death is caused by a
8 36 defendant for whom a judgment of conviction and
8 37 sentence is rendered under section 707.2, 707.3,
8 38 707.4, 707.5, or 707.6A, the county of the person's
8 39 residence may recover from the defendant the fee and
8 40 expenses.

8 41 c. The fee and expenses of the county medical
8 42 examiner who performs an autopsy or conducts an
8 43 investigation of a person who dies after being brought
8 44 into this state for emergency medical treatment by or
8 45 at the direction of an out-of-state law enforcement
8 46 officer or public authority shall be paid by the
8 47 state. A claim for payment shall be filed with the
8 48 Iowa department of public health. If moneys are not

8 49 appropriated to the Iowa department of public health
8 50 for the payment of autopsies under this ~~subsection~~
9 1 ~~paragraph~~, claims for payment shall be forwarded to
9 2 the state appeal board and, if authorized by the
9 3 board, shall be paid out of moneys in the general fund
9 4 of the state not otherwise appropriated.
9 5 Sec. _____. Section 331.802, subsection 3, Code
9 6 2007, is amended by adding the following new
9 7 paragraph:
9 8 NEW PARAGRAPH. k. Death of a person committed or
9 9 admitted to a state mental health institute, a state
9 10 resource center, the state training school, or the
9 11 Iowa juvenile home.>
9 12
9 13
9 14 _____
9 15 JACK HATCH
9 16 SF 2425.501 82
9 17 pf/ml/12