

# Senate Amendment 5401

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1 1 Amend Senate File 2425, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, line 24, by striking the figure  
1 4 <4,851,698> and inserting the following: <5,251,698>.  
1 5 #2. Page 2, by inserting after line 21 the  
1 6 following:  
1 7 <\_\_\_\_. Of the funds appropriated in this section,  
1 8 \$200,000 shall be used to replace federal funding for  
1 9 the aging and disability resource center.>  
1 10 #3. Page 2, by inserting after line 21 the  
1 11 following:  
1 12 <\_\_\_\_. Of the funds appropriated in this section,  
1 13 \$200,000 shall be used for expansion of the elder  
1 14 abuse initiative program established pursuant to  
1 15 section 231.56A to additional counties.>  
1 16 #4. Page 4, by striking lines 1 through 8, and  
1 17 inserting the following:  
1 18 <\_\_\_\_. Of the funds appropriated in this  
1 19 subsection, \$100,000 shall be distributed to a  
1 20 statewide coalition that has demonstrated  
1 21 effectiveness in a research-based literacy program to  
1 22 train parents and health care providers about the  
1 23 importance of early childhood learning and literacy by  
1 24 providing parents with age-appropriate counseling on  
1 25 reading aloud to their children, giving children new  
1 26 books, and providing a literacy-rich physician waiting  
1 27 room environment.>  
1 28 #5. Page 4, by striking lines 9 through 13.  
1 29 #6. Page 5, lines 30 and 31, by striking the words  
1 30 and figures <pursuant to sections 135.102 and  
1 31 135.103>.  
1 32 #7. Page 6, line 13, by striking the figure  
1 33 <2,798,513> and inserting the following: <2,961,013>.  
1 34 #8. Page 6, line 24, by striking the figure  
1 35 <100,000> and inserting the following: <262,500>.  
1 36 #9. Page 7, line 25, by striking the figure  
1 37 <4,678,000> and inserting the following: <1,690,000>.  
1 38 #10. Page 7, line 26, by striking the words <a.  
1 39 It> and inserting the following: <It>.  
1 40 #11. Page 7, by striking lines 32 through 34.  
1 41 #12. Page 8, by inserting after line 10 the  
1 42 following:  
1 43 <3. To enhance and standardize the availability,  
1 44 delivery, and cost of delivery of gambling treatment  
1 45 services statewide, the department shall implement a  
1 46 transition process to transfer the delivery of  
1 47 gambling treatment services to the network of licensed  
1 48 substance abuse treatment providers funded by the  
1 49 department. The transition process shall be completed  
1 50 by July 1, 2009.  
2 1 a. By December 1, 2008, licensed substance abuse  
2 2 treatment providers funded by the department shall  
2 3 submit to the department, plans and budgets that  
2 4 address transitioning gambling treatment services,  
2 5 providing gambling treatment services, and training  
2 6 staff to provide gambling treatment services. The  
2 7 format for the plans and budgets shall be developed by  
2 8 the department. Plans and budgets shall be approved  
2 9 or disapproved by the department. The department  
2 10 shall allocate funds to providers in accordance with  
2 11 approved plans and budgets.  
2 12 b. The transition process shall include the  
2 13 establishment of joint licensure for gambling and  
2 14 substance abuse treatment that includes one set of  
2 15 standards, one licensure survey, comprehensive  
2 16 technical assistance, and appropriately credentialed  
2 17 counselors to support the following goals:  
2 18 (1) Gambling treatment services are available to  
2 19 Iowans statewide.  
2 20 (2) The comorbidity and spectrum of conditions  
2 21 involving substance use disorders, problematic and  
2 22 pathological gambling, concerned persons, and mental  
2 23 health disorders are readily acknowledged and service  
2 24 providers have the skills to treat individuals who are

2 25 symptomatic with combinations of these conditions.  
2 26 (3) Service providers also have the skills and  
2 27 delivery structures to welcome and treat individuals  
2 28 with single morbidity.  
2 29 (4) Licensure standards for gambling treatment and  
2 30 substance abuse treatment services are uniform to the  
2 31 greatest possible extent, with no duplications or  
2 32 contradictions.  
2 33 (5) Client admissions to gambling treatment  
2 34 services statewide are consistent with the incidence  
2 35 of problematic and pathological gambling.  
2 36 (6) Outcome measures for gambling treatment  
2 37 services are uniform statewide.  
2 38 (7) The costs to deliver gambling treatment  
2 39 services are better aligned with the costs to deliver  
2 40 substance abuse treatment services.  
2 41 c. From the amounts appropriated in this section  
2 42 and from other funding sources available for gambling  
2 43 and substance abuse treatment, the department may  
2 44 allocate up to \$100,000 for administrative costs to  
2 45 develop and implement the transition process in  
2 46 accordance with this subsection.>  
2 47 #13. Page 10, by inserting after line 32 the  
2 48 following:  
2 49 <Notwithstanding section 8.33, moneys appropriated  
2 50 in this subsection that remain unencumbered or  
3 1 unobligated at the close of the fiscal year shall not  
3 2 revert but shall remain available for expenditure for  
3 3 the purposes designated until the close of the  
3 4 succeeding fiscal year. However, unless such moneys  
3 5 are encumbered or obligated on or before September 30,  
3 6 2009, the moneys shall revert.>  
3 7 #14. Page 10, line 34, by striking the figure  
3 8 <17,707,495> and inserting the following:  
3 9 <19,707,495>.  
3 10 #15. Page 11, by inserting before line 12 the  
3 11 following:  
3 12 <Of the funds appropriated in this subsection,  
3 13 \$1,200,000 is allocated for additional income  
3 14 maintenance workers and \$800,000 is allocated for  
3 15 additional social workers.>  
3 16 #16. Page 14, by striking lines 30 through 34.  
3 17 #17. Page 15, by inserting after line 19 the  
3 18 following:  
3 19 <The department shall amend the food stamp  
3 20 employment and training state plan in order to  
3 21 maximize to the fullest extent permitted by federal  
3 22 law the use of the fifty=fifty match provisions for  
3 23 the claiming of allowable federal matching funds from  
3 24 the United States department of agriculture pursuant  
3 25 to the federal food stamp employment and training  
3 26 program for providing education, employment, and  
3 27 training services for eligible food assistance program  
3 28 participants, including but not limited to related  
3 29 dependent care and transportation expenses.>  
3 30 #18. Page 19, line 10, by striking the figure  
3 31 <646,401,453> and inserting the following:  
3 32 <649,497,984>.  
3 33 #19. Page 24, line 35, by inserting after the word  
3 34 <Act,> the following: <beginning January 1, 2009,>.  
3 35 #20. Page 25, line 3, by inserting after the word  
3 36 <Act,> the following: <beginning January 1, 2009,>.  
3 37 #21. Page 25, by inserting after line 25 the  
3 38 following:  
3 39 <\_\_\_\_. Of the funds appropriated in this section,  
3 40 \$250,000 shall be used to implement the provisions in  
3 41 2007 Iowa Acts, chapter 218, section 124, as amended  
3 42 by the Eighty=second General Assembly, 2008 Session,  
3 43 relating to eligibility for certain persons with  
3 44 disabilities under the medical assistance program.  
3 45 \_\_\_\_\_. It is the intent of the general assembly that  
3 46 if federal funding for the medical assistance program  
3 47 is increased during the fiscal year beginning July 1,  
3 48 2008, priority in utilization of the increased funding  
3 49 shall be to eliminate the medical assistance home and  
3 50 community=based services waivers waiting lists, with  
4 1 any remaining funds being used to provide an  
4 2 across=the=board percentage increase, up to 3 percent  
4 3 above the rates existing on June 30, 2008, in the  
4 4 reimbursement rates of medical assistance providers.  
4 5 \_\_\_\_\_. The department of human services shall

4 6 conduct a review of the impact of broadening the list  
4 7 of drugs prescribed for the treatment of diabetes on  
4 8 the preferred drug list under the medical assistance  
4 9 program in order to promote drugs that are appropriate  
4 10 and therapeutically effective for persons with  
4 11 diabetes. The review shall include, at a minimum, a  
4 12 comparison of the effectiveness of drugs prescribed  
4 13 for the treatment of diabetes and a cost analysis.  
4 14 The department shall report its findings and  
4 15 recommendations to the individuals specified in this  
4 16 Act to receive reports by December 15, 2008.  
4 17 \_\_\_\_\_. The department of human services shall  
4 18 conduct a review of the medical assistance home and  
4 19 community-based services waivers, including but not  
4 20 limited to the upper limit of reimbursement for each  
4 21 waiver and the services provided under each waiver,  
4 22 and shall make recommendations to the individuals  
4 23 specified in this Act to receive reports by December  
4 24 15, 2008, regarding revising the upper limits of  
4 25 reimbursement and services provided.>  
4 26 #22. Page 27, line 27, by striking the figure  
4 27 <15,873,103> and inserting the following:  
4 28 <13,868,885>.  
4 29 #23. Page 31, line 13, by striking the figure  
4 30 <88,557,565> and inserting the following:  
4 31 <88,210,005>.  
4 32 #24. Page 31, line 34, by striking the figure  
4 33 <36,441,744> and inserting the following:  
4 34 <35,841,744>.  
4 35 #25. Page 35, line 23, by striking the figure  
4 36 <1,030,000> and inserting the following: <1,130,000>.  
4 37 #26. Page 37, by inserting after line 21 the  
4 38 following:  
4 39 <25. Of the funds appropriated in this section,  
4 40 \$152,440 shall be used for continuation of the funding  
4 41 of one or more child welfare diversion and mediation  
4 42 pilot projects as provided in 2004 Iowa Acts, chapter  
4 43 1130, section 1.>  
4 44 \_\_\_\_\_. The department shall review the processes for  
4 45 drug testing of persons responsible for the care of a  
4 46 child in child abuse cases to evaluate the  
4 47 effectiveness of the testing, whether it is applied in  
4 48 the same manner in all service areas, identify how the  
4 49 funding designated for drug testing is utilized, and  
4 50 address other issues associated with the testing. The  
5 1 department shall report concerning the review to the  
5 2 persons designated by this Act to receive reports.  
5 3 #27. Page 37, line 29, by striking the figure  
5 4 <32,568,872> and inserting the following:  
5 5 <33,168,872>.  
5 6 #28. Page 44, by striking lines 2 through 13 and  
5 7 inserting the following:  
5 8 <6. Of the funds appropriated in this section,  
5 9 \$260,000 shall be used for a grant to a statewide  
5 10 association of counties for development and  
5 11 implementation of the community services network to  
5 12 replace the county management information system.>  
5 13 #29. Page 45, line 26, by striking the figure  
5 14 <16,682,067> and inserting the following:  
5 15 <16,982,067>.  
5 16 #30. Page 45, by inserting after line 33 the  
5 17 following:  
5 18 <3. Of the funds appropriated in this section,  
5 19 \$300,000 is allocated for opening a new Alzheimer's  
5 20 disease unit at one of the state mental health  
5 21 institutes.>  
5 22 #31. Page 46, by striking lines 6 through 20 and  
5 23 inserting the following:  
5 24 <Sec. \_\_\_\_\_. ALLOWED GROWTH == ADDITIONAL FUNDING.  
5 25 There is appropriated from the general fund of the  
5 26 state to the department of human services for the  
5 27 fiscal year beginning July 1, 2008, and ending June  
5 28 30, 2009, the following amount, or so much thereof as  
5 29 is necessary, to be used for the purposes designated:  
5 30 To be credited to the appropriation made in 2007  
5 31 Iowa Acts, chapter 215, section 1, subsection 1, as  
5 32 amended by this Act, for allocation as additional  
5 33 funding under new subsection 3 of that section, as  
5 34 enacted by this Act:  
5 35 ..... \$ 750,000>  
5 36 #32. Page 46, line 32, by striking the figure

5 37 <2007.> and inserting the following: <2007, plus 1  
5 38 percent. Nursing facility rates calculated in  
5 39 accordance with this subparagraph shall in no instance  
5 40 exceed the rate component limits as defined in 441 IAC  
5 41 81.6(16).>  
5 42 #33. Page 47, line 23, by striking the figure  
5 43 <4.52> and inserting the following: <4.57>.  
5 44 #34. Page 47, line 27, by striking the words  
5 45 <remain at> and inserting the following: <be  
5 46 increased by 1 percent over>.  
5 47 #35. Page 48, by inserting after line 8 the  
5 48 following:  
5 49 <(4) A hospital is not eligible for an increase in  
5 50 reimbursement under the medical assistance program for  
6 1 the fiscal year beginning July 1, 2008, if at any time  
6 2 within the 24-month period directly preceding the  
6 3 start of that fiscal year, the hospital meets both of  
6 4 the following criteria:  
6 5 (a) Has been subject to a cease and desist order  
6 6 or other adverse order or adverse decision by the  
6 7 national labor relations board, either by the board or  
6 8 by an administrative law judge under the board, in  
6 9 response to an unfair labor practice charge, and the  
6 10 order or decision has not been subsequently overturned  
6 11 by administrative or judicial review.  
6 12 (b) Has been cited for a violation of the  
6 13 occupational health and safety administration of the  
6 14 United States department of labor pursuant to Iowa  
6 15 Code chapter 88, and the citation has not been  
6 16 subsequently overturned by administrative or judicial  
6 17 review.>  
6 18 #36. Page 48, line 16, by striking the words  
6 19 <remain at> and inserting the following: <be  
6 20 increased by 1 percent over>.  
6 21 #37. Page 48, line 21, by striking the figure  
6 22 <2008> and inserting the following: <2009>.  
6 23 #38. Page 48, line 27, by striking the words  
6 24 <remain at> and inserting the following: <be  
6 25 increased by 1 percent over>.  
6 26 #39. Page 48, line 31, by striking the figure  
6 27 <160.71> and inserting the following: <167.19>.  
6 28 #40. Page 48, line 34, by striking the words  
6 29 <remain at> and inserting the following: <be  
6 30 increased by 1 percent over>.  
6 31 #41. Page 49, by inserting after line 3 the  
6 32 following:  
6 33 <ii. Notwithstanding any provision to the  
6 34 contrary, for the fiscal year beginning July 1, 2008,  
6 35 the reimbursement rate for anesthesiologists shall be  
6 36 increased by 1 percent over the medical assistance  
6 37 rate for anesthesiologists in effect on July 1, 2007.>  
6 38 #42. Page 49, line 8, by striking the words  
6 39 <remain at> and inserting the following: <be  
6 40 increased by 1 percent over>.  
6 41 #43. Page 54, by striking line 27 and inserting  
6 42 the following: <provider entities, the state and  
6 43 local offices of the long-term resident's care  
6 44 advocate, the older Iowans' legislature, area agencies  
6 45 on aging, the>.  
6 46 #44. Page 55, by striking lines 13 through 25.  
6 47 #45. Page 55, by inserting before line 26 the  
6 48 following:  
6 49 <\_\_\_\_. VISUAL INSPECTIONS AND REPAIR OF HAZARDS ==  
7 50 LEAD HAZARDS. The department of human services and  
7 1 the department of education shall adopt rules to  
7 2 require programs and facilities under the purview of  
7 3 the respective department to conduct visual  
7 4 assessments for lead hazards and to repair lead  
7 5 hazards identified.>  
7 6 #46. Page 63, line 7, by striking the figure  
7 7 <500,000> and inserting the following: <1,000,000>.  
7 8 #47. Page 63, by striking lines 32 through 35.  
7 9 #48. Page 64, by striking lines 1 through 19 and  
7 10 inserting the following:  
7 11 <11. For transfer to the appropriation made in  
7 12 2007 Iowa Acts, chapter 215, section 1, subsection 1,  
7 13 as amended by this Act, for allocation as additional  
7 14 funding under new subsection 3 of that section, as  
7 15 enacted by this Act:  
7 16 ..... \$ 200,000>  
7 17 #49. Page 67, by striking lines 24 and 25 and

7 18 inserting the following:  
7 19 <2. a. A statewide emergency mental health crisis  
7 20 services system shall be implemented through counties  
7 21 in accordance with this section.>  
7 22 #50. Page 68, by striking line 24 and inserting the  
7 23 following:  
7 24 <b. Identification of county groupings, geographic  
7 25 regions,>.  
7 26 #51. By striking page 82, line 10, through page 84,  
7 27 line 2, and inserting the following:  
7 28 <Sec. \_\_\_\_\_. COMMUNITY MENTAL HEALTH CENTER LAW  
7 29 UPDATE.  
7 30 1. The mental health, mental retardation,  
7 31 developmental disabilities, and brain injury  
7 32 commission, as part of fulfilling its responsibilities  
7 33 under chapter 225C, shall develop a proposal for  
7 34 updating and revising Code chapter 230A, relating to  
7 35 community mental health centers, and for revising the  
7 36 accreditation standards in rule that would result from  
7 37 the statutory revisions. The commission shall utilize  
7 38 an advisory committee in developing the proposal. In  
7 39 addition to the interests represented on the  
7 40 commission, the advisory committee membership shall  
7 41 include but is not limited to representatives of the  
7 42 following: the child welfare advisory committee  
7 43 established pursuant to section 234.3, the coalition  
7 44 for family and children's services in Iowa, the Iowa  
7 45 chapter of the national association of social workers,  
7 46 the Iowa psychological society, and the Iowa  
7 47 psychiatric society.  
7 48 2. The proposal content shall include but is not  
7 49 limited to addressing Code chapter 230A requirements  
7 50 in the following areas: establishment and support of  
8 1 community mental health centers, services offered,  
8 2 consumer and family involvement, capability to address  
8 3 co-occurring disorders, forms of organization, board  
8 4 of directors, organization meetings, duties and powers  
8 5 of directors, center organization as a nonprofit  
8 6 entity, annual budget, financial support of centers  
8 7 through federal and state block grants, comprehensive  
8 8 community mental health programs, target populations  
8 9 to be served, emergency mental health crisis services,  
8 10 quality improvement programs, use of evidence-based  
8 11 practices, use of functional assessments and outcomes  
8 12 measures, establishment of standards, and review and  
8 13 evaluation processes.  
8 14 3. The commission shall submit the proposal with  
8 15 findings and recommendations to the governor and  
8 16 general assembly on or before December 1, 2008. Until  
8 17 the report has been considered and acted upon by the  
8 18 general assembly, the division administrator may defer  
8 19 consideration of requests for accreditation of a new  
8 20 community mental health center or for approval of a  
8 21 provider to fill the role of a community mental health  
8 22 center.>  
8 23 #52. Page 84, by inserting after line 2 the  
8 24 following:  
8 25 <Sec. \_\_\_\_\_. MENTAL HEALTH PATIENT ADVOCATE INTERIM  
8 26 STUDY. The legislative council shall authorize a 2008  
8 27 legislative interim study of the duties,  
8 28 responsibilities, funding, and authority for the  
8 29 mental health patient advocates appointed by the  
8 30 courts under chapter 229. In addition to legislators,  
8 31 the study committee membership shall include  
8 32 representatives of counties, the judicial branch,  
8 33 mental health patient advocates, and the department of  
8 34 human services. The study committee shall  
8 35 specifically identify the appropriate appointing  
8 36 authority and funding source for the advocates in the  
8 37 study recommendations.>  
8 38 #53. Page 89, line 20, by striking the figure  
8 39 <113,690,856> and inserting the following:  
8 40 <114,953,296>.  
8 41 #54. Page 94, by striking lines 20 through 30 and  
8 42 inserting the following:  
8 43 <TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
8 44 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM  
8 45 Sec. \_\_\_\_\_. 2007 Iowa Acts, chapter 218, section 7,  
8 46 subsection 3, is amended by adding the following new  
8 47 unnumbered paragraph:  
8 48 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

8 49 8.33, moneys appropriated in this subsection that  
8 50 remain unencumbered or unobligated at the close of the  
9 1 fiscal year shall not revert but shall remain  
9 2 available for expenditure for the purposes designated  
9 3 until the close of the succeeding fiscal year.  
9 4 However, unless such moneys are encumbered or  
9 5 obligated on or before September 30, 2008, the moneys  
9 6 shall revert.>

9 7 #55. Page 98, by inserting after line 6 the  
9 8 following:

9 9 <MI/MR/DD STATE CASES  
9 10 ADOPTION SUBSIDY

9 11 Sec. \_\_\_\_\_. 2007 Iowa Acts, chapter 218, section 25,  
9 12 subsection 3, is amended to read as follows:

9 13 3. Notwithstanding section 8.33, moneys  
9 14 appropriated in this section that remain unencumbered  
9 15 or unobligated at the close of the fiscal year shall  
9 16 not revert but shall remain available for expenditure  
9 17 for the purposes designated until the close of the  
9 18 succeeding fiscal year. The first \$1,000,000 of such  
9 19 moneys shall be transferred to the appropriation made  
9 20 for adoption subsidy for the fiscal year beginning  
9 21 July 1, 2008.>

9 22 #56. Page 100, line 10, by striking the word  
9 23 <subsection> and inserting the following:  
9 24 <subsections>.

9 25 #57. Page 100, by inserting after line 20 the  
9 26 following:

9 27 <NEW SUBSECTION. 9. For the medical assistance  
9 28 program only to the extent all other appropriations  
9 29 made for the program are insufficient:  
9 30 ..... \$ 2,500,000>

9 31 #58. Page 107, by inserting after line 14 the  
9 32 following:

9 33 <Sec. \_\_\_\_\_. Section 135.150, subsection 2, Code  
9 34 Supplement 2007, is amended to read as follows:

9 35 2. a. Moneys appropriated to the department under  
9 36 this section shall be for the purpose of operating a  
9 37 gambling treatment program and shall be used for  
9 38 funding of administrative costs and to provide  
9 39 programs which may include, but are not limited to,  
9 40 outpatient and follow-up treatment for persons  
9 41 affected by problem gambling, rehabilitation and  
9 42 residential treatment programs, information and  
9 43 referral services, crisis call access, education and  
9 44 preventive services, and financial management ~~and~~  
9 45 ~~credit counseling services.~~

9 46 b. A person shall not maintain or conduct a  
9 47 gambling treatment program funded under this section  
9 48 unless the person has obtained a license for the  
9 49 program from the department. The department shall  
9 50 adopt rules to establish standards for the licensing  
10 1 and operation of gambling treatment programs under  
10 2 this section. The rules shall specify, but are not  
10 3 limited to specifying, the qualifications for persons  
10 4 providing gambling treatment services, standards for  
10 5 the organization and administration of gambling  
10 6 treatment programs, and a mechanism to monitor  
10 7 compliance with this section and the rules adopted  
10 8 under this section. Effective on or after July 1,  
10 9 2009, the department shall adopt rules regarding the  
10 10 joint licensure of gambling treatment and substance  
10 11 abuse treatment programs including qualifications for  
10 12 persons providing the services.>

10 13 #59. Page 107, line 26, by inserting after the  
10 14 word <policy> the following: <bodies>.

10 15 #60. By striking page 119, line 35, through page  
10 16 120, line 21.

10 17 #61. Page 121, by inserting after line 21 the  
10 18 following:

10 19 <Sec. \_\_\_\_\_. Section 235B.19, subsection 1, Code  
10 20 2007, is amended to read as follows:

10 21 1. If the department determines that a dependent  
10 22 adult is suffering from dependent adult abuse which  
10 23 presents an immediate danger to the health or safety  
10 24 of the dependent adult or which results in irreparable  
10 25 harm to the physical or financial resources or  
10 26 property of the dependent adult, and that the  
10 27 dependent adult lacks capacity to consent to receive  
10 28 protective services and that no consent can be  
10 29 obtained, the department ~~may~~ shall petition the court

10 30 with probate jurisdiction in the county in which the  
10 31 dependent adult resides for an emergency order  
10 32 authorizing protective services.  
10 33 Sec. \_\_\_\_\_. Section 235B.19, subsection 3, paragraph  
10 34 c, Code 2007, is amended to read as follows:  
10 35 c. Order the provision of other available services  
10 36 necessary to remove conditions creating the danger to  
10 37 health or safety, including the services of peace  
10 38 officers or emergency services personnel, and  
10 39 including the termination of a guardianship or a  
10 40 conservatorship pursuant to the requirements of  
10 41 section 633.675.>

10 42 #62. Page 123, by inserting after line 8 the  
10 43 following:

10 44 <Sec. \_\_\_\_\_. Section 249A.20A, subsection 2, Code  
10 45 2007, is amended by adding the following new  
10 46 paragraph:

10 47 NEW PARAGRAPH. d. A member of the committee shall  
10 48 disclose to the department, in a format and in  
10 49 accordance with a schedule prescribed by rule of the  
10 50 department, any financial relationship or affiliation  
11 1 with a pharmaceutical manufacturer, including but not  
11 2 limited to any payments or contributions for lectures,  
11 3 consulting, research, or other services. The  
11 4 disclosure requirements shall be at least as stringent  
11 5 as the campaign disclosure requirements applicable to  
11 6 a member of the general assembly pursuant to chapter  
11 7 68A.

11 8 Sec. \_\_\_\_\_. Section 249A.24, Code 2007, is amended  
11 9 by adding the following new subsection:

11 10 NEW SUBSECTION. 4. A member of the commission  
11 11 shall disclose to the department, in a format and in  
11 12 accordance with a schedule prescribed by rule of the  
11 13 department, any financial relationship or affiliation  
11 14 with a pharmaceutical manufacturer, including but not  
11 15 limited to any payments or contributions for lectures,  
11 16 consulting, research, or other services. The  
11 17 disclosure requirements shall be at least as stringent  
11 18 as the campaign disclosure requirements applicable to  
11 19 a member of the general assembly pursuant to chapter  
11 20 68A.

11 21 <Sec. \_\_\_\_\_. NEW SECTION. 249A.36 HEALTH CARE  
11 22 INFORMATION SHARING.

11 23 1. As a condition of doing business in the state,  
11 24 health insurers including self-insured plans, group  
11 25 health plans as defined in the federal Employee  
11 26 Retirement Income Security Act of 1974, Pub. L. No.  
11 27 93-406, service benefit plans, managed care  
11 28 organizations, pharmacy benefits managers, and other  
11 29 parties that are, by statute, contract, or agreement,  
11 30 legally responsible for payment of a claim for a  
11 31 health care item or service, shall do all of the  
11 32 following:

11 33 a. Provide, with respect to individuals who are  
11 34 eligible for or are provided medical assistance under  
11 35 the state's medical assistance state plan, upon the  
11 36 request of the state, information to determine during  
11 37 what period the individual or the individual's spouse  
11 38 or dependents may be or may have been covered by a  
11 39 health insurer and the nature of the coverage that is  
11 40 or was provided by the health insurer, including the  
11 41 name, address, and identifying number of the plan, in  
11 42 accordance with section 505.25, in a manner prescribed  
11 43 by the department of human services or as agreed upon  
11 44 by the department and the entity specified in this  
11 45 section.

11 46 b. Accept the state's right of recovery and the  
11 47 assignment to the state of any right of an individual  
11 48 or other entity to payment from the party for an item  
11 49 or service for which payment has been made under the  
11 50 medical assistance state plan.

12 1 c. Respond to any inquiry by the state regarding a  
12 2 claim for payment for any health care item or service  
12 3 that is submitted no later than three years after the  
12 4 date of the provision of such health care item or  
12 5 service.

12 6 d. Agree not to deny any claim submitted by the  
12 7 state solely on the basis of the date of submission of  
12 8 the claim, the type or format of the claim form, or a  
12 9 failure to present proper documentation at the  
12 10 point-of-sale that is the basis of the claim, if all

12 11 of the following conditions are met:

12 12 (1) The claim is submitted to the entity by the  
12 13 state within the three-year period beginning on the  
12 14 date on which the item or service was furnished.

12 15 (2) Any action by the state to enforce its rights  
12 16 with respect to such claim is commenced within six  
12 17 years of the date that the claim was submitted by the  
12 18 state.

12 19 2. The department of human services may adopt  
12 20 rules pursuant to chapter 17A as necessary to  
12 21 implement this section. Rules governing the exchange  
12 22 of information under this section shall be consistent  
12 23 with all laws, regulations, and rules relating to the  
12 24 confidentiality or privacy of personal information or  
12 25 medical records, including but not limited to the  
12 26 federal Health Insurance Portability and  
12 27 Accountability Act of 1996, Pub. L. No. 104=191, and  
12 28 regulations promulgated in accordance with that Act  
12 29 and published in 45 C.F.R. pts. 160 through 164.>

12 30 #63. Page 126, by striking lines 18 through 24.

12 31 #64. By striking page 128, line 32, through page  
12 32 130, line 10.

12 33 #65. Page 135, by inserting after line 32 the  
12 34 following:

12 35 <DIVISION \_\_\_\_  
12 36 MASS TRANSIT

12 37 Sec. \_\_\_\_ . MASS TRANSIT INTERIM COMMITTEE. The  
12 38 legislative council is requested to establish a  
12 39 legislative interim study committee to conduct a  
12 40 comprehensive study of the ways in which mass transit  
12 41 might be employed to provide public transportation  
12 42 services among Iowa communities. The study should  
12 43 include but not be limited to an examination of the  
12 44 following:

12 45 1. The ways in which the availability of mass  
12 46 transit affects various populations within rural and  
12 47 urban communities. In particular, the study should  
12 48 examine the benefits of mass transit for poor,  
12 49 elderly, and disabled individuals who are unable to  
12 50 drive or cannot afford to own a motor vehicle.

13 1 2. Any impact that mass transit services among  
13 2 Iowa communities might have on population levels,  
13 3 quality of life, and economic development in urban job  
13 4 centers, smaller satellite communities, and rural  
13 5 towns.

13 6 3. The effect of mass transit on statewide  
13 7 greenhouse gas emissions and overall air quality,  
13 8 including the role that mass transit can play in  
13 9 meeting the goals of the Iowa energy independence  
13 10 plan.

13 11 4. The level of public need for mass transit among  
13 12 Iowa communities, including any specific areas of the  
13 13 state where the need is most immediate.

13 14 5. The feasibility of expanding mass transit  
13 15 services and the types and combinations of services  
13 16 that might comprise a mass transit system for Iowa.

13 17 6. The potential costs and possible funding  
13 18 mechanisms for developing and maintaining specific  
13 19 mass transit services.

13 20 7. The attitudes and habits of Iowans concerning  
13 21 personal transportation. The study should include a  
13 22 component for educating the public about the economic,  
13 23 social, and environmental advantages of mass transit.

13 24 The committee membership should include ten members  
13 25 representing both political parties and both houses of  
13 26 the general assembly. The committee should consult  
13 27 with the department of transportation, the office of  
13 28 energy independence, the department of human services,  
13 29 local officials, members of the general public who are  
13 30 knowledgeable concerning intercity public transit and  
13 31 passenger rail, and other interested parties as  
13 32 necessary to accomplish the work of the committee.  
13 33 The committee, if authorized, shall submit a written  
13 34 report of its findings and recommendations to the  
13 35 governor and the general assembly by December 31,  
13 36 2008.>

13 37 #66. By renumbering, relettering, or redesignating  
13 38 and correcting internal references as necessary.

13 39 SF 2425.H

13 40 jg/25



