

House File 649

H-1594

1 Amend House File 649 as follows:

2 1. Page 1, line 21, by striking <a.>

3 2. By striking page 1, line 30, through page 2,
4 line 1.

5 3. By striking page 3, line 22, through page 6,
6 line 19, and inserting:

7 <b. Of the funds appropriated in this subsection,
8 \$20,249,360 shall be used for problem gambling and
9 substance abuse prevention, treatment, and recovery
10 services, including a 24-hour helpline, public
11 information resources, professional training, and
12 program evaluation.

13 (1) Of the funds allocated in this paragraph
14 "b", \$17,132,508 shall be used for substance abuse
15 prevention and treatment.

16 (a) Of the funds allocated in this subparagraph
17 (1), \$899,300 shall be used for the public purpose of
18 a grant program to provide substance abuse prevention
19 programming for children.

20 (i) Of the funds allocated in this subparagraph
21 division (a), \$427,539 shall be used for grant funding
22 for organizations that provide programming for
23 children by utilizing mentors. Programs approved for
24 such grants shall be certified or will be certified
25 within six months of receiving the grant award by the
26 Iowa commission on volunteer services as utilizing
27 the standards for effective practice for mentoring
28 programs.

29 (ii) Of the funds allocated in this subparagraph
30 division (a), \$426,839 shall be used for grant
31 funding for organizations that provide programming
32 that includes youth development and leadership. The
33 programs shall also be recognized as being programs
34 that are scientifically based with evidence of their
35 effectiveness in reducing substance abuse in children.

36 (iii) The department of public health shall utilize
37 a request for proposals process to implement the grant
38 program.

39 (iv) All grant recipients shall participate in a
40 program evaluation as a requirement for receiving grant
41 funds.

42 (v) Of the funds allocated in this subparagraph
43 subpart (a), up to \$44,922 may be used to administer
44 substance abuse prevention grants and for program
45 evaluations.

46 (b) Of the funds allocated in this subparagraph
47 (1), \$273,062 shall be used for culturally competent
48 substance abuse treatment pilot projects.

49 (i) The department shall utilize the amount
50 allocated in this subparagraph subpart (b) for at least

1 three pilot projects to provide culturally competent
2 substance abuse treatment in various areas of the
3 state. Each pilot project shall target a particular
4 ethnic minority population. The populations targeted
5 shall include but are not limited to African American,
6 Asian, and Latino.

7 (ii) The pilot project requirements shall provide
8 for documentation or other means to ensure access
9 to the cultural competence approach used by a pilot
10 project so that such approach can be replicated and
11 improved upon in successor programs.

12 (2) Of the funds allocated in this paragraph "b",
13 up to \$3,116,852 may be used for problem gambling
14 prevention, treatment, and recovery services.

15 (a) Of the funds allocated in this subparagraph
16 (2), \$2,579,000 shall be used for problem gambling
17 prevention and treatment.

18 (b) Of the funds allocated in this subparagraph
19 (2), up to \$437,852 may be used for a 24-hour helpline,
20 public information resources, professional training,
21 and program evaluation.

22 (c) Of the funds allocated in this subparagraph
23 (2), up to \$100,000 may be used for the licensing of
24 problem gambling treatment programs.

25 (3) It is the intent of the general assembly that
26 from the moneys allocated in this paragraph "b",
27 persons with a dual diagnosis of substance abuse
28 and gambling addictions shall be given priority in
29 treatment services.

30 c. Notwithstanding any provision of law to the
31 contrary, to standardize the availability, delivery,
32 cost of delivery, and accountability of problem
33 gambling and substance abuse treatment services
34 statewide, the department shall continue implementation
35 of a process to create a system for delivery of
36 treatment services in accordance with the requirements
37 specified in 2008 Iowa Acts, chapter 1187, section
38 3, subsection 4. To ensure the system provides a
39 continuum of treatment services that best meets the
40 needs of Iowans, the problem gambling and substance
41 abuse treatment services in any area may be provided
42 either by a single agency or by separate agencies
43 submitting a joint proposal.

44 (1) The system for delivery of substance abuse
45 and problem gambling treatment shall include problem
46 gambling prevention by July 1, 2012. The department
47 shall submit a proposed legislative bill in accordance
48 with section 2.16, for consideration during the 2012
49 legislative session, addressing any statutory revisions
50 necessary for full implementation of the system.

1 (2) The system for delivery of substance abuse and
2 problem gambling treatment shall include substance
3 abuse prevention by July 1, 2014.

4 (3) Of the funds allocated in paragraph "b", the
5 department may use up to \$100,000 for administrative
6 costs to continue developing and implementing the
7 process in accordance with this paragraph "c".

8 d. The requirement of section 123.53, subsection
9 5, is met by the appropriations and allocations made
10 in this Act for purposes of substance abuse treatment
11 and addictive disorders for the fiscal year beginning
12 July 1, 2011.

13 e. The department of public health shall work
14 with all other departments that fund substance
15 abuse prevention and treatment services and all
16 such departments shall, to the extent necessary,
17 collectively meet the state maintenance of effort
18 requirements for expenditures for substance abuse
19 services as required under the federal substance abuse
20 prevention and treatment block grant.

21 f. The department shall amend or otherwise
22 revise departmental policies and contract provisions
23 in order to eliminate free t-shirt distribution,
24 banner production, and other unnecessary promotional
25 expenditures.>

26 4. Page 6, line 25, by striking <2,451,905> and
27 inserting <2,601,905>

28 5. Page 6, line 28, by striking <639,318> and
29 inserting <739,318>

30 6. Page 7, by striking lines 8 and 9 and inserting
31 <after the projects developed by the dental lifeline
32 network to provide dental services to>

33 7. Page 7, after line 16 by inserting:

34 <f. Of the funds appropriated in this subsection,
35 \$50,000 shall be used for a matching dental education
36 loan repayment program in conjunction with the primary
37 care provider recruitment and retention endeavor
38 established in section 135.107. The department shall
39 work with a dental nonprofit health service corporation
40 to develop the criteria for the loan repayment
41 program.>

42 8. Page 7, line 21, by striking <3,386,865> and
43 inserting <3,262,256>

44 9. Page 8, line 8, by striking <770,791> and
45 inserting <755,791>

46 10. Page 8, line 10, by striking <733,311> and
47 inserting <711,052>

48 11. Page 8, line 18, by striking <134,560> and
49 inserting <126,450>

50 12. Page 8, line 30, by striking <3,610,740> and

1 inserting <3,677,659>
2 13. Page 8, line 32, by striking <33,081> and
3 inserting <100,000>
4 14. Page 9, line 1, by striking <118,981> and
5 inserting <111,308>
6 15. Page 9, line 3, by striking <107,420> and
7 inserting <100,493>
8 16. Page 9, line 21, by striking <113,605> and
9 inserting <106,279>
10 17. Page 9, line 25, by striking <40,900> and
11 inserting <38,263>
12 18. Page 11, line 32, by striking <575,631> and
13 inserting <544,377>
14 19. Page 12, line 27, by striking <House File 457>
15 and inserting <House File 658 or successor legislation>
16 20. Page 12, line 28, by striking <189,196> and
17 inserting <177,844>
18 21. Page 12, line 31, by striking <House File 457>
19 and inserting <House File 658 or successor legislation>
20 22. Page 15, by striking lines 10 through 19.
21 23. Page 22, line 24, by striking <12,811,565> and
22 inserting <13,119,255>
23 24. Page 23, line 15, after <2012.> by inserting
24 <Notwithstanding 441 IAC 100.8, providing for
25 termination of rules relating to the pilot projects,
26 the rules shall remain in effect until June 30, 2012.>
27 25. Page 25, by striking lines 26 and 27 and
28 inserting <contracts to be used for clinical assessment
29 services and prior authorization of services.>
30 26. Page 28, by striking lines 20 through 34.
31 27. Page 30, by striking lines 6 through 8 and
32 inserting:
33 <For medical contracts:>
34 28. Page 30, by striking line 10.
35 29. Page 31, line 13, by striking <1.>
36 30. Page 31, by striking lines 24 through 28.
37 31. Page 32, by striking lines 21 through 24 and
38 inserting <system in accordance with section 237.30.
39 The amount of funding designated for meeting the
40 federal requirement to expend at least 4 percent of
41 the federal child care and development fund moneys on
42 activities to improve the quality of child care shall
43 be reduced by \$2,000,000 from the amount designated for
44 such activities in the prior fiscal year.>
45 32. Page 34, line 10, by striking <125.00> and
46 inserting <114.00>
47 33. Page 34, line 16, by striking <202.70> and
48 inserting <164.30>
49 34. Page 34, after line 26 by inserting:
50 <4. For the fiscal year beginning July 1, 2011,

1 notwithstanding section 232.52, subsection 2, and
2 section 907.3A, subsection 1, the court shall not order
3 the placement of a child at the Iowa juvenile home
4 or the state training school under section 232.52, if
5 that placement is not in accordance with the population
6 guidelines for the respective juvenile institution
7 established pursuant to section 233A.1 or 233B.1.>

8 35. Page 41, line 3, by striking <36,697,591> and
9 inserting <34,897,591>

10 36. Page 42, after line 2 by inserting:

11 <The department of human services shall work with
12 juvenile detention centers and other stakeholders to
13 review the current methodology for distribution of
14 moneys from the juvenile detention home fund, consider
15 alternative distribution methodologies, and report
16 findings and recommendations to the persons designated
17 by this division of this Act for the submission of
18 reports and to the division of criminal and juvenile
19 justice planning of the department of human rights by
20 December 15, 2011. It is the intent of the general
21 assembly to shift responsibility for administering
22 the fund from the department of human services to the
23 division of criminal and juvenile justice planning of
24 the department of human rights, effective with the
25 fiscal year beginning July 1, 2012.>

26 37. Page 43, line 1, by striking <1.>

27 38. Page 43, line 6, by striking <a.> and inserting
28 <1.>

29 39. Page 43, line 10, by striking <177.83> and
30 inserting <168.50>

31 40. Page 43, line 11, by striking <b.> and
32 inserting <2.>

33 41. Page 43, line 15, by striking <99.20> and
34 inserting <86.10>

35 42. Page 43, line 16, by striking <c.> and
36 inserting <3.>

37 43. Page 43, line 20, by striking <248.00> and
38 inserting <233.00>

39 44. Page 43, line 21, by striking <d.> and
40 inserting <4.>

41 45. Page 43, line 26, by striking <97.72> and
42 inserting <91.72>

43 46. By striking page 43, line 27, through page 44,
44 line 14.

45 47. Page 48, line 18, by striking <89.00> and
46 inserting <89.50>

47 48. Page 49, line 1, by striking <53,939,921> and
48 inserting <55,339,921>

49 49. Page 49, line 2, by striking <1,702.00> and
50 inserting <1,781.00>

1 50. Page 49, line 15, by striking <282.00> and
2 inserting <285.00>
3 51. Page 49, line 16, by striking <43,700> and
4 inserting <38,543>
5 52. Page 49, line 22, by striking <150,000> and
6 inserting <132,300>
7 53. Page 49, line 27, by striking <200,000> and
8 inserting <176,400>
9 54. Page 49, before line 31 by inserting:
10 <_____. Of the funds appropriated in this section,
11 \$500,000 shall be used for implementation of child
12 protection system improvements addressed in 2011 Iowa
13 Acts, House File 562, if enacted.>
14 55. Page 50, line 8, by striking <224,835,691> and
15 inserting <225,502,551>
16 56. Page 53, by striking lines 11 and 12 and
17 inserting <mental health services provided at hospitals
18 shall be rebased effective October 1, 2011, subject to
19 Medicaid>
20 57. Page 54, line 14, after <month.> by inserting
21 <The maximum payment for adoption subsidy nonrecurring
22 expenses shall be limited to \$500 and the disallowance
23 of additional amounts for court costs and other related
24 legal expenses implemented pursuant to 2010 Iowa Acts,
25 chapter 1031, section 408 shall be continued.>
26 58. Page 55, by striking lines 5 through 7.
27 59. Page 56, by striking lines 10 through 19.
28 60. Page 58, line 16, by striking <5,027,613> and
29 inserting <5,433,613>
30 61. Page 59, line 14, by striking <46,000,000> and
31 inserting <20,000,000>
32 62. Page 59, line 26, by striking <49,020,131> and
33 inserting <54,226,279>
34 63. Page 60, line 7, by striking <24,000,000> and
35 inserting <14,000,000>
36 64. Page 60, line 25, by striking <51,000,000> and
37 inserting <51,500,000>
38 65. Page 60, line 31, by striking <48,000,000> and
39 inserting <48,500,000>
40 66. Page 60, line 34, by striking <48,000,000> and
41 inserting <48,500,000>
42 67. Page 60, line 35, by striking <48,000,000> and
43 inserting <48,500,000>
44 68. Page 61, line 4, by striking <48,000,000> and
45 inserting <48,500,000>
46 69. Page 63, after line 31 by inserting:
47 <10. For the medical home system advisory council
48 established pursuant to section 135.159:
49 \$ 200,000>
50 70. Page 65, line 14, by striking <39,231,000> and

1 inserting <39,223,800>
2 71. Page 65, line 18, by striking <769,000> and
3 inserting <776,200>
4 72. Page 68, line 19, by striking <49,772,936> and
5 inserting <49,773,346>
6 73. Page 70, line 23, by striking <for a county
7 that is subject to this subparagraph,> and inserting
8 <for counties with an ending balance percentage of 10
9 percent or more but less than 15 percent,>
10 74. Page 71, after line 26 by inserting:
11 <BEHAVIORAL HEALTH SERVICES
12 ACCOUNT — MEDICAL ASSISTANCE
13 Sec. _____. 2009 Iowa Acts, chapter 182, section 9,
14 subsection 16, paragraph b, as amended by 2010 Iowa
15 Acts, chapter 1192, section 63, is amended to read as
16 follows:
17 b. The department shall continue to maintain a
18 separate account within the medical assistance budget
19 for the deposit of all funds remitted pursuant to a
20 contract with a third party to administer behavioral
21 health services under the medical assistance program
22 established pursuant to 2008 Iowa Acts, chapter
23 1187, section 9, subsection 20. Notwithstanding
24 section 8.33, other than funds remaining from the
25 appropriation allocations made for implementation of
26 the emergency mental health crisis services and system,
27 for implementation of the mental health services
28 system for children and youth, and for training of
29 child welfare services providers in 2008 Iowa Acts,
30 chapter 1187, section 9, subsection 20, paragraph "c",
31 subparagraphs (1), (2), and (6), as authorized in 2009
32 Iowa Acts, chapter 182, section 72, funds remaining in
33 the account that remain unencumbered or unobligated
34 at the end of the fiscal year shall not revert but
35 shall remain available in succeeding fiscal years ~~and~~
36 ~~are appropriated to the department to be used for the~~
37 ~~medical assistance program to be used for purposes of~~
38 crisis stabilization and other mental and behavioral
39 health service improvements.
40 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 —
41 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY
42 Sec. _____. 2009 Iowa Acts, chapter 183, section 62,
43 subsection 3, is amended to read as follows:
44 3. For the purposes of this subsection, "federal
45 poverty level" means the poverty level defined by
46 the most recently revised poverty income guidelines
47 published by the United States department of health and
48 human services. The program shall provide financial
49 assistance to families with infants and toddlers less
50 than thirty-six months of age ~~two~~ that have a family

1 income of more than 145 percent but not more than 185
2 percent of the federal poverty level. However, the
3 department may adjust the qualifying criteria or the
4 financial assistance purpose provisions specified in
5 this subsection or make other changes as necessary for
6 implementation to conform with federal requirements
7 for the funding. Outcome reporting and other grant
8 requirements shall be developed by the department in
9 cooperation with the Iowa empowerment board.

10 Sec. _____. 2009 Iowa Acts, chapter 183, section
11 62, subsection 4, paragraph b, is amended to read as
12 follows:

13 b. For providing sliding scale subsidies for
14 qualifying families for child care provided to the
15 families' infants and toddlers by providers who
16 are accredited by the national association for the
17 education of young children or the national association
18 for family child care, or who have a rating at level 3
19 2 or higher under the child care quality rating system
20 implemented pursuant to section 237A.30.>

21 75. Page 73, line 5, after <savings.> by inserting
22 <These amounts may be transferred to the appropriation
23 made in this division of this Act for the health
24 insurance premium payment program.>

25 76. Page 75, before line 24 by inserting:

26 <Sec. _____. ACCOUNTABLE CARE ORGANIZATION — PILOT.

27 1. a. If an entity applies for certification from
28 the secretary of the United States department of health
29 and human services prior to January 1, 2012, and is
30 subsequently certified to administer an accountable
31 care organization pilot project, pursuant to the
32 federal Patient Protection and Accountability Act, Pub.
33 L. No. 111-148, the department of human services shall
34 work with the entity to provide access to the complete
35 deidentified claims data of the medical assistance
36 recipients receiving health care services through the
37 pilot project for the purposes of identifying areas of
38 utilization, need, and potential cost savings to the
39 medical assistance program subject to all applicable
40 state and federal laws and regulations. The department
41 may also employ new payment models, information
42 technology, and data analytics provisions necessary to
43 the administration of the pilot project.

44 b. The department of human services shall work
45 with an entity to administer an accountable care
46 organization pilot project, only if the centers for
47 Medicare and Medicaid services of the United States
48 department of health and human services approves
49 participation of the medical assistance program in the
50 pilot project and the entity meets all of the following

1 requirements:

2 (1) At a minimum, includes the participation of a
3 prospective payment system hospital, ten primary care
4 physicians, a home health care practice, a palliative
5 care services, a hospice service, and a community
6 mental health center, all of which agree to be paid
7 under a partial or global payment for identified
8 services.

9 (2) Requires all participating providers to utilize
10 electronic health records.

11 (3) Includes delivery of mental health services to
12 recipients of medical assistance through collaboration
13 with the regional community mental health center, a
14 federally qualified health center, and at least one
15 nursing facility as consistent with any other law
16 enacted by the Eighty-fourth general assembly, 2011
17 session, that redesigns the mental health delivery
18 system in the state.

19 c. The entity certified to implement the pilot
20 project shall report to the joint appropriations
21 subcommittee for health and human services during the
22 2012 legislative session detailing the progress and
23 expected outcomes of the pilot project.>

24 77. Page 75, after line 29 by inserting:

25 <DIVISION
26 PREVENTION AND CHRONIC CARE MANAGEMENT

27 Sec. _____. Section 135.159, subsection 10, Code
28 2011, is amended to read as follows:

29 10. The department shall integrate the
30 recommendations and policies developed by the
31 ~~prevention and chronic care management advisory~~
32 ~~council pursuant to section 135.161, Code 2011, into~~
33 ~~the medical home system and shall incorporate the~~
34 ~~development and implementation of the state initiative~~
35 ~~for prevention and chronic care management as developed~~
36 ~~pursuant to section 135.161, Code 2011, into the duties~~
37 ~~of the medical home system advisory council beginning~~
38 ~~January 1, 2012.~~

39 Sec. _____. Section 135.162, subsections 1 and 3,
40 Code 2011, are amended to read as follows:

41 1. The director shall convene a clinicians advisory
42 panel to advise and recommend to the department
43 clinically appropriate, evidence-based best practices
44 regarding the implementation of the medical home as
45 defined in section 135.157 and the ~~prevention and~~
46 ~~chronic care management initiative pursuant to section~~
47 ~~135.161.~~ The director shall act as chairperson of the
48 advisory panel.

49 3. The clinicians advisory panel shall meet on a
50 quarterly basis to receive updates from the director

1 regarding strategic planning and implementation
2 progress on the medical home ~~and the prevention and~~
3 ~~chronic care management initiative~~ and shall provide
4 clinical consultation to the department regarding the
5 medical home ~~and the initiative~~.

6 Sec. _____. Section 136.3, subsection 14, Code 2011,
7 is amended to read as follows:

8 14. Perform those duties authorized pursuant to
9 sections 135.156, and 135.159, ~~and 135.161~~, and other
10 provisions of law.

11 Sec. _____. REPEAL. Section 135.161, Code 2011, is
12 repealed.

13 Sec. _____. EFFECTIVE DATE. This division of this
14 Act takes effect December 31, 2011.>

15 78. Page 75, after line 31 by inserting:

16 <Sec. _____. Section 147.136, Code 2011, is amended
17 to read as follows:

18 **147.136 Scope of recovery.**

19 1. ~~In~~ Except as otherwise provided in subsection 2,
20 in an action for damages for personal injury against
21 a physician and surgeon, osteopathic physician and
22 surgeon, dentist, podiatric physician, optometrist,
23 pharmacist, chiropractor, or nurse licensed to
24 practice that profession in this state, or against a
25 hospital licensed for operation in this state, based
26 on the alleged negligence of the practitioner in the
27 practice of the profession or occupation, or upon the
28 alleged negligence of the hospital in patient care,
29 in which liability is admitted or established, the
30 damages awarded shall not include actual economic
31 losses incurred or to be incurred in the future
32 by the claimant by reason of the personal injury,
33 including but not limited to, the cost of reasonable
34 and necessary medical care, rehabilitation services,
35 and custodial care, and the loss of services and loss
36 of earned income, to the extent that those losses
37 are replaced or are indemnified by insurance, or by
38 governmental, employment, or service benefit programs
39 or from any other source ~~except the assets of the~~
40 ~~claimant or of the members of the claimant's immediate~~
41 family.

42 2. This section shall not bar recovery of economic
43 losses replaced or indemnified by any of the following:

44 a. Benefits received under the medical assistance
45 program under chapter 249A.

46 b. The assets of the claimant or of the members of
47 the claimant's immediate family.>

48 79. Page 76, after line 19 by inserting:

49 <Sec. _____. REPEAL. Section 135.27A, Code 2011, is
50 repealed December 31, 2011.>

1 80. By renumbering as necessary.

HEATON of Henry