

House File 697

H-1734

1 Amend House File 697 as follows:

2 1. Page 457, after line 6 by inserting:

3 <Sec. _____. NEW SECTION. 7E.8 Implementation of
4 federal statute, regulation, or policy.

5 1. Except as otherwise explicitly authorized by
6 state law, a state administrative agency charged with
7 the implementation of a federal statute, regulation, or
8 policy shall not exceed the specific requirements of
9 that statute, regulation, or policy.

10 2. Any portion of a state administrative agency
11 rule or policy that is in violation of subsection 1 is
12 void.>

13 2. Page 457, after line 6 by inserting:

14 <Sec. _____. NEW SECTION. 9.8 Employee
15 classifications.

16 In addition to public employees listed in section
17 20.4, public employees of the secretary of state who
18 hold positions that are classified in the information
19 technology specialist series and administrative
20 assistant series are excluded from chapter 20.>

21 3. Page 457, after line 6 by inserting:

22 <Sec. _____. NEW SECTION. 274.3 Exercise of powers
23 — construction.

24 1. The board of directors of a school district
25 shall operate, control, and supervise all public
26 schools located within its district boundaries and may
27 exercise any broad and implied power related to the
28 operation, control, and supervision of those public
29 schools except as expressly prohibited or prescribed by
30 the Constitution of the State of Iowa or by statute.

31 2. Notwithstanding subsection 1, the board of
32 directors of a school district shall not have power to
33 levy any tax unless expressly authorized by the general
34 assembly.

35 3. This section shall not apply to a research and
36 development school as defined in section 256G.2 or to
37 a laboratory school as defined in section 265.1. The
38 board of directors of a school district in which such a
39 research and development school or laboratory school
40 is located shall not exercise over such a school any
41 powers granted to the board by subsection 1.

42 4. This chapter, chapter 257 and chapters 275
43 through 301, and other statutes relating to the
44 boards of directors of school districts and to school
45 districts shall be liberally construed to effectuate
46 the purposes of subsection 1.>

47 4. Page 457, after line 12 by inserting:

48 <Sec. _____. Section 422.11P, subsection 2, paragraph
49 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
50 531, section 25, is amended to read as follows:

1 **b.** The tax credit shall apply to biodiesel blended
2 fuel classified as provided in this section, if the
3 classification meets the standards provided in section
4 214A.2. In ensuring that biodiesel blended fuel meets
5 the classification requirements of this section, the
6 department shall take into account reasonable variances
7 due to testing and other limitations.>

8 5. Page 457, after line 12 by inserting:
9 <Sec. _____. Section 455A.6, subsection 5, Code 2011,
10 is amended by striking the subsection and inserting in
11 lieu thereof the following:

12 5. Six members of the commission is a quorum, and a
13 majority of the commission membership may act in any
14 matter within the jurisdiction of the commission.

15 Sec. _____. Section 455A.6, subsection 6, paragraph
16 a, Code 2011, is amended to read as follows:

17 a. Establish policy for the department and adopt
18 rules, pursuant to chapter 17A, necessary to provide
19 for the effective administration of chapter 455B, 455C,
20 or 459. The commission shall have only that authority
21 or discretion which is explicitly delegated to or
22 conferred upon the commission by chapter 455B, 455C, or
23 459, and shall not expand or enlarge on that authority
24 or discretion.>

25 6. Page 475, before line 24 by inserting:

26 <DIVISION _____
27 HALLUCINOGENIC SUBSTANCES

28 Sec. _____. Section 124.204, subsection 4, Code 2011,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. *ai.* (1) Mephedrone, also known as
31 4-methylmethcathinone, (RS)-2-methylamino-1-(4-methylphenyl)
32 propan-1-one.

33 (2) Methylene-dioxypyrovalerone (MDPV)[(1-(1,3-
34 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

35 (3) *Salvia divinorum*.

36 (4) *Salvinorin A*.

37 (5) Any substance, compound, mixture or preparation
38 which contains any quantity of any synthetic
39 cannabinoid that is not approved as a pharmaceutical,
40 including but not limited to the following:

41 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
42 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).

43 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
44 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
45 chromen-1-ol]).

46 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
47 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
48 chromen-1-ol).

49 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.

50 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

1 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
2 naphthalenyl-methanone.

3 Sec. _____. Section 124.401, subsection 1, paragraph
4 c, subparagraph (8), Code 2011, is amended to read as
5 follows:

6 (8) Any other controlled substance, counterfeit
7 substance, or simulated controlled substance classified
8 in schedule I, II, or III, except as provided in
9 paragraph "d".

10 Sec. _____. Section 124.401, subsection 1, paragraph
11 d, Code 2011, is amended to read as follows:

12 d. (1) Violation of this subsection, with respect
13 to any other controlled substances, counterfeit
14 substances, or simulated controlled substances
15 classified in schedule IV or V is an aggravated
16 misdemeanor. However,

17 (2) A violation of this subsection involving fifty
18 any of the following is a class "D" felony:

19 (a) Fifty kilograms or less of marijuana or
20 involving flunitrazepam is a class "D" felony.

21 (b) Flunitrazepam.

22 (c) A controlled substance, counterfeit substance,
23 or simulated controlled substance classified in section
24 124.204, subsection 4, paragraph "ai".

25 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
26 of this Act, being deemed of immediate importance,
27 takes effect upon enactment.>

28 7. Page 475, before line 24 by inserting:

29 <DIVISION
30 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND
31 INSTALLERS — ELECTRICIANS AND ELECTRICAL CONTRACTORS
32 — LICENSING

33 Sec. _____. Section 100C.1, subsection 13, Code 2011,
34 is amended by adding the following new paragraph:

35 NEW PARAGRAPH. c. For a telecommunications
36 company that has been issued a certificate of public
37 convenience and necessity pursuant to section 476.29,
38 a person with whom the telecommunications company
39 contracts, who is certified by the national institute
40 for certification in engineering technologies as
41 required in paragraph "a" or "b" or who meets any other
42 criteria established by rule.

43 Sec. _____. Section 100C.2, subsection 3, Code 2011,
44 is amended by adding the following new paragraph:

45 NEW PARAGRAPH. d. This subsection shall not
46 apply to a responsible managing employee with whom a
47 telecommunications company contracts as provided in
48 section 100C.1, subsection 13, paragraph "c".

49 Sec. _____. NEW SECTION. 103.1A Term "commercial"
50 applied.

1 As used in this chapter:

2 1. "Commercial" refers to a use, installation,
3 structure, or premises associated with a place of
4 business where goods, wares, services, or merchandise
5 is stored or offered for sale on a wholesale or retail
6 basis.

7 2. "Commercial" refers to a residence only if
8 the residence is also used as a place of business as
9 provided in subsection 1.

10 3. "Commercial" does not refer to a use,
11 installation, structure, or premises associated with
12 any of the following:

13 a. A farm.

14 b. An industrial installation.

15 Sec. _____. Section 103.22, subsection 7, Code 2011,
16 is amended to read as follows:

17 7. Prohibit an owner of property from performing
18 work on the owner's principal residence, if such
19 residence is an existing dwelling rather than new
20 construction and is not an apartment that is attached
21 to any other apartment or building, as those terms are
22 defined in section 499B.2, and is not larger than a
23 single-family dwelling, ~~or farm property, excluding~~
24 ~~commercial or industrial installations or installations~~
25 ~~in public use buildings or facilities,~~ or require
26 such owner to be licensed under this chapter. In
27 order to qualify for inapplicability pursuant to this
28 subsection, a residence shall qualify for the homestead
29 tax exemption.

30 Sec. _____. Section 103.22, Code 2011, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 15. Apply to a person performing
33 any installation on a farm, if the person is associated
34 with the farm as a holder of a legal or equitable
35 interest, a relative or employee of the holder, or
36 an operator or manager of the farm. The provisions
37 of this chapter do not require such person to be
38 licensed. In addition, a permit is not required for an
39 installation on a farm, and an installation on a farm
40 is not required to be inspected. In order for a farm
41 building to qualify under this subsection, the farm
42 building must not be regularly open to the public as a
43 place of business for the retail sale of goods, wares,
44 services, or merchandise.>

45 8. Page 475, before line 24 by inserting:

46 <DIVISION _____
47 CLASS "A" FELONIES — JUVENILES

48 Sec. _____. Section 232.8, subsection 3, paragraph a,
49 Code 2011, is amended to read as follows:

50 a. The juvenile court, after a hearing and in

1 accordance with the provisions of section 232.45, may
2 waive jurisdiction of a child alleged to have committed
3 a public offense so that the child may be prosecuted
4 as an adult or youthful offender for such offense in
5 another court. If the child, ~~except a child being~~
6 ~~prosecuted as a youthful offender,~~ pleads guilty or is
7 found guilty of a public offense other than a class "A"
8 felony in another court of this state, that court may
9 suspend the sentence or, with the consent of the child,
10 defer judgment and without regard to restrictions
11 placed upon deferred judgments for adults, place the
12 child on probation for a period of not less than one
13 year upon such conditions as it may require. Upon
14 fulfillment of the conditions of probation, a child
15 who receives a deferred judgment shall be discharged
16 without entry of judgment. A child prosecuted as
17 a youthful offender shall be sentenced pursuant to
18 section 907.3A.

19 Sec. _____. Section 232.50, subsection 1, Code 2011,
20 is amended to read as follows:

21 1. As soon as practicable following the entry
22 of an order of adjudication pursuant to section
23 232.47 or notification that the child has ~~received a~~
24 ~~youthful offender deferred sentence been placed on~~
25 youthful offender status pursuant to section 907.3A,
26 the court shall hold a dispositional hearing in order
27 to determine what disposition should be made of the
28 matter.

29 Sec. _____. Section 232.52, subsection 1, Code 2011,
30 is amended to read as follows:

31 1. Pursuant to a hearing as provided in section
32 232.50, the court shall enter the least restrictive
33 dispositional order appropriate in view of the
34 seriousness of the delinquent act, the child's
35 culpability as indicated by the circumstances of
36 the particular case, the age of the child, the
37 child's prior record, or the fact that the child has
38 ~~received a youthful offender deferred sentence been~~
39 placed on youthful offender status under section
40 907.3A. The order shall specify the duration and
41 the nature of the disposition, including the type of
42 residence or confinement ordered and the individual,
43 agency, department, or facility in whom custody is
44 vested. In the case of a child who has ~~received a~~
45 youthful offender deferred sentence been placed on
46 youthful offender status, the initial duration of the
47 dispositional order shall be until the child reaches
48 the age of eighteen.

49 Sec. _____. Section 232.54, subsection 1, paragraph
50 g, Code 2011, is amended to read as follows:

1 g. With respect to a juvenile court dispositional
2 order entered regarding a child who has ~~received a~~
3 ~~youthful offender deferred sentence been placed on~~
4 youthful offender status under section 907.3A, the
5 dispositional order may be terminated prior to the
6 child reaching the age of eighteen upon motion of the
7 child, the person or agency to whom custody of the
8 child has been transferred, or the county attorney
9 following a hearing before the juvenile court if it is
10 shown by clear and convincing evidence that it is in
11 the best interests of the child and the community to
12 terminate the order. The hearing may be waived if all
13 parties to the proceeding agree. The dispositional
14 order regarding a child who has ~~received a youthful~~
15 ~~offender deferred sentence~~ been placed on youthful
16 offender status may also be terminated prior to the
17 child reaching the age of eighteen upon motion of the
18 county attorney, if the waiver of the child to district
19 court was conditioned upon the terms of an agreement
20 between the county attorney and the child, and the
21 child violates the terms of the agreement after the
22 waiver order has been entered. The district court
23 shall discharge the child's youthful offender status
24 upon receiving a termination order under this section.

25 Sec. _____. Section 232.54, subsection 1, paragraph
26 h, unnumbered paragraph 1, Code 2011, is amended to
27 read as follows:

28 With respect to a dispositional order entered
29 regarding a child who has ~~received a youthful offender~~
30 ~~deferred sentence been placed on youthful offender~~
31 status under section 907.3A, the juvenile court may,
32 in the case of a child who violates the terms of the
33 order, modify or terminate the order in accordance with
34 the following:

35 Sec. _____. Section 232.55, subsection 3, Code 2011,
36 is amended to read as follows:

37 3. This section does not apply to dispositional
38 orders entered regarding a child who has ~~received a~~
39 ~~youthful offender deferred sentence been placed on~~
40 youthful offender status under section 907.3A who
41 is not discharged from probation before or upon the
42 child's eighteenth birthday.

43 Sec. _____. Section 232.56, Code 2011, is amended to
44 read as follows:

45 **232.56 Youthful offenders — transfer to district**
46 **court supervision.**

47 The juvenile court shall deliver a report, which
48 includes an assessment of the child by a juvenile court
49 officer after consulting with the judicial district
50 department of correctional services, to the district

1 court prior to the eighteenth birthday of a child who
2 has ~~received a youthful offender deferred sentence~~
3 been placed on youthful offender status under section
4 907.3A. A hearing shall be held in the district court
5 in accordance with section 907.3A to determine whether
6 the child should be discharged from youthful offender
7 status or whether the child shall continue under the
8 supervision of the district court after the child's
9 eighteenth birthday.

10 Sec. _____. Section 654.4B, subsection 2, paragraph
11 b, Code 2011, is amended to read as follows:

12 b. This subsection is repealed July 1, 2011 2012.

13 Sec. _____. Section 902.1, Code 2011, is amended to
14 read as follows:

15 **902.1 Class "A" felony.**

16 1. Upon a plea of guilty, a verdict of guilty, or
17 a special verdict upon which a judgment of conviction
18 of a class "A" felony may be rendered, the court shall
19 enter a judgment of conviction and shall commit the
20 defendant into the custody of the director of the
21 Iowa department of corrections for the rest of the
22 defendant's life. Nothing in the Iowa corrections code
23 pertaining to deferred judgment, deferred sentence,
24 suspended sentence, or reconsideration of sentence
25 applies to a class "A" felony, and a person convicted
26 of a class "A" felony shall not be released on parole
27 unless the governor commutes the sentence to a term of
28 years.

29 2. a. Notwithstanding subsection 1, a person
30 convicted of a class "A" felony, and who was under the
31 age of eighteen at the time the offense was committed
32 shall be eligible for parole after serving a minimum
33 term of confinement of twenty-five years.

34 b. If a person is paroled pursuant to this
35 subsection the person shall be subject to the same set
36 of procedures set out in chapters 901B, 905, 906, and
37 chapter 908, and rules adopted under those chapters for
38 persons on parole.

39 c. A person convicted of murder in the first degree
40 in violation of section 707.2 shall not be eligible for
41 parole pursuant to this subsection.

42 d. A person convicted of murder in the second
43 degree in violation of section 707.3 and who was also
44 convicted of either kidnapping in the first degree
45 in violation of section 710.2 or sexual abuse in the
46 first degree in violation of section 709.2, which
47 conviction arose out of the same set of facts as the
48 murder-in-the-second-degree conviction, shall not be
49 eligible for parole pursuant to this subsection.

50 Sec. _____. Section 907.3A, Code 2011, is amended to

1 read as follows:

2 **907.3A Youthful offender deferred sentence —**
3 **youthful offender status.**

4 1. Notwithstanding section 907.3 but subject to any
5 conditions of the waiver order, the trial court shall,
6 upon a plea of guilty or a verdict of guilty, ~~defer~~
7 ~~sentence of a youthful offender~~ place the juvenile
8 over whom the juvenile court has waived jurisdiction
9 pursuant to section 232.45, subsection 7, and place
10 the juvenile on youthful offender status. The court
11 shall transfer supervision of the youthful offender to
12 the juvenile court for disposition in accordance with
13 section 232.52. An adjudication of delinquency entered
14 by the juvenile court for a public offense shall not
15 be deemed a conviction and shall not preclude the
16 subsequent entry of a deferred judgment, conviction,
17 or sentence by the district court. The court shall
18 require supervision of the youthful offender in
19 accordance with section 232.54, subsection 1, paragraph
20 "h", or subsection 2 of this section. ~~Notwithstanding~~
21 ~~section 901.2, a presentence investigation shall not be~~
22 ~~ordered by the court subsequent to an entry of a plea~~
23 ~~of guilty or verdict of guilty or prior to deferral of~~
24 ~~sentence of a youthful offender under this section.~~

25 2. The court shall hold a hearing prior to a
26 youthful offender's eighteenth birthday to determine
27 whether the youthful offender shall continue on
28 youthful offender status after the youthful offender's
29 eighteenth birthday ~~under the supervision of the~~
30 ~~court or be discharged.~~ Notwithstanding section
31 901.2, the court may order a presentence investigation
32 report including a report for an offense classified
33 as a class "A" felony. The court shall review the
34 report of the juvenile court regarding the youthful
35 offender ~~and prepared pursuant to section 232.56,~~
36 ~~and any presentence investigation report, if ordered~~
37 ~~by the court.~~ The court shall hear evidence by or
38 on behalf of the youthful offender, by the county
39 attorney, and by the person or agency to whom custody
40 of the youthful offender was transferred. The court
41 shall make its decision, pursuant to the sentencing
42 options available in subsection 3, after considering
43 the services available to the youthful offender, the
44 evidence presented, the juvenile court's report, the
45 presentence investigation report if ordered by the
46 court, the interests of the youthful offender, and
47 interests of the community.

48 3. a. Notwithstanding any provision of the Code
49 which prescribes a mandatory minimum sentence for the
50 offense committed by the youthful offender, following

1 transfer of the youthful offender from the juvenile
2 court back to the court having jurisdiction over the
3 criminal proceedings involving the youthful offender,
4 ~~the court may continue the youthful offender deferred~~
5 ~~sentence or enter a sentence, which may be a suspended~~
6 ~~sentence.~~ shall order one of the following sentencing
7 options:

8 (1) Defer judgment and place the youthful offender
9 on probation, upon the consent of the youthful
10 offender.

11 (2) Defer the sentence and place the youthful
12 offender on probation upon such terms and conditions
13 as the court may require.

14 (3) Suspend the sentence and place the youthful
15 offender on probation upon such terms and conditions
16 as the court may require.

17 (4) A term of confinement.

18 (5) Discharge the youthful offender from youthful
19 offender status and terminate the sentence.

20 b. Notwithstanding anything in section 907.7 to
21 the contrary, if the district court either grants
22 the youthful offender a deferred judgment, continues
23 the youthful offender deferred sentence, or enters a
24 sentence, and suspends the sentence, and places the
25 youthful offender on probation, the term of formal
26 supervision shall commence upon entry of the order by
27 the district court and may continue for a period not
28 to exceed five years. If the district court enters a
29 sentence of confinement, and the youthful offender was
30 previously placed in secure confinement by the juvenile
31 court under the terms of the initial disposition order
32 or any modification to the initial disposition order,
33 the person shall receive credit for any time spent in
34 secure confinement. During any period of probation
35 imposed by the district court, a youthful offender who
36 violates the terms of probation is subject to section
37 908.11.

38 Sec. ____. Section 907.9, subsection 4, Code 2011,
39 is amended to read as follows:

40 4. At the expiration of the period of probation
41 if the fees imposed under section 905.14 and court
42 debt collected pursuant to section 602.8107 have been
43 paid, the court shall order the discharge of the person
44 from probation. If portions of the court debt remain
45 unpaid, the person shall establish a payment plan with
46 the clerk of the district court or the county attorney
47 prior to the discharge. The court shall forward to the
48 governor a recommendation for or against restoration
49 of citizenship rights to that person upon discharge.
50 A person who has been discharged from probation shall

1 no longer be held to answer for the person's offense.
2 Upon discharge from probation, if judgment has been
3 deferred under section 907.3, the court's criminal
4 record with reference to the deferred judgment and any
5 counts dismissed by the court, which were contained in
6 the indictment, information, or complaint that resulted
7 in the deferred judgement, shall be expunged. The
8 record maintained by the state court administrator
9 as required by section 907.4 shall not be expunged.
10 The court's record shall not be expunged in any other
11 circumstances.

12 Sec. _____. EFFECTIVE UPON ENACTMENT. The section
13 of this division of this Act amending section 654.4B,
14 being deemed of immediate importance, takes effect upon
15 enactment.>

16 9. Page 475, before line 24 by inserting:

17 <DIVISION _____
18 STATE EXPENDITURE REQUIREMENTS — REVENUE ESTIMATING
19 CONFERENCE — APPROPRIATION TRANSFERS

20 Sec. _____. Section 8.22A, subsection 2, Code 2011,
21 is amended to read as follows:

22 2. The conference shall meet as often as deemed
23 necessary, but shall meet at least quarterly three
24 times per year. The conference may use sources of
25 information deemed appropriate. At each meeting,
26 the conference shall agree to estimates for the
27 current and the following fiscal years for the general
28 fund of the state, lottery revenues to be available
29 for disbursement, and from gambling revenues and
30 from interest earned on the cash reserve fund and
31 the economic emergency fund to be deposited in the
32 rebuild Iowa infrastructure fund. An estimate for the
33 following fiscal year, other than an estimate agreed to
34 pursuant to subsection 3, 4, or 5, shall be considered
35 a preliminary estimate.

36 Sec. _____. Section 8.39, subsections 1 and 2, Code
37 2011, are amended to read as follows:

38 1. Except as otherwise provided by law, an
39 appropriation or any part of it shall not be used
40 for any other purpose than that for which it was
41 made. However, with the prior written consent and
42 approval of the governor and the director of the
43 department of management, the governing board or head
44 of any state department, institution, or agency may,
45 at any time during the fiscal year, make a whole or
46 partial intradepartmental transfer of its unexpended
47 appropriations for purposes within the scope of such
48 department, institution, or agency. Such transfer
49 shall be to an appropriation made from the same
50 funding source and within the same fiscal year. The

1 amount of a transfer made from an appropriation under
2 this subsection shall be limited to not more than
3 one-twentieth of one percent of the total of all
4 appropriations made from the funding source of the
5 transferred appropriation for the fiscal year in which
6 the transfer is made.

7 2. If the appropriation of a department,
8 institution, or agency is insufficient to properly meet
9 the legitimate expenses of the department, institution,
10 or agency, the director, with the approval of the
11 governor, may make an interdepartmental transfer from
12 any other department, institution, or agency of the
13 state having an appropriation in excess of its needs,
14 of sufficient funds to meet that deficiency. Such
15 transfer shall be to an appropriation made from the
16 same funding source and within the same fiscal year.
17 The amount of a transfer made from an appropriation
18 under this subsection shall be limited to not more
19 than one-twentieth of one percent of the total of all
20 appropriations made from the funding source of the
21 transferred appropriation for the fiscal year in which
22 the transfer is made. An interdepartmental transfer
23 to an appropriation which is not an entitlement
24 appropriation is not authorized when the general
25 assembly is in regular session and, in addition,
26 the sum of interdepartmental transfers in a fiscal
27 year to an appropriation which is not an entitlement
28 appropriation shall not exceed fifty percent of the
29 amount of the appropriation as enacted by the general
30 assembly. For the purposes of this subsection, an
31 entitlement appropriation is a line item appropriation
32 to the state public defender for indigent defense or to
33 the department of human services for foster care, state
34 supplementary assistance, or medical assistance, or for
35 the family investment program.

36 Sec. _____. Section 8.39, Code 2011, is amended by
37 adding the following new subsection:

38 **NEW SUBSECTION. 2A.** The aggregate amount of
39 intradepartmental and interdepartmental transfers
40 made from all appropriations for a fiscal year
41 pursuant to this section is limited to not more than
42 one-fourth of one percent of the total amount of the
43 appropriations made from the general fund of the state
44 for the fiscal year. The aggregate amount of the
45 intradepartmental and interdepartmental transfers made
46 from an appropriation for a fiscal year is limited to
47 fifty percent of the appropriation.

48 Sec. _____. **EFFECTIVE UPON ENACTMENT.** This division
49 of this Act, being deemed of immediate importance,
50 takes effect upon enactment.>

1 10. Page 475 before line 24 by inserting:

2 <DIVISION
3 SCHOOL DRESS CODES

4 Sec. _____. Section 279.58, subsection 1, Code 2011,
5 is amended by striking the subsection.

6 Sec. _____. Section 279.58, subsection 2, Code 2011,
7 is amended to read as follows:

8 2. The board of directors of a school district may
9 adopt, for the district or for an individual school
10 within the district, a dress code policy that ~~prohibits~~
11 ~~students from wearing gang-related or other specific~~
12 ~~apparel~~ prescribes standard dress, or that otherwise
13 imposes limitations on student dress without limiting
14 a student's constitutional rights and privileges,
15 if the board determines that the policy is necessary
16 for would improve the health, safety, or positive
17 educational environment of students and staff in the
18 school environment or for the appropriate discipline
19 and operation of the school.

20 3. Adoption and enforcement of a dress code policy
21 pursuant to this section is not a violation of section
22 280.22.

23 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
24 of this Act, being deemed of immediate importance,
25 takes effect upon enactment.>

26 11. Page 475, before line 24 by inserting:

27 <DIVISION
28 DAYS OF INSTRUCTION

29 Sec. _____. Section 256.7, subsection 19, Code 2011,
30 is amended to read as follows:

31 19. ~~Define the minimum school day as a day~~
32 ~~consisting of five and one-half hours of instructional~~
33 ~~time for grades one through twelve. The minimum~~
34 hours as time spent with a licensed teacher that shall
35 be exclusive of the lunch period and parent-teacher
36 conferences, but may include passing time between
37 classes. Time spent on parent-teacher conferences
38 shall be considered instructional time. A school or
39 school district may record a day of school with less
40 than the minimum instructional hours as a minimum
41 school day if any of the following apply:

42 a. ~~If emergency health or safety factors require~~
43 ~~the late arrival or early dismissal of students on a~~
44 ~~specific day.~~

45 b. ~~If the total hours of instructional school~~
46 ~~time for grades one through twelve for any five~~
47 ~~consecutive school days equal a minimum of twenty-seven~~
48 ~~and one-half hours, even though any one day of~~
49 ~~school is less than the minimum instructional hours~~
50 ~~because of a staff development opportunity provided~~

1 ~~for the professional instructional staff or because~~
2 ~~parent teacher conferences have been scheduled~~
3 ~~beyond the regular school day. Furthermore, if the~~
4 ~~total hours of instructional time for the first four~~
5 ~~consecutive days equal at least twenty-seven and~~
6 ~~one-half hours because parent teacher conferences~~
7 ~~have been scheduled beyond the regular school day, a~~
8 ~~school or school district may record zero hours of~~
9 ~~instructional time on the fifth consecutive school day~~
10 ~~as a minimum school day.~~

11 Sec. _____. Section 256F.4, subsection 5, Code 2011,
12 is amended to read as follows:

13 5. A charter school or innovation zone school shall
14 provide instruction for at least the number of days
15 hours required by section 279.10, subsection 1, ~~or~~
16 ~~shall provide at least the equivalent number of total~~
17 ~~hours.~~

18 Sec. _____. Section 279.10, subsection 1, Code 2011,
19 is amended to read as follows:

20 1. The school year for each school district and
21 accredited nonpublic school shall begin on the first
22 day of July 1 and each regularly established elementary
23 and secondary school shall begin no sooner than a day
24 during the calendar week in which the first day of
25 September falls but no later than the first Monday
26 in December. However, if the first day of September
27 falls on a Sunday, school may begin on a day during the
28 calendar week which immediately precedes the first day
29 of September. School shall continue for at least one
30 hundred eighty days, except as provided in subsection
31 3, and may be maintained The school calendar shall
32 include not less than one thousand eighty hours of
33 instruction during the entire calendar year. However,
34 if The board of directors of a school district and the
35 authorities in charge of an accredited nonpublic school
36 shall set the number of days of required attendance
37 for the school year as provided in section 299.1,
38 subsection 2, but the board of directors of a school
39 district shall hold a public hearing on any proposed
40 school calendar prior to adopting the school calendar.
41 If the board of directors of a district or the
42 authorities in charge of an accredited nonpublic school
43 extends the school calendar because inclement weather
44 caused the school district or accredited nonpublic
45 school to temporarily close school during the regular
46 school calendar, the school district or accredited
47 nonpublic school may excuse a graduating senior who
48 has met district or school requirements for graduation
49 from attendance during the extended school calendar. A
50 school corporation may begin employment of personnel

1 for in-service training and development purposes before
2 the date to begin elementary and secondary school.

3 Sec. _____. Section 279.10, subsections 2 and 3, Code
4 2011, are amended by striking the subsections.

5 Sec. _____. Section 299.4, subsection 1, Code 2011,
6 is amended to read as follows:

7 1. The parent, guardian, or legal custodian of a
8 child who is of compulsory attendance age, who places
9 the child under competent private instruction under
10 either section 299A.2 or 299A.3, not in an accredited
11 school or a home school assistance program operated
12 by a school district or accredited nonpublic school,
13 shall furnish a report in duplicate on forms provided
14 by the public school district, to the district by the
15 ~~earliest starting date specified in section 279.10,~~
16 ~~subsection 1 September 1 of the school year in which~~
17 the child will be under competent private instruction.
18 The secretary shall retain and file one copy and
19 forward the other copy to the district's area education
20 agency. The report shall state the name and age of the
21 child, the period of time during which the child has
22 been or will be under competent private instruction
23 for the year, an outline of the course of study, texts
24 used, and the name and address of the instructor. The
25 parent, guardian, or legal custodian of a child, who is
26 placing the child under competent private instruction
27 for the first time, shall also provide the district
28 with evidence that the child has had the immunizations
29 required under section 139A.8, and, if the child is
30 elementary school age, a blood lead test in accordance
31 with section 135.105D. The term "*outline of course of*
32 *study*" shall include subjects covered, lesson plans,
33 and time spent on the areas of study.

34 Sec. _____. REPEAL. Section 256.22, Code 2011, is
35 repealed.

36 Sec. _____. EFFECTIVE DATE. This division of this
37 Act takes effect July 1, 2012.>

38 12. Page 475, before line 24 by inserting:

39 <DIVISION
40 PRISON INDUSTRIES

41 Sec. _____. Section 904.805, Code 2011, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 7. a. Report semiannually to the
44 general assembly's standing committees on government
45 oversight regarding the operations of Iowa state
46 industries.

47 b. Report quarterly and annually to the industries
48 board, the governor, the auditor of state, and the
49 general assembly a full and complete statement of
50 Iowa state industries revenues and expenses for the

1 preceding quarter, and with respect to the annual
2 report, for the preceding year.

3 Sec. _____. Section 904.813, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 3A. A capital expenditure in
6 an amount exceeding two hundred fifty thousand
7 dollars shall not be made from the Iowa state
8 industries revolving fund without authorization by a
9 constitutional majority of each house of the general
10 assembly, or approval by the legislative council if the
11 general assembly is not in session.

12 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
13 of this Act, being deemed of immediate importance,
14 takes effect upon enactment.>

15 13. Page 475, before line 24 by inserting:

16 <DIVISION _____
17 MEDICATION THERAPY MANAGEMENT

18 Sec. _____. NEW SECTION. 8A.440 Medication therapy
19 management.

20 1. As used in this section, unless the context
21 otherwise requires:

22 a. "*Eligible employee*" means an employee of the
23 state, with the exception of an employee of the state
24 board of regents or institutions under the state board
25 of regents, for whom group health plans are established
26 pursuant to chapter 509A providing for third-party
27 payment or prepayment for health or medical expenses.

28 b. "*Medication therapy management*" means a
29 systematic process performed by a licensed pharmacist,
30 designed to optimize therapeutic outcomes through
31 improved medication use and reduced risk of adverse
32 drug events, including all of the following services:

33 (1) A medication therapy review and in-person
34 consultation relating to all medications, vitamins, and
35 herbal supplements currently being taken by an eligible
36 individual.

37 (2) A medication action plan, subject to the
38 limitations specified in this section, communicated
39 to the individual and the individual's primary care
40 physician or other appropriate prescriber to address
41 safety issues, inconsistencies, duplicative therapy,
42 omissions, and medication costs. The medication action
43 plan may include recommendations to the prescriber for
44 changes in drug therapy.

45 (3) Documentation and follow-up to ensure
46 consistent levels of pharmacy services and positive
47 outcomes.

48 2. a. The department shall amend the contract
49 for the provision of medication therapy management
50 services as initially required pursuant to 2010 Iowa

1 Acts, chapter 1193, section 166, to provide for the
2 continuation of medication therapy management services
3 for eligible employees who meet any of the following
4 criteria:

5 (1) An individual who takes four or more
6 prescription drugs to treat or prevent two or more
7 chronic medical conditions.

8 (2) An individual with a prescription drug therapy
9 problem who is identified by the prescribing physician
10 or other appropriate prescriber, and referred to a
11 pharmacist for medication therapy management services.

12 (3) An individual who meets other criteria
13 established by the third-party payment provider
14 contract, policy, or plan.

15 b. The contract shall require the entity to provide
16 annual reports to the general assembly detailing the
17 costs, savings, estimated cost avoidance and return
18 on investment, and patient outcomes related to the
19 medication therapy management services provided. The
20 entity shall guarantee demonstrated annual savings,
21 including any savings associated with cost avoidance at
22 least equal to the program's costs with any shortfall
23 amount refunded to the state. The contract shall
24 include terms, conditions, and applicable measurement
25 standards associated with the demonstration of savings.
26 The department shall verify the demonstrated savings
27 reported by the entity was achieved in accordance with
28 the agreed upon measurement standards. The entity
29 shall be prohibited from using the entity's employees
30 to provide the medication therapy management services
31 and shall instead be required to contract with licensed
32 pharmacies, pharmacists, or physicians.

33 c. The fees for pharmacist-delivered medication
34 therapy management services shall be separate from
35 the reimbursement for prescription drug product or
36 dispensing services; shall be determined by each
37 third-party payment provider contract, policy, or plan;
38 and must be reasonable based on the resources and time
39 required to provide the service.

40 d. A fee shall be established for physician
41 reimbursement for services delivered for medication
42 therapy management as determined by each third-party
43 payment provider contract, policy, or plan, and must be
44 reasonable based on the resources and time required to
45 provide the service.

46 e. If any part of the medication therapy management
47 plan developed by a pharmacist incorporates services
48 which are outside the pharmacist's independent scope
49 of practice including the initiation of therapy,
50 modification of dosages, therapeutic interchange, or

1 changes in drug therapy, the express authorization
2 of the individual's physician or other appropriate
3 prescriber is required.

4 f. The department shall utilize the services of the
5 college of pharmacy at a state university to validate
6 reported drug cost savings.

7 g. The results of the pilot program established
8 pursuant to 2010 Iowa Acts, chapter 1193, section 166,
9 for the period beginning July 1, 2010, and ending
10 December 31, 2011, shall be submitted to the general
11 assembly no later than March 1, 2012.

12 Sec. ____ . APPROPRIATION — DEPARTMENT OF
13 ADMINISTRATIVE SERVICES. There is appropriated from
14 the fees collected by the board of pharmacy pursuant
15 to chapter 155A and retained by the board of pharmacy
16 pursuant to the authority granted in section 147.82
17 to the department of administrative services for the
18 fiscal year beginning July 1, 2011, and ending June 30,
19 2012, the following amount or so much thereof as is
20 necessary, to be used for the purpose specified:

21 For the medication therapy management program as
22 enacted in this Act:

23 \$ 510,000

24 Sec. ____ . REPEAL. 2010 Iowa Acts, chapter 1193,
25 section 166, is repealed.

26 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
27 of this Act, being deemed of immediate importance,
28 takes effect upon enactment.>

29 14. Page 475, before line 24 by inserting:

30 <DIVISION _____
31 NOTICE OF MORTGAGE MEDIATION ASSISTANCE — SUNSET
32 Sec. ____ . Section 654.4B, subsection 2, paragraph
33 b, Code 2011, is amended to read as follows:

34 b. This subsection is repealed July 1, ~~2011~~ 2012.

35 Sec. ____ . EFFECTIVE UPON ENACTMENT AND RETROACTIVE
36 APPLICABILITY. This division of this Act, being deemed
37 of immediate importance, takes effect upon enactment
38 and, if approved by the governor on or after July 1,
39 2011, shall apply retroactively to June 30, 2011.>

40 15. Page 475, before line 24 by inserting:

41 <DIVISION _____
42 HOUSING DEVELOPMENT — TAX STATUS

43 Sec. ____ . Section 405.1, Code 2011, is amended to
44 read as follows:

45 405.1 Housing development — tax status —
46 limitation.

47 1. The board of supervisors of a county with a
48 population of less than twenty thousand may adopt
49 an ordinance providing that property acquired and
50 subdivided for development of housing shall continue

1 to be assessed for taxation in the manner that it was
2 prior to the acquisition for housing. Each lot shall
3 continue to be taxed in the manner it was prior to
4 its acquisition for housing until the lot is sold for
5 construction or occupancy of housing or five years from
6 the date of subdivision, whichever is shorter. Upon
7 the sale or the expiration of the ~~five-year~~ ten-year
8 period, the property shall be assessed for taxation
9 as residential or commercial multifamily property,
10 whichever is applicable.

11 ~~2. The board of supervisors of a county with
12 a population of twenty thousand or more may adopt
13 an ordinance providing that property acquired and
14 subdivided for development of housing shall continue
15 to be assessed for taxation in the manner that it was
16 prior to the acquisition for housing. Each lot shall
17 continue to be taxed in the manner it was prior to
18 its acquisition for housing until the lot is sold for
19 construction or occupancy of housing or three years
20 from the date of subdivision, whichever is shorter.
21 Upon the sale or the expiration of the three-year
22 period, the property shall be assessed for taxation
23 as residential or commercial multifamily property,
24 whichever is applicable.~~

25 Sec. _____. Section 441.72, Code 2011, is amended to
26 read as follows:

27 **441.72 Assessment of platted lots.**

28 When a subdivision plat is recorded pursuant to
29 chapter 354, the individual lots within the subdivision
30 plat shall not be assessed in excess of the total
31 assessment of the land as acreage or unimproved
32 property for ~~three~~ ten years after the recording of
33 the plat or until the lot is actually improved with
34 permanent construction, whichever occurs first. When
35 an individual lot has been improved with permanent
36 construction, the lot shall be assessed for taxation
37 purposes as provided in chapter 428 and this chapter.
38 This section does not apply to special assessment
39 levies.

40 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
41 APPLICABILITY. This division of this Act, being deemed
42 of immediate importance, takes effect upon enactment
43 and applies retroactively to assessment years beginning
44 on or after January 1, 2011. The division applies
45 to subdivision plats recorded on or after January 1,
46 2004.>

47 16. Page 475, before line 24 by inserting:

48 <DIVISION _____
49 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
50 SERVICE SYSTEM REDESIGN

1 Sec. ____ . ADULT DISABILITY SERVICES SYSTEM
2 REDESIGN.

3 1. For the purposes of this section, "disability
4 services" means services and other support available
5 to a person with mental illness or an intellectual
6 disability or other developmental disability.

7 2. It is the intent of the general assembly to
8 redesign the system for adult disability services to
9 implement all of the following:

10 a. Shifting the funding responsibility for the
11 nonfederal share of adult disability services paid for
12 by the Medicaid program, including but not limited to
13 all costs for the state resource centers, from the
14 counties to the state.

15 b. Reorganizing adult disability services not paid
16 for by the Medicaid program into a system administered
17 on a regional basis in a manner that provides multiple
18 local points of access to adult disability services
19 both paid for by the Medicaid program and not paid for
20 by the Medicaid program.

21 c. Replacing legal settlement as the basis for
22 determining financial responsibility for publicly
23 funded disability services by determining such
24 responsibility based upon residency.

25 3. a. The legislative council is requested to
26 authorize an interim committee on mental health and
27 disability services for the 2011 legislative interim to
28 commence as soon as practicable. The purpose of the
29 interim committee is to closely engage with, monitor,
30 and make recommendations concerning the efforts of
31 the department of human services and workgroups of
32 stakeholders and experts created by the department
33 to develop detailed proposals for the redesign of
34 disability services pursuant to this Act, particularly
35 with regard to the identification of core services.

36 b. (1) It is intended that the interim committee
37 members consist of equal numbers of legislators from
38 both chambers and from both political parties and
39 for staff from the office of the governor and the
40 departments of human services and public health to be
41 designated to serve as ex officio, nonvoting members.
42 It is also requested that legislators serving on the
43 interim committee and other interested legislators
44 be authorized to participate in the meetings of the
45 workgroups and subcommittees addressed in this Act.

46 (2) In addition to addressing workgroup
47 recommendations, it is intended that the interim
48 committee address property tax issues, devise a means
49 of ensuring the state maintains its funding commitments
50 for the redesigned services system, recommend revisions

1 in the requirements for mental health professionals
2 who are engaged in the involuntary commitment and
3 examination processes under chapter 229, develop
4 proposed legislation for amending Code references to
5 mental retardation to instead refer to intellectual
6 disabilities, and consider issues posed by the
7 July 1, 2013, repeals of county disability services
8 administration and funding provisions in 2011 Iowa
9 Acts, Senate File 209, as amended by this Act. In
10 addressing the repeal provisions, the interim committee
11 shall include options for further revisions to the
12 repeal date amendments enacted by this Act.

13 (3) It is intended that the interim committee
14 shall receive and make recommendations concerning the
15 detailed and final proposals submitted by workgroups
16 during the 2011 legislative interim for consideration
17 by the general assembly in the 2012 legislative
18 session.

19 c. (1) The department of human services shall
20 design the workgroup process to facilitate effective
21 decision making while allowing for a broad array of
22 input. The workgroup process shall begin as soon after
23 the effective date of this Act as is practicable. The
24 membership of workgroups and subcommittees involved
25 with the process shall include consumers, service
26 providers, and advocates and provide for adequate
27 representation by both rural and urban interests.
28 The department of public health shall be represented
29 on those workgroups and subcommittees with a focus
30 relevant to the department.

31 (2) The detailed and final proposals developed
32 by the workgroups during the 2011 interim shall
33 be submitted to the interim committee on or before
34 December 9, 2011.

35 d. At least one workgroup shall address redesign
36 of the adult mental health system and at least
37 one workgroup shall address redesign of the adult
38 intellectual and other developmental disability system.
39 The workgroup process shall engage separate workgroups
40 and subcommittees enumerated in this Act and may
41 involve additional bodies in the process as determined
42 by the department.

43 e. It is intended that interim committee members
44 be engaged, to the extent possible, in workgroup
45 deliberations and begin formal discussions of
46 preliminary proposals developed by the workgroups
47 beginning in October.

48 4. The workgroup process implemented by the
49 department of human services pursuant to subsection
50 3 shall result in the submission of proposals for

1 redesign of adult disability services that include but
2 are not limited to all of the following:

3 a. Identifying clear definitions and requirements
4 for the following:

5 (1) Eligibility criteria for the individuals to be
6 served.

7 (2) The array of core services and other support to
8 be included in regional adult disability services plans
9 and to be delivered by providers based on individual
10 needs and medical necessity and in a manner that
11 promotes cost-effectiveness, uniformity, accessibility,
12 and best practice approaches. The array shall
13 encompass and integrate services and other support paid
14 for by both the Medicaid program and other sources.

15 (3) Outcome measures that focus on consumer needs,
16 including but not limited to measures addressing
17 individual choice, empowerment, and community.

18 (4) Quality assurance measures.

19 (5) Provider accreditation, certification,
20 or licensure requirements to ensure high quality
21 services while avoiding unreasonable expectations and
22 duplicative surveys.

23 (6) Input in regional service plans and delivery
24 provisions by consumer and provider representatives.
25 The input process shall engage local consumers,
26 providers, and counties in developing the regional
27 provisions.

28 (7) Provisions for representatives of the regional
29 system and the department to regularly engage in
30 discussions to resolve Medicaid and non-Medicaid
31 issues involving documentation requirements, electronic
32 records, reimbursement methodologies, cost projections,
33 and other measures to improve the services and other
34 support available to consumers.

35 b. Incorporating strategies to allow individuals
36 to receive services in accordance with the principles
37 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
38 in order for services to be provided in the most
39 community-based, least restrictive, and integrated
40 setting appropriate to an individual's needs.

41 c. Continuing the department's leadership role
42 in the Medicaid program in defining services covered,
43 establishing reimbursement methodologies, providing
44 other administrative functions, and engaging in federal
45 options for program enhancements that are beneficial to
46 consumers and the state such as medical or behavioral
47 health homes.

48 d. Implementing mental health crisis response
49 services statewide in a manner determined to be most
50 appropriate by each region.

1 e. Implementing a subacute level of care to provide
2 short-term mental health services in a structured
3 residential setting that supplies a less intensive
4 level of care than is supplied by acute psychiatric
5 services.

6 f. Reviewing best practices and programs utilized
7 by other states in identifying new approaches for
8 addressing the needs for publicly funded services for
9 persons with brain injury. The proposals regarding
10 these approaches may be submitted after the workgroup
11 submission date set out in subsection 3.

12 g. Developing a proposal for addressing service
13 provider shortages. The development of the proposal
14 shall incorporate an examination of scope of practice
15 limitations and barriers to recruiting providers,
16 including but not limited to variation in health
17 insurance payment provisions for the services provided
18 by different types of providers.

19 h. Developing a proposal for service providers
20 addressing co-occurring mental health, intellectual
21 disability, brain injury, and substance abuse
22 disorders. Each workgroup or subcommittee shall
23 address co-occurring disorders as appropriate to the
24 focus of the workgroup or subcommittee. The overall
25 proposal may be developed by a body consisting of
26 members from other workgroups or subcommittees. The
27 proposal shall also provide options, developed in
28 coordination with the judicial branch and department
29 of human services workgroup, for implementation
30 of the provision of advocates to patients with
31 substance-related disorders.

32 i. Developing a proposal for redesign of publicly
33 funded children's disability services, including but
34 not limited to the needs of children who are placed
35 out-of-state due to the lack of treatment services
36 in this state. The proposal shall be developed by a
37 separate workgroup or subcommittee and in addition to
38 the other interests and representation required by this
39 section, the membership shall include education system
40 and juvenile court representatives. The preliminary
41 findings and recommendations, and the initial proposal
42 shall be submitted by the October and December 2011
43 dates required for other workgroups and subcommittees.
44 The initial proposal developed during the 2011
45 legislative interim shall include an analysis of gaps
46 in the children's system and other planning provisions
47 necessary to complete the final proposal for submission
48 on or before December 10, 2012.

49 j. Developing a proposal for adult disability
50 services not paid for by the Medicaid program to be

1 administered on a regional basis in a manner that
2 provides multiple local points of access for consumers
3 needing adult disability services, regardless of
4 the funding sources for the services. The proposal
5 shall be integrated with the other proposals under
6 this subsection and shall be developed by a separate
7 workgroup or subcommittee engaging both urban and rural
8 county supervisors and central-point-of-coordination
9 administrators and other experts. The considerations
10 for inclusion in the proposal for forming regional
11 entities shall include but are not limited to all of
12 the following:

13 (1) Modifying the relevant provisions of chapter
14 28E for use by counties in forming regional entities
15 and addressing other necessary contracting measures.

16 (2) Providing for performance-based contracting
17 between the department of human services and regional
18 entities to ensure the existence of multiple, local
19 points of access for adult disability services
20 eligibility, intake, and authorization, service
21 navigation support, and case coordination or case
22 management, regardless of the funding sources for the
23 services.

24 (3) Developing a three-year service plan and annual
25 update to meet the needs of consumers.

26 (4) Providing for the regional entities to
27 implement performance-based contracts, uniform cost
28 reports, and consistent reimbursement practices and
29 payment methodologies with local providers of services
30 not paid for by the Medicaid program.

31 (5) Providing for the regional entities to
32 determine the Medicaid program targeted case managers
33 to serve the regions.

34 (6) Providing for the regional entities and the
35 department of human services to regularly coordinate
36 and communicate with one another concerning the adult
37 disability services paid for by the Medicaid program so
38 that services paid for by the program and the regional
39 entities are integrated and coordinated.

40 (7) Identifying sufficient population size to
41 attain economy of scale, adequate financial resources,
42 and appropriate service delivery.

43 (8) Addressing full participation in regional
44 entities by counties.

45 (9) Including dispute resolution provisions for
46 county-to-county relationships, county-to-region
47 relationships, and region-to-state relationships.

48 (10) Providing for a consumer appeal process that
49 is clear, impartial, and consistent, with consideration
50 of an option that appeals beyond the regional level

1 should be to a state administrative law judge.
2 (11) Addressing financial management provisions,
3 including appropriate financial reserve levels.
4 (12) Proposing other criteria for forming regional
5 entities. The other criteria considered shall include
6 but are not limited to all of the following:
7 (a) Requiring a region to consist of contiguous
8 counties.
9 (b) Evaluating a proposed region's capacity
10 for providing core services and performing required
11 functions.
12 (c) Requiring a region to encompass at least
13 one community mental health center or federally
14 qualified health center with providers qualified to
15 provide psychiatric services, either directly or with
16 assistance from psychiatric consultants, that has the
17 capacity to provide outpatient services for the region
18 and has provided evidence of a commitment to provide
19 outpatient services for the region.
20 (d) Requiring a region to encompass or have
21 reasonably close proximity to a hospital with an
22 inpatient psychiatric unit or to a state mental health
23 institute, that has the capacity to provide inpatient
24 services for the region and has provided evidence of
25 a commitment to provide inpatient services for the
26 region.
27 (e) Requiring an administrative structure utilized
28 by a region to have clear lines of accountability and
29 to serve as a lead agency with shared county staff or
30 other means of limiting administrative costs to not
31 more than five percent of expenditures.
32 5. The target date for full implementation of
33 the plan and implementation provisions described in
34 subsections 3 and 4 shall be July 1, 2013, provided,
35 however, that any expansion of services is subject to
36 available funding.
37 Sec. _____. CONTINUATION OF WORKGROUP BY JUDICIAL
38 BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial
39 branch and department of human services shall continue
40 the workgroup implemented pursuant to 2010 Iowa Acts,
41 chapter 1192, section 24, subsection 2, to improve
42 the processes for involuntary commitment for chronic
43 substance abuse under chapter 125 and for serious
44 mental illness under chapter 229, and shall coordinate
45 its efforts with the legislative interim committee and
46 other workgroups initiated pursuant to this Act. The
47 recommendations issued by the workgroup shall address
48 options to the current provision of transportation
49 by the county sheriff; to the role, supervision,
50 and funding of mental health patient advocates and

1 substance-related disorder patient advocates, along
2 with options for implementation of the provision of
3 advocates to patients with such disorders; for revising
4 requirements for mental health professionals who are
5 engaged in the involuntary commitment and examination
6 processes under chapter 229; for authorizing the
7 court to order an involuntary hold of a patient under
8 section 229.10 for not more than twenty-three hours
9 who was not initially taken into custody but declined
10 to be examined pursuant to a previous court order;
11 and for civil commitment prescreening. Preliminary
12 recommendations shall be submitted to the legislative
13 interim committee in October 2011, as specified by the
14 interim committee. Additional stakeholders shall be
15 added as necessary to facilitate the workgroup efforts.
16 The workgroup shall complete deliberations and submit
17 a final report to the legislative interim committee
18 providing findings and recommendations on or before
19 December 9, 2011.

20 Sec. _____. SERVICE SYSTEM DATA AND STATISTICAL
21 INFORMATION INTEGRATION. In coordination with
22 the legislative interim committee and workgroups
23 initiated pursuant to this Act, representatives of the
24 department of human services, department of public
25 health, and the community services network hosted by
26 the Iowa state association of counties shall develop
27 implementation provisions for an integrated data and
28 statistical information system for mental health,
29 disability services, and substance abuse services.
30 The implementation provisions shall incorporate
31 federal data and statistical information requirements.
32 When completed, the departments and affiliate shall
33 report on the integrated system to the governor,
34 the joint appropriations subcommittee on health and
35 human services, and the legislative services agency,
36 providing their findings and recommendations.

37 Sec. _____. DEPARTMENT OF HUMAN SERVICES. There is
38 appropriated from the general fund of the state to
39 the department of human services for the fiscal year
40 beginning July 1, 2010, and ending June 30, 2011, the
41 following amount, or so much thereof as is necessary,
42 to be used for the purposes designated:

43 For the costs of planning and other processes
44 associated with implementation of this Act:
45 \$ 250,000

46 Notwithstanding section 8.47 or any other provision
47 of law to the contrary, the department may utilize a
48 sole source approach to contract to support planning
49 and other processes associated with implementation
50 of this Act. Notwithstanding section 8.33, moneys

1 appropriated in this section that remain unencumbered
2 or unobligated at the close of the fiscal year shall
3 not revert but shall remain available for expenditure
4 for the purposes designated until the close of the
5 succeeding fiscal year.

6 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
7 of this Act, being deemed of immediate importance,
8 takes effect upon enactment and, unless otherwise
9 provided by this division of this Act, if approved by
10 the governor on or after July 1, 2011, shall apply
11 retroactively to June 30, 2011.

12 DIVISION _____

13 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
14 CONFORMING PROVISIONS

15 Sec. _____. CONFORMING PROVISIONS. The legislative
16 services agency shall prepare a study bill for
17 consideration by the committees on human resources of
18 the senate and house of representatives for the 2012
19 legislative session, providing any necessary conforming
20 Code changes for implementation of the mental health
21 and disabilities services redesign divisions contained
22 in this Act.

23 DIVISION _____

24 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
25 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

26 Sec. _____. Section 135H.3, subsection 1, Code 2011,
27 is amended to read as follows:

28 1. A psychiatric medical institution for children
29 shall utilize a team of professionals to direct an
30 organized program of diagnostic services, psychiatric
31 services, nursing care, and rehabilitative services
32 to meet the needs of residents in accordance with a
33 medical care plan developed for each resident. The
34 membership of the team of professionals may include
35 but is not limited to an advanced registered nurse
36 practitioner or a physician assistant. Social and
37 rehabilitative services shall be provided under the
38 direction of a qualified mental health professional.

39 Sec. _____. Section 135H.6, subsection 8, Code 2011,
40 is amended to read as follows:

41 8. The department of human services may give
42 approval to conversion of beds approved under
43 subsection 6, to beds which are specialized to provide
44 substance abuse treatment. However, the total number
45 of beds approved under subsection 6 and this subsection
46 shall not exceed four hundred thirty. Conversion of
47 beds under this subsection shall not require a revision
48 of the certificate of need issued for the psychiatric
49 institution making the conversion. Beds for children
50 who do not reside in this state and whose service costs

1 are not paid by public funds in this state are not
2 subject to the limitations on the number of beds and
3 certificate of need requirements otherwise applicable
4 under this section.

5 Sec. ____ . PSYCHIATRIC MEDICAL INSTITUTIONS FOR
6 CHILDREN AND RELATED SERVICES — TRANSITION COMMITTEE.

7 1. For the purposes of this section, unless the
8 context otherwise requires:

9 a. "Iowa plan" means the contract to administer the
10 behavioral health managed care plan under the state's
11 Medicaid program.

12 b. "PMIC" means a psychiatric medical institution
13 for children.

14 2. It is the intent of the general assembly to do
15 the following under this section:

16 a. Improve the reimbursement, expected outcomes,
17 and integration of PMIC services to serve the best
18 interests of children within the context of a redesign
19 of the delivery of publicly funded children's mental
20 health services in this state.

21 b. Support the development of specialized programs
22 for children with high acuity requirements whose needs
23 are not met by Iowa's current system and must be served
24 in out-of-state placements.

25 c. Transition PMIC services while providing
26 services in a manner that applies best practices and is
27 cost-effective.

28 3. The department of human services, in
29 collaboration with PMIC providers, shall develop a
30 plan for transitioning the administration of PMIC
31 services to the Iowa plan. The transition plan
32 shall address specific strategies for appropriately
33 addressing PMIC lengths of stay by increasing the
34 availability of less intensive levels of care,
35 establishing vendor performance standards, identifying
36 levels of PMIC care, providing for performance and
37 quality improvement technical assistance to providers,
38 identifying methods and standards for credentialing
39 providers of specialized programs, using innovative
40 reimbursement incentives to improve access while
41 building the capacity of less intensive levels of care,
42 and providing implementation guidelines.

43 4. a. The transition plan shall address the
44 development of specialized programs to address the
45 needs of children in need of more intensive treatment
46 who are currently underserved. All of the following
47 criteria shall be used for such programs:

48 (1) Geographic accessibility.

49 (2) Expertise needed to assure appropriate and
50 effective treatment.

1 (3) Capability to define and provide the
2 appropriate array of services and report on
3 standardized outcome measures.

4 (4) Best interests of the child.

5 b. The transition plan shall also address all of
6 the following:

7 (1) Providing navigation, access, and care
8 coordination for children and families in need of
9 services from the children's mental health system.

10 (2) Integrating the children's mental health
11 waiver services under the Medicaid program with
12 other services addressed by the transition plan as a
13 means for supporting the transition plan and ensuring
14 availability of choices for community placements.

15 (3) Identifying admission and continued stay
16 criteria for PMIC providers.

17 (4) Evaluating changes in licensing standards for
18 PMICs as necessary to ensure that the standards are
19 aligned with overall system goals.

20 (5) Evaluating alternative reimbursement and
21 service models that are innovative and could support
22 overall system goals. The models may include but are
23 not limited to accountable care organizations, medical
24 or other health homes, and performance-based payment
25 methods.

26 (6) Evaluating the adequacy of reimbursement at all
27 levels of the children's mental health system.

28 (7) Developing profiles of the conditions and
29 behaviors that result in a child's involuntary
30 discharge or out-of-state placement. The plan shall
31 incorporate provisions for developing specialized
32 programs that are designed to appropriately meet the
33 needs identified in the profiles.

34 (8) Evaluating and defining the appropriate array
35 of less intensive services for a child leaving a
36 hospital or PMIC placement.

37 (9) Evaluating and defining the standards for
38 existing and new PMIC and other treatment levels.

39 5. a. The department shall establish a
40 transition committee that includes departmental
41 staff representatives for Medicaid, child welfare,
42 field, and mental health services, the director of
43 the Iowa plan, the department of inspections and
44 appeals, a representative of each licensed PMIC, the
45 executive director of the coalition of family and
46 children's services in Iowa, a person with knowledge
47 and expertise in care coordination and integration
48 of PMIC and community-based services, two persons
49 representing families affected by the children's mental
50 health system, and a representative of juvenile court

1 officers.

2 b. The transition committee shall develop the plan
3 and manage the transition if the plan is implemented.
4 The plan shall be developed by December 31, 2011,
5 and shall be submitted to the general assembly by
6 January 16, 2012. The submitted plan shall include
7 an independent finding by the director of human
8 services, in consultation with the office of the
9 governor and the chairpersons and ranking members of
10 the joint appropriations subcommittee on health and
11 human services, that the plan meets the intent of the
12 general assembly under this section. Unless otherwise
13 directed by enactment of the general assembly the
14 department and the transition committee may proceed
15 with implementation of the submitted plan on or before
16 July 1, 2012.

17 c. The transition committee shall continue to meet
18 through December 31, 2013, to oversee transition of
19 PMIC services to the Iowa plan.

20 6. The director of the Medicaid enterprise of the
21 department of human services shall annually report on
22 or before December 15 to the chairpersons and ranking
23 members of the joint appropriations subcommittee on
24 health and human services through December 15, 2016,
25 regarding the implementation of this section. The
26 content of the report shall include but is not limited
27 to information on children served by PMIC providers,
28 the types of locations to which children are discharged
29 following a hospital or PMIC placement and the
30 community-based services available to such children,
31 and the incidence of readmission to a PMIC within 12
32 months of discharge. The report shall also recommend
33 whether or not to continue administration of PMIC
34 services under the Iowa plan based upon the quality
35 of service delivery, the value of utilizing the Iowa
36 plan administration rather than the previous approach
37 through the Medicaid enterprise, and analysis of the
38 cost and benefits of utilizing the Iowa plan approach.

39 DIVISION _____

40 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN

41 COMMUNITY MENTAL HEALTH CENTERS

42 COMMUNITY MENTAL HEALTH CENTERS — CATCHMENT AREAS

43 Sec. ____ . NEW SECTION. 230A.101 **Services system**
44 **roles.**

45 1. The role of the department of human services,
46 through the division of the department designated as
47 the state mental health authority with responsibility
48 for state policy concerning mental health and
49 disability services, is to develop and maintain
50 policies for the mental health and disability services

1 system. The policies shall address the service
2 needs of individuals of all ages with disabilities
3 in this state, regardless of the individuals' places
4 of residence or economic circumstances, and shall be
5 consistent with the requirements of chapter 225C and
6 other applicable law.

7 2. The role of community mental health centers in
8 the mental health and disability services system is
9 to provide an organized set of services in order to
10 adequately meet the mental health needs of this state's
11 citizens based on organized catchment areas.

12 Sec. ____ . NEW SECTION. **230A.102 Definitions.**

13 As used in this chapter, unless the context
14 otherwise requires:

15 1. "Administrator", "commission", "department",
16 "disability services", and "division" mean the same as
17 defined in section 225C.2.

18 2. "Catchment area" means a community mental health
19 center catchment area identified in accordance with
20 this chapter.

21 3. "Community mental health center" or "center"
22 means a community mental health center designated in
23 accordance with this chapter.

24 Sec. ____ . NEW SECTION. **230A.103 Designation of**
25 **community mental health centers.**

26 1. The division, subject to agreement by any
27 community mental health center that would provide
28 services for the catchment area and approval by the
29 commission, shall designate at least one community
30 mental health center under this chapter to serve as
31 lead agency for addressing the mental health needs of
32 the county or counties comprising the catchment area.
33 The designation process shall provide for the input
34 of potential service providers regarding designation
35 of the initial catchment area or a change in the
36 designation.

37 2. The division shall utilize objective criteria
38 for designating a community mental health center
39 to serve a catchment area and for withdrawing such
40 designation. The commission shall adopt rules
41 outlining the criteria. The criteria shall include but
42 are not limited to provisions for meeting all of the
43 following requirements:

44 a. An appropriate means shall be used for
45 determining which prospective designee is best able to
46 serve all ages of the targeted population within the
47 catchment area with minimal or no service denials.

48 b. An effective means shall be used for determining
49 the relative ability of a prospective designee to
50 appropriately provide mental health services and other

1 support to consumers residing within a catchment area
2 as well as consumers residing outside the catchment
3 area. The criteria shall address the duty for a
4 prospective designee to arrange placements outside the
5 catchment area when such placements best meet consumer
6 needs and to provide services within the catchment area
7 to consumers who reside outside the catchment area when
8 the services are necessary and appropriate.

9 3. The board of directors for a designated
10 community mental health center shall enter into
11 an agreement with the division. The terms of the
12 agreement shall include but are not limited to all of
13 the following:

14 a. The period of time the agreement will be in
15 force.

16 b. The services and other support the center will
17 offer or provide for the residents of the catchment
18 area.

19 c. The standards to be followed by the center in
20 determining whether and to what extent the persons
21 seeking services from the center shall be considered to
22 be able to pay the costs of the services.

23 d. The policies regarding availability of the
24 services offered by the center to the residents of the
25 catchment area as well as consumers residing outside
26 the catchment area.

27 e. The requirements for preparation and submission
28 to the division of annual audits, cost reports, program
29 reports, performance measures, and other financial and
30 service accountability information.

31 4. This section does not limit the authority of
32 the board or the boards of supervisors of any county
33 or group of counties to continue to expend money to
34 support operation of a center.

35 Sec. ____ . **NEW SECTION. 230A.104 Catchment areas.**

36 1. The division shall collaborate with affected
37 counties in identifying community mental health center
38 catchment areas in accordance with this section.

39 2. a. Unless the division has determined that
40 exceptional circumstances exist, a catchment area
41 shall be served by one community mental health center.
42 The purpose of this general limitation is to clearly
43 designate the center responsible and accountable for
44 providing core mental health services to the target
45 population in the catchment area and to protect the
46 financial viability of the centers comprising the
47 mental health services system in the state.

48 b. A formal review process shall be used in
49 determining whether exceptional circumstances exist
50 that justify designating more than one center to

1 serve a catchment area. The criteria for the review
2 process shall include but are not limited to a means
3 of determining whether the catchment area can support
4 more than one center.

5 c. Criteria shall be provided that would allow
6 the designation of more than one center for all
7 or a portion of a catchment area if designation or
8 approval for more than one center was provided by the
9 division as of October 1, 2010. The criteria shall
10 require a determination that all such centers would be
11 financially viable if designation is provided for all.

12 Sec. _____. NEW SECTION. 230A.105 Target population
13 — eligibility.

14 1. The target population residing in a catchment
15 area to be served by a community mental health
16 center shall include but is not limited to all of the
17 following:

18 a. Individuals of any age who are experiencing a
19 mental health crisis.

20 b. Individuals of any age who have a mental health
21 disorder.

22 c. Adults who have a serious mental illness or
23 chronic mental illness.

24 d. Children and youth who are experiencing a
25 serious emotional disturbance.

26 e. Individuals described in paragraph "a", "b",
27 "c", or "d" who have a co-occurring disorder, including
28 but not limited to substance abuse, mental retardation,
29 a developmental disability, brain injury, autism
30 spectrum disorder, or another disability or special
31 health care need.

32 2. Specific eligibility criteria for members of the
33 target population shall be identified in administrative
34 rules adopted by the commission. The eligibility
35 criteria shall address both clinical and financial
36 eligibility.

37 Sec. _____. NEW SECTION. 230A.106 Services offered.

38 1. A community mental health center designated
39 in accordance with this chapter shall offer core
40 services and support addressing the basic mental health
41 and safety needs of the target population and other
42 residents of the catchment area served by the center
43 and may offer other services and support. The core
44 services shall be identified in administrative rules
45 adopted by the commission for this purpose.

46 2. The initial core services identified shall
47 include all of the following:

48 a. *Outpatient services.* Outpatient services shall
49 consist of evaluation and treatment services provided
50 on an ambulatory basis for the target population.

1 Outpatient services include psychiatric evaluations,
2 medication management, and individual, family, and
3 group therapy. In addition, outpatient services shall
4 include specialized outpatient services directed to the
5 following segments of the target population: children,
6 elderly, individuals who have serious and persistent
7 mental illness, and residents of the service area
8 who have been discharged from inpatient treatment
9 at a mental health facility. Outpatient services
10 shall provide elements of diagnosis, treatment, and
11 appropriate follow-up. The provision of only screening
12 and referral services does not constitute outpatient
13 services.

14 *b. Twenty-four-hour emergency services.*

15 Twenty-four-hour emergency services shall be
16 provided through a system that provides access to a
17 clinician and appropriate disposition with follow-up
18 documentation of the emergency service provided.
19 A patient shall have access to evaluation and
20 stabilization services after normal business hours.
21 The range of emergency services that shall be available
22 to a patient may include but are not limited to direct
23 contact with a clinician, medication evaluation,
24 and hospitalization. The emergency services may be
25 provided directly by the center or in collaboration
26 or affiliation with other appropriately accredited
27 providers.

28 *c. Day treatment, partial hospitalization, or*
29 *psychosocial rehabilitation services.* Such services
30 shall be provided as structured day programs in
31 segments of less than twenty-four hours using a
32 multidisciplinary team approach to develop treatment
33 plans that vary in intensity of services and the
34 frequency and duration of services based on the needs
35 of the patient. These services may be provided
36 directly by the center or in collaboration or
37 affiliation with other appropriately accredited
38 providers.

39 *d. Admission screening for voluntary patients.*

40 Admission screening services shall be available for
41 patients considered for voluntary admission to a state
42 mental health institute to determine the patient's
43 appropriateness for admission.

44 *e. Community support services.* Community support
45 services shall consist of support and treatment
46 services focused on enhancing independent functioning
47 and assisting persons in the target population who
48 have a serious and persistent mental illness to live
49 and work in their community setting, by reducing or
50 managing mental illness symptoms and the associated

1 functional disabilities that negatively impact such
2 persons' community integration and stability.

3 *f. Consultation services.* Consultation services
4 may include provision of professional assistance and
5 information about mental health and mental illness to
6 individuals, service providers, or groups to increase
7 such persons' effectiveness in carrying out their
8 responsibilities for providing services. Consultations
9 may be case-specific or program-specific.

10 *g. Education services.* Education services may
11 include information and referral services regarding
12 available resources and information and training
13 concerning mental health, mental illness, availability
14 of services and other support, the promotion
15 of mental health, and the prevention of mental
16 illness. Education services may be made available to
17 individuals, groups, organizations, and the community
18 in general.

19 3. A community mental health center shall be
20 responsible for coordinating with associated services
21 provided by other unaffiliated agencies to members
22 of the target population in the catchment area and
23 to integrate services in the community with services
24 provided to the target population in residential or
25 inpatient settings.

26 Sec. ____ . NEW SECTION. 230A.107 **Form of**
27 **organization.**

28 1. Except as authorized in subsection 2, a
29 community mental health center designated in accordance
30 with this chapter shall be organized and administered
31 as a nonprofit corporation.

32 2. A for-profit corporation, nonprofit corporation,
33 or county hospital providing mental health services to
34 county residents pursuant to a waiver approved under
35 section 225C.7, subsection 3, Code 2011, as of October
36 1, 2010, may also be designated as a community mental
37 health center.

38 Sec. ____ . NEW SECTION. 230A.108 **Administrative,**
39 **diagnostic, and demographic information.**

40 Release of administrative and diagnostic
41 information, as defined in section 228.1, and
42 demographic information necessary for aggregated
43 reporting to meet the data requirements established by
44 the division, relating to an individual who receives
45 services from a community mental health center, may
46 be made a condition of support of that center by the
47 division.

48 Sec. ____ . NEW SECTION. 230A.109 **Funding —**
49 **legislative intent.**

50 1. It is the intent of the general assembly that

1 public funding for community mental health centers
2 designated in accordance with this chapter shall be
3 provided as a combination of federal and state funding.

4 2. It is the intent of the general assembly that
5 the state funding provided to centers be a sufficient
6 amount for the core services and support addressing the
7 basic mental health and safety needs of the residents
8 of the catchment area served by each center to be
9 provided regardless of individual ability to pay for
10 the services and support.

11 3. While a community mental health center must
12 comply with the core services requirements and other
13 standards associated with designation, provision of
14 services is subject to the availability of a payment
15 source for the services.

16 Sec. ____ . NEW SECTION. 230A.110 Standards.

17 1. The division shall recommend and the commission
18 shall adopt standards for designated community
19 mental health centers and comprehensive community
20 mental health programs, with the overall objective of
21 ensuring that each center and each affiliate providing
22 services under contract with a center furnishes
23 high-quality mental health services within a framework
24 of accountability to the community it serves. The
25 standards adopted shall conform with federal standards
26 applicable to community mental health centers and
27 shall be in substantial conformity with the applicable
28 behavioral health standards adopted by the joint
29 commission, formerly known as the joint commission
30 on accreditation of health care organizations, and
31 other recognized national standards for evaluation of
32 psychiatric facilities unless in the judgment of the
33 division, with approval of the commission, there are
34 sound reasons for departing from the standards.

35 2. When recommending standards under this section,
36 the division shall designate an advisory committee
37 representing boards of directors and professional
38 staff of designated community mental health centers to
39 assist in the formulation or revision of standards.
40 The membership of the advisory committee shall include
41 representatives of professional and nonprofessional
42 staff and other appropriate individuals.

43 3. The standards recommended under this section
44 shall include requirements that each community mental
45 health center designated under this chapter do all of
46 the following:

47 a. Maintain and make available to the public a
48 written statement of the services the center offers
49 to residents of the catchment area being served. The
50 center shall employ or contract for services with

1 affiliates to employ staff who are appropriately
2 credentialed or meet other qualifications in order to
3 provide services.

4 *b.* If organized as a nonprofit corporation, be
5 governed by a board of directors which adequately
6 represents interested professions, consumers of
7 the center's services, socioeconomic, cultural, and
8 age groups, and various geographical areas in the
9 catchment area served by the center. If organized
10 as a for-profit corporation, the corporation's policy
11 structure shall incorporate such representation.

12 *c.* Arrange for the financial condition and
13 transactions of the community mental health center to
14 be audited once each year by the auditor of state.
15 However, in lieu of an audit by state accountants,
16 the local governing body of a community mental health
17 center organized under this chapter may contract with
18 or employ certified public accountants to conduct the
19 audit, pursuant to the applicable terms and conditions
20 prescribed by sections 11.6 and 11.19 and audit format
21 prescribed by the auditor of state. Copies of each
22 audit shall be furnished by the accountant to the
23 administrator of the division of mental health and
24 disability services.

25 *d.* Comply with the accreditation standards
26 applicable to the center.

27 Sec. _____. NEW SECTION. **230A.111 Review and**
28 **evaluation.**

29 1. The review and evaluation of designated centers
30 shall be performed through a formal accreditation
31 review process as recommended by the division and
32 approved by the commission. The accreditation process
33 shall include all of the following:

34 *a.* Specific time intervals for full accreditation
35 reviews based upon levels of accreditation.

36 *b.* Use of random or complaint-specific, on-site
37 limited accreditation reviews in the interim between
38 full accreditation reviews, as a quality review
39 approach. The results of such reviews shall be
40 presented to the commission.

41 *c.* Use of center accreditation self-assessment
42 tools to gather data regarding quality of care and
43 outcomes, whether used during full or limited reviews
44 or at other times.

45 2. The accreditation process shall include but is
46 not limited to addressing all of the following:

47 *a.* Measures to address centers that do not meet
48 standards, including authority to revoke accreditation.

49 *b.* Measures to address noncompliant centers that
50 do not develop a corrective action plan or fail to

1 implement steps included in a corrective action plan
2 accepted by the division.
3 c. Measures to appropriately recognize centers that
4 successfully complete a corrective action plan.
5 d. Criteria to determine when a center's
6 accreditation should be denied, revoked, suspended, or
7 made provisional.
8 Sec. _____. REPEAL. Sections 230A.1 through 230A.18,
9 Code 2011, are repealed.
10 Sec. _____. IMPLEMENTATION — EFFECTIVE DATE.
11 1. Community mental health centers operating
12 under the provisions of chapter 230A, Code 2011, and
13 associated standards, rules, and other requirements as
14 of June 30, 2012, may continue to operate under such
15 requirements until the department of human services,
16 division of mental health and disability services, and
17 the mental health and disability services commission
18 have completed the rules adoption process to implement
19 the amendments to chapter 230A enacted by this division
20 of this Act, identified catchment areas, and completed
21 designations of centers.
22 2. The division and the commission shall complete
23 the rules adoption process and other requirements
24 addressed in subsection 1 on or before June 30, 2012.
25 3. Except for this section, which shall take effect
26 July 1, 2011, this division of this Act takes effect
27 July 1, 2012.

28 DIVISION _____
29 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
30 PERSONS WITH SUBSTANCE-RELATED DISORDERS
31 AND PERSONS WITH MENTAL ILLNESS

32 Sec. _____. Section 125.1, subsection 1, Code 2011,
33 is amended to read as follows:
34 1. That ~~substance abusers and persons suffering~~
35 from chemical dependency persons with substance-related
36 disorders be afforded the opportunity to receive
37 quality treatment and directed into rehabilitation
38 services which will help them resume a socially
39 acceptable and productive role in society.
40 Sec. _____. Section 125.2, subsection 2, Code 2011,
41 is amended by striking the subsection.
42 Sec. _____. Section 125.2, subsection 5, Code 2011,
43 is amended by striking the subsection and inserting in
44 lieu thereof the following:
45 5. "*Substance-related disorder*" means a diagnosable
46 substance abuse disorder of sufficient duration to meet
47 diagnostic criteria specified within the most current
48 diagnostic and statistical manual of mental disorders
49 published by the American psychiatric association that
50 results in a functional impairment.

1 Sec. _____. Section 125.2, subsection 9, Code 2011,
2 is amended to read as follows:

3 9. "*Facility*" means an institution, a
4 detoxification center, or an installation providing
5 care, maintenance and treatment for ~~substance abusers~~
6 persons with substance-related disorders licensed
7 by the department under section 125.13, hospitals
8 licensed under chapter 135B, or the state mental health
9 institutes designated by chapter 226.

10 Sec. _____. Section 125.2, subsections 13, 17, and
11 18, Code 2011, are amended by striking the subsections.

12 Sec. _____. Section 125.9, subsections 2 and 4, Code
13 2011, are amended to read as follows:

14 2. Make contracts necessary or incidental to the
15 performance of the duties and the execution of the
16 powers of the director, including contracts with public
17 and private agencies, organizations and individuals
18 to pay them for services rendered or furnished to
19 ~~substance abusers, chronic substance abusers, or~~
20 intoxicated persons persons with substance-related
21 disorders.

22 4. Coordinate the activities of the department and
23 cooperate with substance abuse programs in this and
24 other states, and make contracts and other joint or
25 cooperative arrangements with state, local or private
26 agencies in this and other states for the treatment
27 of ~~substance abusers, chronic substance abusers, and~~
28 intoxicated persons persons with substance-related
29 disorders and for the common advancement of substance
30 abuse programs.

31 Sec. _____. Section 125.10, subsections 2, 3, 4, 5,
32 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to
33 read as follows:

34 2. Develop, encourage, and foster statewide,
35 regional and local plans and programs for the
36 prevention of substance ~~abuse~~ misuse and the treatment
37 of ~~substance abusers, chronic substance abusers, and~~
38 intoxicated persons persons with substance-related
39 disorders in cooperation with public and private
40 agencies, organizations and individuals, and provide
41 technical assistance and consultation services for
42 these purposes.

43 3. Coordinate the efforts and enlist the assistance
44 of all public and private agencies, organizations and
45 individuals interested in the prevention of substance
46 abuse and the treatment of ~~substance abusers, chronic~~
47 ~~substance abusers, and intoxicated persons~~ persons with
48 substance-related disorders.

49 4. Cooperate with the department of human
50 services and the Iowa department of public health

1 in establishing and conducting programs to provide
2 treatment for ~~substance abusers, chronic substance~~
3 ~~abusers, and intoxicated persons~~ persons with
4 substance-related disorders.

5 5. Cooperate with the department of education,
6 boards of education, schools, police departments,
7 courts, and other public and private agencies,
8 organizations, and individuals in establishing programs
9 for the prevention of substance abuse and the treatment
10 of ~~substance abusers, chronic substance abusers, and~~
11 ~~intoxicated persons~~ persons with substance-related
12 disorders, and in preparing relevant curriculum
13 materials for use at all levels of school education.

14 7. Develop and implement, as an integral part
15 of treatment programs, an educational program for
16 use in the treatment of ~~substance abusers, chronic~~
17 ~~substance abusers, and intoxicated persons~~ persons
18 with substance-related disorders, which program shall
19 include the dissemination of information concerning the
20 nature and effects of ~~chemical~~ substances.

21 8. Organize and implement, in cooperation with
22 local treatment programs, training programs for all
23 persons engaged in treatment of ~~substance abusers,~~
24 ~~chronic substance abusers, and intoxicated persons~~
25 persons with substance-related disorders.

26 9. Sponsor and implement research in cooperation
27 with local treatment programs into the causes and
28 nature of substance ~~abuse misuse~~ and treatment of
29 ~~substance abusers, chronic substance abusers, and~~
30 ~~intoxicated persons~~ persons with substance-related
31 disorders, and serve as a clearing house for
32 information relating to substance abuse.

33 11. Develop and implement, with the counsel and
34 approval of the board, the comprehensive plan for
35 treatment of ~~substance abusers, chronic substance~~
36 ~~abusers, and intoxicated persons~~ persons with
37 substance-related disorders in accordance with this
38 chapter.

39 13. Utilize the support and assistance of
40 interested persons in the community, particularly
41 ~~recovered substance abusers and chronic substance~~
42 ~~abusers,~~ persons who are recovering from
43 substance-related disorders to encourage ~~substance~~
44 ~~abusers and chronic substance abusers~~ persons with
45 substance-related disorders to voluntarily undergo
46 treatment.

47 15. Encourage general hospitals and other
48 appropriate health facilities to admit without
49 discrimination ~~substance abusers, chronic substance~~
50 ~~abusers, and intoxicated persons~~ persons with

1 substance-related disorders and to provide them with
2 adequate and appropriate treatment. The director may
3 negotiate and implement contracts with hospitals and
4 other appropriate health facilities with adequate
5 detoxification facilities.

6 17. Review all state health, welfare, education and
7 treatment proposals to be submitted for federal funding
8 under federal legislation, and advise the governor on
9 provisions to be included relating to substance abuse,
10 ~~substance abusers, chronic substance abusers, and~~
11 intoxicated persons and persons with substance-related
12 disorders.

13 Sec. _____. Section 125.12, subsections 1 and 3, Code
14 2011, are amended to read as follows:

15 1. The board shall review the comprehensive
16 substance abuse program implemented by the department
17 for the treatment of ~~substance abusers, chronic~~
18 ~~substance abusers, intoxicated persons~~ persons with
19 substance-related disorders, and concerned family
20 members. Subject to the review of the board, the
21 director shall divide the state into appropriate
22 regions for the conduct of the program and establish
23 standards for the development of the program on
24 the regional level. In establishing the regions,
25 consideration shall be given to city and county lines,
26 population concentrations, and existing substance abuse
27 treatment services.

28 3. The director shall provide for adequate and
29 appropriate treatment for ~~substance abusers, chronic~~
30 ~~substance abusers, intoxicated persons~~ persons with
31 substance-related disorders, and concerned family
32 members admitted under sections 125.33 and 125.34, or
33 under section 125.75, 125.81, or 125.91. Treatment
34 shall not be provided at a correctional institution
35 except for inmates.

36 Sec. _____. Section 125.13, subsection 1, paragraph
37 a, Code 2011, is amended to read as follows:

38 a. Except as provided in subsection 2, a person
39 shall not maintain or conduct any chemical substitutes
40 or antagonists program, residential program, or
41 nonresidential outpatient program, the primary purpose
42 of which is the treatment and rehabilitation of
43 ~~substance abusers or chronic substance abusers~~ persons
44 with substance-related disorders without having first
45 obtained a written license for the program from the
46 department.

47 Sec. _____. Section 125.13, subsection 2, paragraphs
48 a and c, Code 2011, are amended to read as follows:

49 a. A hospital providing care or treatment to
50 ~~substance abusers or chronic substance abusers~~ persons

1 with substance-related disorders licensed under chapter
2 135B which is accredited by the joint commission
3 on the accreditation of health care organizations,
4 the commission on accreditation of rehabilitation
5 facilities, the American osteopathic association, or
6 another recognized organization approved by the board.
7 All survey reports from the accrediting or licensing
8 body must be sent to the department.

9 c. Private institutions conducted by and
10 for persons who adhere to the faith of any well
11 recognized church or religious denomination for the
12 purpose of providing care, treatment, counseling,
13 or rehabilitation to ~~substance abusers or chronic~~
14 ~~substance abusers~~ persons with substance-related
15 disorders and who rely solely on prayer or other
16 spiritual means for healing in the practice of religion
17 of such church or denomination.

18 Sec. _____. Section 125.15, Code 2011, is amended to
19 read as follows:

20 **125.15 Inspections.**

21 The department may inspect the facilities and review
22 the procedures utilized by any chemical substitutes
23 or antagonists program, residential program, or
24 nonresidential outpatient program that has as a
25 primary purpose the treatment and rehabilitation of
26 ~~substance abusers or chronic substance abusers~~ persons
27 with substance-related disorders, for the purpose of
28 ensuring compliance with this chapter and the rules
29 adopted pursuant to this chapter. The examination
30 and review may include case record audits and
31 interviews with staff and patients, consistent with the
32 confidentiality safeguards of state and federal law.

33 Sec. _____. Section 125.32, unnumbered paragraph 1,
34 Code 2011, is amended to read as follows:

35 The department shall adopt and may amend and repeal
36 rules for acceptance of persons into the treatment
37 program, subject to chapter 17A, considering available
38 treatment resources and facilities, for the purpose of
39 early and effective treatment of ~~substance abusers,~~
40 ~~chronic substance abusers, intoxicated persons,~~ persons
41 with substance-related disorders and concerned family
42 members. In establishing the rules the department
43 shall be guided by the following standards:

44 Sec. _____. Section 125.33, subsections 1, 3, and 4,
45 Code 2011, are amended to read as follows:

46 1. A ~~substance abuser or chronic substance abuser~~
47 person with a substance-related disorder may apply
48 for voluntary treatment or rehabilitation services
49 directly to a facility or to a licensed physician and
50 surgeon or osteopathic physician and surgeon. If the

1 proposed patient is a minor or an incompetent person, a
2 parent, a legal guardian or other legal representative
3 may make the application. The licensed physician
4 and surgeon or osteopathic physician and surgeon or
5 any employee or person acting under the direction or
6 supervision of the physician and surgeon or osteopathic
7 physician and surgeon, or the facility shall not
8 report or disclose the name of the person or the fact
9 that treatment was requested or has been undertaken
10 to any law enforcement officer or law enforcement
11 agency; nor shall such information be admissible as
12 evidence in any court, grand jury, or administrative
13 proceeding unless authorized by the person seeking
14 treatment. If the person seeking such treatment or
15 rehabilitation is a minor who has personally made
16 application for treatment, the fact that the minor
17 sought treatment or rehabilitation or is receiving
18 treatment or rehabilitation services shall not be
19 reported or disclosed to the parents or legal guardian
20 of such minor without the minor's consent, and the
21 minor may give legal consent to receive such treatment
22 and rehabilitation.

23 3. A ~~substance abuser or chronic substance abuser~~
24 person with a substance-related disorder seeking
25 treatment or rehabilitation and who is either addicted
26 or dependent on a chemical substance may first be
27 examined and evaluated by a licensed physician and
28 surgeon or osteopathic physician and surgeon who may
29 prescribe a proper course of treatment and medication,
30 if needed. The licensed physician and surgeon
31 or osteopathic physician and surgeon may further
32 prescribe a course of treatment or rehabilitation
33 and authorize another licensed physician and surgeon
34 or osteopathic physician and surgeon or facility to
35 provide the prescribed treatment or rehabilitation
36 services. Treatment or rehabilitation services may
37 be provided to a person individually or in a group.
38 A facility providing or engaging in treatment or
39 rehabilitation shall not report or disclose to a law
40 enforcement officer or law enforcement agency the name
41 of any person receiving or engaged in the treatment
42 or rehabilitation; nor shall a person receiving or
43 participating in treatment or rehabilitation report
44 or disclose the name of any other person engaged in
45 or receiving treatment or rehabilitation or that the
46 program is in existence, to a law enforcement officer
47 or law enforcement agency. Such information shall
48 not be admitted in evidence in any court, grand jury,
49 or administrative proceeding. However, a person
50 engaged in or receiving treatment or rehabilitation

1 may authorize the disclosure of the person's name and
2 individual participation.

3 4. If a patient receiving inpatient or residential
4 care leaves a facility, the patient shall be encouraged
5 to consent to appropriate outpatient or halfway house
6 treatment. If it appears to the administrator in
7 charge of the facility that the patient is a ~~substance~~
8 ~~abuser or chronic substance abuser~~ person with a
9 substance-related disorder who requires help, the
10 director may arrange for assistance in obtaining
11 supportive services.

12 Sec. _____. Section 125.34, Code 2011, is amended to
13 read as follows:

14 **125.34 Treatment and services for intoxicated**
15 **persons and persons incapacitated by alcohol persons**
16 **with substance-related disorders due to intoxication and**
17 **substance-induced incapacitation.**

18 1. ~~An intoxicated~~ A person with a substance-related
19 disorder due to intoxication or substance-induced
20 incapacitation may come voluntarily to a facility
21 for emergency treatment. A person who appears to be
22 intoxicated or incapacitated by a ~~chemical~~ substance
23 in a public place and in need of help may be taken to a
24 facility by a peace officer under section 125.91. If
25 the person refuses the proffered help, the person may
26 be arrested and charged with intoxication under section
27 123.46, if applicable.

28 2. If no facility is readily available the
29 person may be taken to an emergency medical service
30 customarily used for incapacitated persons. The
31 peace officer in detaining the person and in taking
32 the person to a facility shall make every reasonable
33 effort to protect the person's health and safety. In
34 detaining the person the detaining officer may take
35 reasonable steps for self-protection. Detaining a
36 person under section 125.91 is not an arrest and no
37 entry or other record shall be made to indicate that
38 the person who is detained has been arrested or charged
39 with a crime.

40 3. A person who arrives at a facility and
41 voluntarily submits to examination shall be examined
42 by a licensed physician as soon as possible after the
43 person arrives at the facility. The person may then
44 be admitted as a patient or referred to another health
45 facility. The referring facility shall arrange for
46 transportation.

47 4. If a person is voluntarily admitted to a
48 facility, the person's family or next of kin shall be
49 notified as promptly as possible. If an adult patient
50 who is not incapacitated requests that there be no

1 notification, the request shall be respected.

2 5. A peace officer who acts in compliance with
3 this section is acting in the course of the officer's
4 official duty and is not criminally or civilly liable
5 therefor, unless such acts constitute willful malice
6 or abuse.

7 6. If the physician in charge of the facility
8 determines it is for the patient's benefit, the patient
9 shall be encouraged to agree to further diagnosis and
10 appropriate voluntary treatment.

11 7. A licensed physician and surgeon or osteopathic
12 physician and surgeon, facility administrator, or an
13 employee or a person acting as or on behalf of the
14 facility administrator, is not criminally or civilly
15 liable for acts in conformity with this chapter, unless
16 the acts constitute willful malice or abuse.

17 Sec. _____. Section 125.43, Code 2011, is amended to
18 read as follows:

19 **125.43 Funding at mental health institutes.**

20 Chapter 230 governs the determination of the
21 costs and payment for treatment provided to ~~substance~~
22 ~~abusers or chronic substance abusers~~ persons with
23 substance-related disorders in a mental health
24 institute under the department of human services,
25 except that the charges are not a lien on real estate
26 owned by persons legally liable for support of the
27 ~~substance abuser or chronic substance abuser~~ person
28 with a substance-related disorder and the daily per
29 diem shall be billed at twenty-five percent. The
30 superintendent of a state hospital shall total only
31 those expenditures which can be attributed to the
32 cost of providing inpatient treatment to ~~substance~~
33 ~~abusers or chronic substance abusers~~ persons with
34 substance-related disorders for purposes of determining
35 the daily per diem. Section 125.44 governs the
36 determination of who is legally liable for the cost
37 of care, maintenance, and treatment of a ~~substance~~
38 ~~abuser or chronic substance abuser~~ person with a
39 substance-related disorder and of the amount for which
40 the person is liable.

41 Sec. _____. Section 125.43A, Code 2011, is amended to
42 read as follows:

43 **125.43A Prescreening — exception.**

44 Except in cases of medical emergency or
45 court-ordered admissions, a person shall be admitted
46 to a state mental health institute for substance
47 abuse treatment only after a preliminary intake and
48 assessment by a department-licensed treatment facility
49 or a hospital providing care or treatment for ~~substance~~
50 ~~abusers~~ persons with substance-related disorders

1 licensed under chapter 135B and accredited by the
2 joint commission on the accreditation of health care
3 organizations, the commission on accreditation of
4 rehabilitation facilities, the American osteopathic
5 association, or another recognized organization
6 approved by the board, or by a designee of a
7 department-licensed treatment facility or a hospital
8 other than a state mental health institute, which
9 confirms that the admission is appropriate to the
10 person's substance abuse service needs. A county board
11 of supervisors may seek an admission of a patient
12 to a state mental health institute who has not been
13 confirmed for appropriate admission and the county
14 shall be responsible for one hundred percent of the
15 cost of treatment and services of the patient.

16 Sec. _____. Section 125.44, Code 2011, is amended to
17 read as follows:

18 **125.44 Agreements with facilities — liability for**
19 **costs.**

20 The director may, consistent with the comprehensive
21 substance abuse program, enter into written
22 agreements with a facility as defined in section
23 125.2 to pay for one hundred percent of the cost of
24 the care, maintenance, and treatment of ~~substance~~
25 ~~abusers and chronic substance abusers~~ persons with
26 substance-related disorders, except when section
27 125.43A applies. All payments for state patients shall
28 be made in accordance with the limitations of this
29 section. Such contracts shall be for a period of no
30 more than one year.

31 The contract may be in the form and contain
32 provisions as agreed upon by the parties. The contract
33 shall provide that the facility shall admit and
34 treat ~~substance abusers and chronic substance abusers~~
35 persons with substance-related disorders regardless
36 of where they have residence. If one payment for
37 care, maintenance, and treatment is not made by the
38 patient or those legally liable for the patient, the
39 payment shall be made by the department directly to
40 the facility. Payments shall be made each month and
41 shall be based upon the rate of payment for services
42 negotiated between the department and the contracting
43 facility. If a facility projects a temporary cash flow
44 deficit, the department may make cash advances at the
45 beginning of each fiscal year to the facility. The
46 repayment schedule for advances shall be part of the
47 contract between the department and the facility. This
48 section does not pertain to patients treated at the
49 mental health institutes.

50 If the appropriation to the department is

1 insufficient to meet the requirements of this section,
2 the department shall request a transfer of funds and
3 section 8.39 shall apply.

4 ~~The substance abuser or chronic substance abuser~~
5 person with a substance-related disorder is legally
6 liable to the facility for the total amount of the cost
7 of providing care, maintenance, and treatment for the
8 ~~substance abuser or chronic substance abuser~~ person
9 with a substance-related disorder while a voluntary or
10 committed patient in a facility. This section does not
11 prohibit any individual from paying any portion of the
12 cost of treatment.

13 The department is liable for the cost of
14 care, treatment, and maintenance of ~~substance~~
15 ~~abusers and chronic substance abusers~~ persons with
16 substance-related disorders admitted to the facility
17 voluntarily or pursuant to section 125.75, 125.81,
18 or 125.91 or section 321J.3 or 124.409 only to those
19 facilities that have a contract with the department
20 under this section, only for the amount computed
21 according to and within the limits of liability
22 prescribed by this section, and only when the ~~substance~~
23 ~~abuser or chronic substance abuser~~ person with a
24 substance-related disorder is unable to pay the costs
25 and there is no other person, firm, corporation, or
26 insurance company bound to pay the costs.

27 The department's maximum liability for the costs
28 of care, treatment, and maintenance of ~~substance~~
29 ~~abusers and chronic substance abusers~~ persons with
30 substance-related disorders in a contracting facility
31 is limited to the total amount agreed upon by the
32 parties and specified in the contract under this
33 section.

34 Sec. _____. Section 125.46, Code 2011, is amended to
35 read as follows:

36 **125.46 County of residence determined.**

37 The facility shall, when a ~~substance abuser~~
38 ~~or chronic substance abuser~~ person with a
39 substance-related disorder is admitted, or as
40 soon thereafter as it receives the proper information,
41 determine and enter upon its records the Iowa county of
42 residence of the ~~substance abuser or chronic substance~~
43 ~~abuser~~ person with a substance-related disorder, or
44 that the person resides in some other state or country,
45 or that the person is unclassified with respect to
46 residence.

47 Sec. _____. Section 125.75, unnumbered paragraph 1,
48 Code 2011, is amended to read as follows:

49 Proceedings for the involuntary commitment or
50 treatment of a ~~chronic substance abuser~~ person with

1 a substance-related disorder to a facility may be
2 commenced by the county attorney or an interested
3 person by filing a verified application with the
4 clerk of the district court of the county where
5 the respondent is presently located or which is
6 the respondent's place of residence. The clerk or
7 the clerk's designee shall assist the applicant in
8 completing the application. The application shall:

9 Sec. _____. Section 125.75, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. State the applicant's belief that the
12 respondent is a ~~chronic substance abuser~~ person with a
13 substance-related disorder.

14 Sec. _____. Section 125.80, subsections 3 and 4, Code
15 2011, are amended to read as follows:

16 3. If the report of a court-designated physician
17 is to the effect that the respondent is not a ~~chronic~~
18 ~~substance abuser~~ person with a substance-related
19 disorder, the court, without taking further action, may
20 terminate the proceeding and dismiss the application on
21 its own motion and without notice.

22 4. If the report of a court-designated physician
23 is to the effect that the respondent is a ~~chronic~~
24 ~~substance abuser~~ person with a substance-related
25 disorder, the court shall schedule a commitment
26 hearing as soon as possible. The hearing shall be
27 held not more than forty-eight hours after the report
28 is filed, excluding Saturdays, Sundays, and holidays,
29 unless an extension for good cause is requested by
30 the respondent, or as soon thereafter as possible if
31 the court considers that sufficient grounds exist for
32 delaying the hearing.

33 Sec. _____. Section 125.81, subsection 1, Code 2011,
34 is amended to read as follows:

35 1. If a person filing an application requests that
36 a respondent be taken into immediate custody, and the
37 court upon reviewing the application and accompanying
38 documentation, finds probable cause to believe that the
39 respondent is a ~~chronic substance abuser~~ person with
40 a substance-related disorder who is likely to injure
41 the person or other persons if allowed to remain at
42 liberty, the court may enter a written order directing
43 that the respondent be taken into immediate custody
44 by the sheriff, and be detained until the commitment
45 hearing, which shall be held no more than five days
46 after the date of the order, except that if the fifth
47 day after the date of the order is a Saturday, Sunday,
48 or a holiday, the hearing may be held on the next
49 business day. The court may order the respondent
50 detained for the period of time until the hearing is

1 held, and no longer except as provided in section
2 125.88, in accordance with subsection 2, paragraph
3 "a", if possible, and if not, then in accordance with
4 subsection 2, paragraph "b", or, only if neither of
5 these alternatives is available in accordance with
6 subsection 2, paragraph "c".

7 Sec. _____. Section 125.82, subsection 4, Code 2011,
8 is amended to read as follows:

9 4. The respondent's welfare is paramount, and the
10 hearing shall be tried as a civil matter and conducted
11 in as informal a manner as is consistent with orderly
12 procedure. Discovery as permitted under the Iowa rules
13 of civil procedure is available to the respondent. The
14 court shall receive all relevant and material evidence,
15 but the court is not bound by the rules of evidence.
16 A presumption in favor of the respondent exists, and
17 the burden of evidence and support of the contentions
18 made in the application shall be upon the person who
19 filed the application. If upon completion of the
20 hearing the court finds that the contention that the
21 respondent is a chronic substance abuser person with a
22 substance-related disorder has not been sustained by
23 clear and convincing evidence, the court shall deny the
24 application and terminate the proceeding.

25 Sec. _____. Section 125.83, Code 2011, is amended to
26 read as follows:

27 **125.83 Placement for evaluation.**

28 If upon completion of the commitment hearing,
29 the court finds that the contention that the
30 respondent is a chronic substance abuser person with
31 a substance-related disorder has been sustained by
32 clear and convincing evidence, the court shall order
33 the respondent placed at a facility or under the
34 care of a suitable facility on an outpatient basis as
35 expeditiously as possible for a complete evaluation
36 and appropriate treatment. The court shall furnish to
37 the facility at the time of admission or outpatient
38 placement, a written statement of facts setting forth
39 the evidence on which the finding is based. The
40 administrator of the facility shall report to the court
41 no more than fifteen days after the individual is
42 admitted to or placed under the care of the facility,
43 which shall include the chief medical officer's
44 recommendation concerning substance abuse treatment.
45 An extension of time may be granted for a period not
46 to exceed seven days upon a showing of good cause. A
47 copy of the report shall be sent to the respondent's
48 attorney who may contest the need for an extension of
49 time if one is requested. If the request is contested,
50 the court shall make an inquiry as it deems appropriate

1 and may either order the respondent released from
2 the facility or grant extension of time for further
3 evaluation. If the administrator fails to report to
4 the court within fifteen days after the individual is
5 admitted to the facility, and no extension of time has
6 been requested, the administrator is guilty of contempt
7 and shall be punished under chapter 665. The court
8 shall order a rehearing on the application to determine
9 whether the respondent should continue to be held at
10 the facility.

11 Sec. _____. Section 125.83A, subsection 1, Code 2011,
12 is amended to read as follows:

13 1. If upon completion of the commitment hearing,
14 the court finds that the contention that the
15 respondent is a ~~chronic substance abuser~~ person with a
16 substance-related disorder has been sustained by clear
17 and convincing evidence, and the court is furnished
18 evidence that the respondent is eligible for care
19 and treatment in a facility operated by the United
20 States department of veterans affairs or another
21 agency of the United States government and that the
22 facility is willing to receive the respondent, the
23 court may so order. The respondent, when so placed in
24 a facility operated by the United States department
25 of veterans affairs or another agency of the United
26 States government within or outside of this state,
27 shall be subject to the rules of the United States
28 department of veterans affairs or other agency, but
29 shall not lose any procedural rights afforded the
30 respondent by this chapter. The chief officer of the
31 facility shall have, with respect to the respondent
32 so placed, the same powers and duties as the chief
33 medical officer of a hospital in this state would
34 have in regard to submission of reports to the court,
35 retention of custody, transfer, convalescent leave, or
36 discharge. Jurisdiction is retained in the court to
37 maintain surveillance of the respondent's treatment and
38 care, and at any time to inquire into the respondent's
39 condition and the need for continued care and custody.

40 Sec. _____. Section 125.84, subsections 2, 3, and 4,
41 Code 2011, are amended to read as follows:

42 2. That the respondent is a ~~chronic substance~~
43 ~~abuser~~ person with a substance-related disorder who
44 is in need of full-time custody, care, and treatment
45 in a facility, and is considered likely to benefit
46 from treatment. If the report so states, the court
47 shall enter an order which may require the respondent's
48 continued placement and commitment to a facility for
49 appropriate treatment.

50 3. That the respondent is a ~~chronic substance~~

1 ~~abuser~~ person with a substance-related disorder who is
2 in need of treatment, but does not require full-time
3 placement in a facility. If the report so states,
4 the report shall include the chief medical officer's
5 recommendation for treatment of the respondent on an
6 outpatient or other appropriate basis, and the court
7 shall enter an order which may direct the respondent to
8 submit to the recommended treatment. The order shall
9 provide that if the respondent fails or refuses to
10 submit to treatment, as directed by the court's order,
11 the court may order that the respondent be taken into
12 immediate custody as provided by section 125.81 and,
13 following notice and hearing held in accordance with
14 the procedures of sections 125.77 and 125.82, may order
15 the respondent treated as a patient requiring full-time
16 custody, care, and treatment as provided in subsection
17 2, and may order the respondent involuntarily committed
18 to a facility.

19 4. That the respondent is a ~~chronic substance~~
20 ~~abuser~~ person with a substance-related disorder who is
21 in need of treatment, but in the opinion of the chief
22 medical officer is not responding to the treatment
23 provided. If the report so states, the report shall
24 include the facility administrator's recommendation
25 for alternative placement, and the court shall enter
26 an order which may direct the respondent's transfer
27 to the recommended placement or to another placement
28 after consultation with respondent's attorney and the
29 facility administrator who made the report under this
30 subsection.

31 Sec. _____. Section 125.91, subsections 1, 2, and 3,
32 Code 2011, are amended to read as follows:

33 1. The procedure prescribed by this section
34 shall only be used for ~~an intoxicated~~ a person with
35 a substance-related disorder due to intoxication or
36 substance-induced incapacitation who has threatened,
37 attempted, or inflicted physical self-harm or harm on
38 another, and is likely to inflict physical self-harm or
39 harm on another unless immediately detained, or who is
40 incapacitated by a ~~chemical~~ substance, if that person
41 cannot be taken into immediate custody under sections
42 125.75 and 125.81 because immediate access to the court
43 is not possible.

44 2. a. A peace officer who has reasonable
45 grounds to believe that the circumstances described
46 in subsection 1 are applicable may, without a
47 warrant, take or cause that person to be taken to the
48 nearest available facility referred to in section
49 125.81, subsection 2, paragraph "b" or "c". Such
50 ~~an intoxicated or incapacitated~~ a person with a

1 substance-related disorder due to intoxication or
2 substance-induced incapacitation who also demonstrates
3 a significant degree of distress or dysfunction may
4 also be delivered to a facility by someone other than
5 a peace officer upon a showing of reasonable grounds.
6 Upon delivery of the person to a facility under this
7 section, the examining physician may order treatment
8 of the person, but only to the extent necessary to
9 preserve the person's life or to appropriately control
10 the person's behavior if the behavior is likely to
11 result in physical injury to the person or others
12 if allowed to continue. The peace officer or other
13 person who delivered the person to the facility
14 shall describe the circumstances of the matter to
15 the examining physician. If the person is a peace
16 officer, the peace officer may do so either in person
17 or by written report. If the examining physician has
18 reasonable grounds to believe that the circumstances in
19 subsection 1 are applicable, the examining physician
20 shall at once communicate with the nearest available
21 magistrate as defined in section 801.4, subsection 10.
22 The magistrate shall, based upon the circumstances
23 described by the examining physician, give the
24 examining physician oral instructions either directing
25 that the person be released forthwith, or authorizing
26 the person's detention in an appropriate facility.
27 The magistrate may also give oral instructions and
28 order that the detained person be transported to an
29 appropriate facility.

30 b. If the magistrate orders that the person be
31 detained, the magistrate shall, by the close of
32 business on the next working day, file a written order
33 with the clerk in the county where it is anticipated
34 that an application may be filed under section 125.75.
35 The order may be filed by facsimile if necessary. The
36 order shall state the circumstances under which the
37 person was taken into custody or otherwise brought to
38 a facility and the grounds supporting the finding of
39 probable cause to believe that the person is a ~~chronic~~
40 ~~substance-abuser~~ person with a substance-related
41 disorder likely to result in physical injury to the
42 person or others if not detained. The order shall
43 confirm the oral order authorizing the person's
44 detention including any order given to transport the
45 person to an appropriate facility. The clerk shall
46 provide a copy of that order to the ~~chief medical~~
47 ~~officer of the facility~~ attending physician, to
48 which the person was originally taken, any subsequent
49 facility to which the person was transported, and
50 to any law enforcement department or ambulance

1 service that transported the person pursuant to the
2 magistrate's order.

3 3. ~~The chief medical officer of the facility~~
4 attending physician shall examine and may detain the
5 person pursuant to the magistrate's order for a period
6 not to exceed forty-eight hours from the time the order
7 is dated, excluding Saturdays, Sundays, and holidays,
8 unless the order is dismissed by a magistrate. The
9 facility may provide treatment which is necessary to
10 preserve the person's life or to appropriately control
11 the person's behavior if the behavior is likely to
12 result in physical injury to the person or others if
13 allowed to continue or is otherwise deemed medically
14 necessary by the ~~chief medical officer~~ attending
15 physician, but shall not otherwise provide treatment to
16 the person without the person's consent. The person
17 shall be discharged from the facility and released
18 from detention no later than the expiration of the
19 forty-eight-hour period, unless an application for
20 involuntary commitment is filed with the clerk pursuant
21 to section 125.75. The detention of a person by the
22 procedure in this section, and not in excess of the
23 period of time prescribed by this section, shall not
24 render the peace officer, attending physician, or
25 facility detaining the person liable in a criminal or
26 civil action for false arrest or false imprisonment
27 if the peace officer, physician, or facility had
28 reasonable grounds to believe that the circumstances
29 described in subsection 1 were applicable.

30 Sec. _____. Section 226.9C, subsection 2, paragraph
31 c, Code 2011, is amended to read as follows:

32 c. (1) Prior to an individual's admission for dual
33 diagnosis treatment, the individual shall have been
34 prescreened. The person performing the prescreening
35 shall be either the mental health professional, as
36 defined in section 228.1, who is contracting with the
37 county central-point-of-coordination process to provide
38 the prescreening or a mental health professional
39 with the requisite qualifications. A mental health
40 professional with the requisite qualifications shall
41 meet all of the following qualifications: is a mental
42 health professional as defined in section 228.1, is
43 a certified alcohol and drug counselor certified by
44 the nongovernmental Iowa board of substance abuse
45 certification, and is employed by or providing services
46 for a facility, as defined in section 125.2.

47 (2) Prior to an individual's admission for dual
48 diagnosis treatment, the individual shall have
49 been screened through a county's central point of
50 coordination process implemented pursuant to section

1 331.440 to determine the appropriateness of the
2 treatment.

3 Sec. _____. Section 229.1, subsection 12, Code 2011,
4 is amended to read as follows:

5 12. "*Psychiatric advanced registered nurse*
6 *practitioner*" means an individual currently licensed as
7 a registered nurse under chapter 152 or 152E who holds
8 a national certification in psychiatric mental health
9 care and who is registered with the board of nursing as
10 an advanced registered nurse practitioner.

11 Sec. _____. Section 229.15, subsection 3, paragraph
12 a, Code 2011, is amended to read as follows:

13 a. A psychiatric advanced registered nurse
14 practitioner treating a patient previously hospitalized
15 under this chapter may complete periodic reports
16 pursuant to this section on the patient if the patient
17 has been recommended for treatment on an outpatient or
18 other appropriate basis pursuant to section 229.14,
19 subsection 1, paragraph "c", ~~and if a psychiatrist~~
20 ~~licensed pursuant to chapter 148 personally evaluates~~
21 ~~the patient on at least an annual basis.~~

22 Sec. _____. Section 229.21, subsection 2, Code 2011,
23 is amended to read as follows:

24 2. When an application for involuntary
25 hospitalization under this chapter or an application
26 for involuntary commitment or treatment of ~~chronic~~
27 ~~substance abusers~~ persons with substance-related
28 disorders under sections 125.75 to 125.94 is filed with
29 the clerk of the district court in any county for which
30 a judicial hospitalization referee has been appointed,
31 and no district judge, district associate judge, or
32 magistrate who is admitted to the practice of law in
33 this state is accessible, the clerk shall immediately
34 notify the referee in the manner required by section
35 229.7 or section 125.77. The referee shall discharge
36 all of the duties imposed upon the court by sections
37 229.7 to 229.22 or sections 125.75 to 125.94 in the
38 proceeding so initiated. Subject to the provisions of
39 subsection 4, orders issued by a referee, in discharge
40 of duties imposed under this section, shall have the
41 same force and effect as if ordered by a district
42 judge. However, any commitment to a facility regulated
43 and operated under chapter 135C, shall be in accordance
44 with section 135C.23.

45 Sec. _____. Section 229.21, subsection 3, paragraphs
46 a and b, Code 2011, are amended to read as follows:

47 a. Any respondent with respect to whom the
48 magistrate or judicial hospitalization referee has
49 found the contention that the respondent is seriously
50 mentally impaired or a ~~chronic substance abuser~~ person

1 with a substance-related disorder sustained by clear
2 and convincing evidence presented at a hearing held
3 under section 229.12 or section 125.82, may appeal from
4 the magistrate's or referee's finding to a judge of the
5 district court by giving the clerk notice in writing,
6 within ten days after the magistrate's or referee's
7 finding is made, that an appeal is taken. The appeal
8 may be signed by the respondent or by the respondent's
9 next friend, guardian, or attorney.

10 b. An order of a magistrate or judicial
11 hospitalization referee with a finding that the
12 respondent is seriously mentally impaired or a ~~chronic~~
13 substance-abuser person with a substance-related
14 disorder shall include the following notice, located
15 conspicuously on the face of the order:

16 NOTE: The respondent may appeal from this order to a
17 judge of the district court by giving written notice of
18 the appeal to the clerk of the district court within
19 ten days after the date of this order. The appeal may
20 be signed by the respondent or by the respondent's next
21 friend, guardian, or attorney. For a more complete
22 description of the respondent's appeal rights, consult
23 section 229.21 of the Code of Iowa or an attorney.

24 Sec. _____. Section 229.21, subsection 4, Code 2011,
25 is amended to read as follows:

26 4. If the appellant is in custody under the
27 jurisdiction of the district court at the time
28 of service of the notice of appeal, the appellant
29 shall be discharged from custody unless an order
30 that the appellant be taken into immediate custody
31 has previously been issued under section 229.11 or
32 section 125.81, in which case the appellant shall
33 be detained as provided in that section until the
34 hospitalization or commitment hearing before the
35 district judge. If the appellant is in the custody of
36 a hospital or facility at the time of service of the
37 notice of appeal, the appellant shall be discharged
38 from custody pending disposition of the appeal unless
39 the chief medical officer, not later than the end of
40 the next secular day on which the office of the clerk
41 is open and which follows service of the notice of
42 appeal, files with the clerk a certification that in
43 the chief medical officer's opinion the appellant is
44 seriously mentally ill or a ~~substance-abuser person~~
45 with a substance-related disorder. In that case, the
46 appellant shall remain in custody of the hospital
47 or facility until the hospitalization or commitment
48 hearing before the district court.

49 Sec. _____. Section 230.15, unnumbered paragraph 2,
50 Code 2011, is amended to read as follows:

1 A ~~substance abuser or chronic substance abuser~~
2 person with a substance-related disorder is legally
3 liable for the total amount of the cost of providing
4 care, maintenance, and treatment for the ~~substance~~
5 ~~abuser or chronic substance abuser~~ person with a
6 substance-related disorder while a voluntary or
7 committed patient. When a portion of the cost is paid
8 by a county, the ~~substance abuser or chronic substance~~
9 ~~abuser~~ person with a substance-related disorder is
10 legally liable to the county for the amount paid.
11 The ~~substance abuser or chronic substance abuser~~
12 person with a substance-related disorder shall assign
13 any claim for reimbursement under any contract of
14 indemnity, by insurance or otherwise, providing for
15 the ~~abuser's~~ person's care, maintenance, and treatment
16 in a state hospital to the state. Any payments
17 received by the state from or on behalf of a ~~substance~~
18 ~~abuser or chronic substance abuser~~ person with a
19 substance-related disorder shall be in part credited
20 to the county in proportion to the share of the costs
21 paid by the county. Nothing in this section shall be
22 construed to prevent a relative or other person from
23 voluntarily paying the full actual cost or any portion
24 of the care and treatment of any person with mental
25 illness, ~~substance abuser, or chronic substance abuser~~
26 or a substance-related disorder as established by the
27 department of human services.

28 Sec. _____. Section 232.116, subsection 1, paragraph
29 1, subparagraph (2), Code 2011, is amended to read as
30 follows:

31 (2) The parent has a severe, ~~chronic substance~~
32 ~~abuse problem,~~ substance-related disorder and presents
33 a danger to self or others as evidenced by prior acts.

34 Sec. _____. Section 600A.8, subsection 8, paragraph
35 a, Code 2011, is amended to read as follows:

36 a. The parent has been determined to be a ~~chronic~~
37 ~~substance abuser~~ person with a substance-related
38 disorder as defined in section 125.2 and the parent has
39 committed a second or subsequent domestic abuse assault
40 pursuant to section 708.2A.

41 Sec. _____. Section 602.4201, subsection 3, paragraph
42 h, Code 2011, is amended to read as follows:

43 h. Involuntary commitment or treatment of ~~substance~~
44 ~~abusers~~ persons with a substance-related disorders.

45 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2,
46 subsection 3, shall not apply to this division of this
47 Act.

48 Sec. _____. EFFECTIVE DATE. This division of this
49 Act takes effect July 1, 2012.>

50 17. Page 475, before line 24 by inserting:

1 <DIVISION _____

2 HEALTH AND HUMAN SERVICES STATUTORY

3 Sec. _____. Section 153.14, subsection 1, Code 2011,
4 is amended to read as follows:

5 1. Students of dentistry who practice dentistry
6 upon patients at clinics in connection with their
7 regular course of instruction at ~~the state an~~
8 accredited dental college, students of dental
9 hygiene who practice upon patients at clinics in
10 connection with their regular course of instruction
11 at state-approved schools, and students of dental
12 assisting who practice upon patients at clinics
13 in connection with a regular course of instruction
14 determined by the board pursuant to section 153.39.

15 Sec. _____. Section 154A.24, subsection 3, paragraph
16 s, Code 2011, is amended by striking the paragraph.

17 Sec. _____. Section 235B.19, Code 2011, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 2A. a. The department shall
20 serve a copy of the petition and any order authorizing
21 protective services, if issued, on the dependent adult
22 and on persons who are competent adults and reasonably
23 ascertainable at the time the petition is filed in
24 accordance with the following priority:

25 (1) An attorney in fact named by the dependent
26 adult in a durable power of attorney for health care
27 pursuant to chapter 144B.

28 (2) The dependent adult's spouse.

29 (3) The dependent adult's children.

30 (4) The dependent adult's grandchildren.

31 (5) The dependent adult's siblings.

32 (6) The dependent adult's aunts and uncles.

33 (7) The dependent adult's nieces and nephews.

34 (8) The dependent adult's cousins.

35 b. When the department has served a person in one
36 of the categories specified in paragraph "a", the
37 department shall not be required to serve a person in
38 any other category.

39 c. The department shall serve the dependent adult's
40 copy of the petition and order personally upon the
41 dependent adult. Service of the petition and all other
42 orders and notices shall be in a sealed envelope with
43 the proper postage on the envelope, addressed to the
44 person being served at the person's last known post
45 office address, and deposited in a mail receptacle
46 provided by the United States postal service. The
47 department shall serve such copies of emergency orders
48 authorizing protective services and notices within
49 three days after filing the petition and receiving such
50 orders.

1 d. The department and all persons served by the
2 department with notices under this subsection shall
3 be prohibited from all of the following without prior
4 court approval after the department's petition has been
5 filed:

6 (1) Selling, removing, or otherwise disposing of
7 the dependent adult's personal property.

8 (2) Withdrawing funds from any bank, savings and
9 loan association, credit union, or other financial
10 institution, or from an account containing securities
11 in which the dependent adult has an interest.

12 Sec. _____. Section 237A.1, subsection 3, paragraph
13 n, Code 2011, is amended to read as follows:

14 n. A program offered to a child whose parent,
15 guardian, or custodian is engaged solely in a
16 recreational or social activity, remains immediately
17 available and accessible on the physical premises on
18 which the child's care is provided, and does not engage
19 in employment while the care is provided. However,
20 if the recreational or social activity is provided in
21 a fitness center or on the premises of a nonprofit
22 organization the parent, guardian, or custodian of the
23 child may be employed to teach or lead the activity.>

24 18. Page 475, before line 24 by inserting:

25 <DIVISION _____
26 PUBLIC LIBRARIES

27 Sec. _____. Section 256.51, subsection 1, Code 2011,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. 1. Allow a public library that
30 receives state assistance under section 256.57, or
31 financial support from a city or county pursuant
32 to section 256.69, to dispose of, through sale,
33 conveyance, or exchange, any library materials that may
34 be obsolete or worn out or that may no longer be needed
35 or appropriate to the mission of the public library.
36 These materials may be sold by the public library
37 directly or the governing body of the public library
38 may sell the materials by consignment to a public
39 agency or to a private agency organized to raise funds
40 solely for support of the public library. Proceeds
41 from the sale of the library materials may be remitted
42 to the public library and may be used by the public
43 library for the purchase of books and other library
44 materials or equipment, or for the provision of library
45 services.>

46 19. By renumbering as necessary.

COWNIE of Polk