

Senate File 209

S-3029

1 Amend Senate File 209 as follows:

2 1. Page 20, after line 29 by inserting:

3 <DIVISION  
4 COUNTY MENTAL HEALTH  
5 AND DISABILITY SERVICES

6 Sec. \_\_\_\_ . COUNTY WAITING LISTS.

7 1. There is appropriated from the general fund of  
8 the state to the department of human services for the  
9 fiscal year beginning July 1, 2010, and ending June 30,  
10 2011, the following amount, or so much thereof as is  
11 necessary, to be used for the purposes designated:

12 To be credited to the risk pool in the property tax  
13 relief fund created in chapter 426B and expended as  
14 provided in this section:

15 ..... \$ 25,000,000

16 2. The amount appropriated in this section is  
17 appropriated from the risk pool to the department  
18 of human services for distribution as provided in  
19 this section. Notwithstanding section 8.33, moneys  
20 appropriated in this section that remain unencumbered  
21 or unobligated at the close of the fiscal year shall  
22 not revert but shall remain available for expenditure  
23 for the purposes designated until the close of the  
24 succeeding fiscal year.

25 3. a. For the purposes of this section, "services  
26 fund" means a county's mental health, mental  
27 retardation, and developmental disabilities services  
28 fund created in section 331.424A.

29 b. The risk pool board shall implement a process  
30 for distribution of the amount appropriated in this  
31 section to counties to be used to provide eligibility  
32 for services and other support payable from the  
33 counties' services funds for persons who are eligible  
34 under county management plans in effect as of December  
35 31, 2010, but due to insufficient funding are on a  
36 waiting list for the services and other support. The  
37 period addressed by the funding appropriated in this  
38 section begins on or after the effective date of  
39 this section and ends June 30, 2012. Of the amount  
40 appropriated in this section, up to \$5,000,000 shall  
41 be targeted to expand medical assistance program  
42 waiver slots for those waivers for which counties pay  
43 the nonfederal share of the costs. The distribution  
44 allocations shall be completed on or before July 1,  
45 2011.

46 c. The general assembly finds that as of the time  
47 of enactment of this section, the funding appropriated  
48 in this section is sufficient to eliminate the need  
49 for continuing, instituting, or reinstating waiting  
50 lists during the period addressed by the appropriation.

1 However, the process implemented by the risk pool  
2 board shall ensure there is adequate funding so that  
3 a person made eligible for services and other support  
4 from the waiting list would not be required to return  
5 to the waiting list if a later projection indicates the  
6 funding is insufficient to cover for the entire period  
7 all individuals removed from the waiting list pursuant  
8 to this section.

9 d. The funding provided in this section is intended  
10 to provide necessary services for adults in need of  
11 mental health, mental retardation, or developmental  
12 disabilities services until improvements to the current  
13 system can be developed and enacted.

14 Sec. \_\_\_\_ . ADULT MENTAL HEALTH AND DISABILITY  
15 SERVICE SYSTEM REFORM.

16 1. The general assembly finds there is need to  
17 reform the adult mental health and disability services  
18 system administered by counties to address the needs  
19 of persons with mental illness, mental retardation, or  
20 developmental disabilities. Issues with the current  
21 system include the following:

22 a. Lack of a set of core services uniformly  
23 available throughout the state.

24 b. Lack of uniformity in service expenditures  
25 throughout the state.

26 c. Disparity in county levy rates for the services  
27 funds for this system.

28 d. The need to improve the array of community-based  
29 services and services to avoid the use or continued use  
30 of crisis services.

31 e. The need to expand the availability of dual  
32 diagnosis mental health and substance abuse services.

33 f. The need to improve the consistency of services  
34 available to both youth and adult populations.

35 g. The need to address the medical assistance  
36 (Medicaid) program changes in the federal Patient  
37 Protection and Affordable Care Act (PPACA) that will  
38 greatly expand the program's eligibility for persons in  
39 the service system beginning in calendar year 2014.

40 h. Dissatisfaction with using county of legal  
41 settlement determinations to determine county and state  
42 financial responsibility for services.

43 2. In order to address the issues identified in  
44 subsection 1, the committees on human resources,  
45 appropriations, and ways and means of the senate and  
46 house of representatives shall propose legislation to  
47 address the following actions by the dates indicated:

48 a. Phase-in of the state fully assuming the  
49 nonfederal share of the costs for Medicaid program  
50 services now borne by counties by the implementation

1 date of the Medicaid eligibility changes under PPACA.  
2 b. Provide property tax relief and equity by having  
3 the state assume a greater role in funding the adult  
4 mental health and disability services system from  
5 counties by July 1, 2012, when the repeals contained in  
6 this division of this Act take effect.  
7 c. Shift the balance of responsibilities for the  
8 services system between the state and counties so  
9 that the state ensures greater uniformity and there  
10 is sufficient size to develop effective services  
11 while maintaining the county role of bringing local  
12 resources together in unique ways that best meet the  
13 needs of clients, by implementing a new services system  
14 structure by July 1, 2012, when the repeals contained  
15 in this division of this Act take effect.  
16 Sec. \_\_\_\_\_. Section 331.424A, Code 2011, is amended  
17 by adding the following new subsection:  
18 NEW SUBSECTION. 6. This section is repealed July  
19 1, 2012.  
20 Sec. \_\_\_\_\_. Section 331.438, Code 2011, is amended by  
21 adding the following new subsection:  
22 NEW SUBSECTION. 5. This section is repealed July  
23 1, 2012.  
24 Sec. \_\_\_\_\_. Section 331.439, Code 2011, is amended by  
25 adding the following new subsection:  
26 NEW SUBSECTION. 10. This section is repealed July  
27 1, 2012.  
28 Sec. \_\_\_\_\_. Section 331.440, Code 2011, is amended by  
29 adding the following new subsection:  
30 NEW SUBSECTION. 7. This section is repealed July  
31 1, 2012.  
32 Sec. \_\_\_\_\_. NEW SECTION. 426B.6 Future repeal.  
33 This chapter is repealed July 1, 2012.  
34 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1193, section 1,  
35 is amended to read as follows:  
36 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED  
37 GROWTH FUNDING — FY 2011-2012. Notwithstanding  
38 section 331.439, subsection 3, the allowed growth  
39 factor adjustment for county mental health, mental  
40 retardation, and developmental disabilities service  
41 expenditures for the fiscal year beginning July 1,  
42 2011, shall be established by statute which shall be  
43 enacted within thirty calendar days of the ~~convening of~~  
44 ~~the Eighty-fourth General Assembly, 2011 Session, on~~  
45 ~~January 10, 2011~~ date the governor's recommendation is  
46 submitted to the general assembly. The governor shall  
47 submit to the general assembly a recommendation for  
48 such allowed growth factor adjustment and the amounts  
49 of related appropriations to the general assembly  
50 on or before January ~~11~~ 27, 2011. The governor's

1 recommendation and the allowed growth factor adjustment  
2 enacted by the general assembly pursuant to this  
3 section shall incorporate measures to ensure that  
4 the funding appropriated during the 2011 legislative  
5 session to the risk pool in the property tax relief  
6 fund to eliminate county waiting lists for services can  
7 be relied upon to remain available for the long term to  
8 support the services provided for the individuals who  
9 were removed from a waiting list.

10 Sec. \_\_\_\_\_. CONFORMING PROVISIONS. The legislative  
11 services agency shall prepare a study bill for  
12 consideration by the committees on human resources of  
13 the senate and house of representatives for the 2012  
14 legislative session, providing conforming Code changes  
15 for implementation of the repeal provisions contained  
16 in this division of this Act.

17 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
18 of this Act, being deemed of immediate importance,  
19 takes effect upon enactment.

20 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The provision  
21 amending 2010 Iowa Acts, chapter 1193, section 1,  
22 applies retroactively to April 29, 2010.>

23 2. By renumbering as necessary.

---

DAVID JOHNSON

---

---

---

---