

Senate File 452

H-1422

1 Amend the amendment, H-1404, to Senate File 452,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 46, after line 5 by inserting:

5 <DIVISION _____

6 MH/DS SYSTEM REDESIGN — IMPLEMENTATION
7 REGIONAL FORMATION REQUIREMENTS

8 Sec. _____. Section 331.389, subsection 3, paragraph
9 a, Code 2013, is amended to read as follows:

10 a. The counties comprising the region are
11 contiguous except that a region may include a county
12 that is not contiguous with any of the other counties
13 in the region, if the county that is not contiguous has
14 had a formal relationship for two years or longer with
15 one or more of the other counties in the region for the
16 provision of mental health and disability services.

17 ELIGIBILITY MAINTENANCE

18 Sec. _____. Section 331.396, subsection 1, Code 2013,
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. *0d.* Notwithstanding paragraphs
21 "a" through "c", the person is an adult or child who
22 received mental health services from a county in
23 accordance with the county's service management plan
24 approved under section 331.439, Code 2013.

25 Sec. _____. Section 331.396, subsection 2, Code 2013,
26 is amended by adding the following new paragraph:

27 NEW PARAGRAPH. *0d.* Notwithstanding paragraphs
28 "a" through "c", the person is an adult or child who
29 received intellectual disability services from a county
30 in accordance with the county's service management plan
31 approved in accordance with section 331.439, Code 2013.

32 Sec. _____. Section 331.397, subsection 2, paragraph
33 b, Code 2013, is amended to read as follows:

34 b. Until funding is designated for other service
35 populations, eligibility for the service domains
36 listed in this section shall be limited to such persons
37 who are in need of mental health or intellectual
38 disability services. However, if a county in a region
39 was providing services to an individual child or to an
40 individual adult person with a developmental disability
41 other than intellectual disability or a brain injury
42 prior to formation of the region, the individual child
43 or adult person shall remain eligible for the services
44 provided when the region is formed, provided that funds
45 are available to continue such services.

46 STATE PAYMENTS TO REGION

47 Sec. _____. Section 426B.3, subsection 4, as enacted
48 by 2012 Iowa Acts, chapter 1120, section 137, is
49 amended to read as follows:

50 4. a. For the fiscal years beginning July 1, 2013,

1 and July 1, 2014, a county with a county population
2 expenditure target amount that exceeds the amount of
3 the county's base year expenditures for mental health
4 and disabilities services shall receive an equalization
5 payment for the difference.

6 b. The equalization payments determined in
7 accordance with this subsection shall be made by the
8 department of human services for each fiscal year as
9 provided in appropriations made from the property tax
10 relief fund for this purpose. If the county is part of
11 a region that has been approved by the department in
12 accordance with section 331.389, to commence partial
13 or full operations, the county's equalization payment
14 shall be remitted to the region for expenditure as
15 approved by the region's governing board. The payment
16 for a county that has been approved by the department
17 to operate as an individual county region shall be
18 remitted to the county for expenditure as approved by
19 the county board of supervisors. For the fiscal year
20 beginning July 1, 2013, and succeeding fiscal years,
21 the payment shall be remitted on or before December
22 31 only for those counties approved to operate as an
23 individual county region or to be part of a region.
24 Remittance of the payment for a county without such
25 approval shall be deferred until such approval is
26 granted.

27 STRATEGIC PLAN REQUIREMENT FOR FY 2013-2014

28 Sec. _____. 2012 Iowa Acts, chapter 1128, section 8,
29 is amended to read as follows:

30 SEC. 8. COUNTY MENTAL HEALTH, ~~MENTAL RETARDATION~~
31 ~~INTELLECTUAL DISABILITY, AND DEVELOPMENTAL~~
32 ~~DISABILITIES SERVICES MANAGEMENT PLAN — STRATEGIC~~
33 ~~PLAN. Notwithstanding section 331.439, subsection~~
34 ~~1, paragraph "b", subparagraph (3), counties are not~~
35 ~~required to submit a three-year strategic plan by~~
36 ~~April 1, 2012, to the department of human services. A~~
37 ~~county's strategic plan in effect as of the effective~~
38 ~~date of this section shall remain in effect until the~~
39 ~~regional service system management plan for the region~~
40 ~~to which the county belongs is approved in accordance~~
41 ~~with section 331.393, subject to modification before~~
42 ~~that date as necessary to conform with statutory~~
43 ~~changes affecting the plan and any amendments to the~~
44 ~~plan that are adopted in accordance with law.~~

45 TRANSITION FUNDS — FY 2012-2013

46 Sec. _____. 2013 Iowa Acts, House File 160, section
47 1, is amended by adding the following new subsection:

48 NEW SUBSECTION. 4. A county receiving an
49 allocation under this section may use the allocation
50 to pay for non-Medicaid mental health and disability

1 services provided during the state fiscal year
2 beginning July 1, 2012, and for the county's unpaid
3 obligation for non-Medicaid bills for services provided
4 in prior state fiscal years. Moneys allocated in this
5 section shall not be used for services provided in
6 the state fiscal year beginning July 1, 2013. Moneys
7 allocated to a county under this section that remain
8 unencumbered or unobligated at the close of the state
9 fiscal year beginning July 1, 2012, shall be remitted
10 to the department on or before December 15, 2013.

11 TRANSITION FUND — SERVICES MAINTENANCE

12 Sec. _____. TRANSITION FUND — SERVICES
13 MAINTENANCE. A county receiving an allocation of
14 funding from the mental health and disability services
15 redesign transition fund created in 2012 Iowa Acts,
16 chapter 1120, section 23, shall utilize the allocation
17 so that the services available to an individual child
18 or other individual person in accordance with the
19 county's approved service management plan in effect as
20 of June 30, 2012, remain in place provided the child or
21 other person continues to comply with the eligibility
22 requirements applicable under the plan as of that date.

23 REDESIGN EQUALIZATION PAYMENT APPROPRIATION

24 Sec. _____. MENTAL HEALTH AND DISABILITY SERVICES —
25 EQUALIZATION PAYMENTS TRANSFER AND APPROPRIATION.

26 1. There is transferred from the general fund of
27 the state to the department of human services for the
28 fiscal year beginning July 1, 2013, and ending June 30,
29 2014, the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 For deposit in the property tax relief fund created
32 in section 426B.1, for distribution as provided in this
33 section:

34 \$ 29,820,478

35 2. The moneys credited to the property tax relief
36 fund in accordance with this section are appropriated
37 to the department of human services for distribution
38 of equalization payments for counties in the amounts
39 specified in section 426B.3, subsection 4, as enacted
40 by 2012 Iowa Acts, chapter 1120, section 137, for the
41 fiscal year beginning July 1, 2013. If the county
42 is part of a region that has been approved by the
43 department in accordance with section 331.389, to
44 commence partial or full operations, the county's
45 equalization payment shall be remitted to the region
46 for expenditure as approved by the region's governing
47 board.

48 3. a. For the purposes of this subsection,
49 "payment obligation" means an outstanding obligation
50 for payment to the department of human services for the

1 undisputed cost of services provided under the medical
2 assistance program prior to July 1, 2012, or for the
3 undisputed cost of non-Medicaid services provided prior
4 to July 1, 2013.

5 b. (1) If a county with a payment obligation
6 has not either satisfied the payment obligation on
7 or before June 28, 2013, or received approval by the
8 director of human services for a repayment plan for
9 the obligation in accordance with subparagraph (2),
10 the department shall offset up to the amount of the
11 obligation any amount otherwise payable to or for the
12 county under this section or under the mental health
13 and disability regional services fund created in 2012
14 Iowa Acts, chapter 1120, section 9. Any offset amount
15 shall be transferred to the appropriation made for
16 the medical assistance program for the fiscal year
17 beginning July 1, 2012, in 2011 Iowa Acts, chapter
18 1133, section 122. The department shall credit a
19 county's payment obligation with any amount owed by
20 the department to the county for mental health or
21 disability services provided through June 30, 2013.

22 (2) A county with a payment obligation may submit
23 a request to the department to enter into a repayment
24 plan to satisfy the payment obligation during the
25 fiscal year beginning July 1, 2013. The request must
26 be submitted to the department on or before June 15,
27 2013. The terms of a repayment plan shall require
28 the payment obligation to be paid in full by the
29 close of the fiscal year beginning July 1, 2013, and
30 provide, after county payments for the fiscal year are
31 made in accordance with the plan, that the projected
32 ending balance of the county's services fund under
33 section 331.424A be equal to at least 15 percent of
34 the projected gross revenue for the services fund
35 for the fiscal year. The terms may also allow for
36 the department to authorize remittance of all or a
37 portion of the amount otherwise payable to or for the
38 county under this section or under the mental health
39 and disability regional services fund created in 2012
40 Iowa Acts, chapter 1120, section 9, during or upon
41 completion of the repayment plan. A payment plan
42 entered into under this subparagraph and its terms and
43 conditions are subject to approval of the director of
44 human services. The director's approval process shall
45 be completed on or before July 30, 2013.

46 c. The equalization payment under this section for
47 a county that is not subject to paragraph "b" shall be
48 remitted on or before July 15, 2013.

49 MEDICAID OBLIGATION COST SETTLEMENT

50 Sec. ____ . COUNTY MEDICAL ASSISTANCE NONFEDERAL

1 SHARE — COST SETTLEMENT. Any county obligation for
2 payment to the department of human services of the
3 nonfederal share of the cost of services provided under
4 the medical assistance program prior to July 1, 2012,
5 pursuant to sections 249A.12 and 249A.26, shall remain
6 at the amount billed through the period ending June 30,
7 2013. The final monthly billings for the obligations
8 shall be remitted to counties on or before August 1,
9 2013. Any adjustments to the final amounts billed for
10 such services that occur on or after July 1, 2013,
11 shall be applied to the appropriation made to the
12 department of human services from the general fund of
13 the state for the medical assistance program for the
14 fiscal year beginning July 1, 2013.

15 TRANSITION FROM LEGAL SETTLEMENT TO RESIDENCY
16 Sec. _____. MENTAL HEALTH AND DISABILITY REGIONAL
17 SERVICES FUND — FY 2013-2014. Moneys credited to
18 the mental health and disability regional services
19 fund created in 2012 Iowa Acts, chapter 1120, section
20 9, for the fiscal year beginning July 1, 2013, are
21 appropriated to the department for distribution to
22 be used to pay the costs of county or regionally
23 administered non-Medicaid mental health and disability
24 services. The department of human services shall
25 determine the financial need of counties as necessary
26 to minimize the effects of the change in determining
27 the financial responsibility for such services based
28 on legal settlement to residency. If the county of
29 residence is part of a region that has been approved
30 by the department in accordance with section 331.389,
31 to commence partial or full operations, the moneys
32 appropriated by this section shall be remitted to the
33 region for expenditure as approved by the region's
34 governing board.

35 COUNTY MENTAL HEALTH AND DISABILITY
36 SERVICES FUND — FY 2013-2014
37 Sec. _____. SERVICES FUND — MANAGEMENT PLAN. For
38 the fiscal year beginning July 1, 2013, and ending
39 June 30, 2014, the appropriations made by the county
40 board of supervisors for payment for mental health
41 and disability services pursuant to section 331.424A,
42 subsection 3, as enacted by 2012 Iowa Acts, chapter
43 1120, section 132, shall be made in accordance with the
44 county's service management plan approved under section
45 331.439, Code 2013, until the county management plan is
46 replaced by a regional service system management plan
47 approved under section 331.393.

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

1 DIVISION _____
2 DATA AND STATISTICAL INFORMATION AND OUTCOME AND
3 PERFORMANCE MEASURES

4 Sec. _____. Section 225C.4, subsection 1, paragraph
5 j, Code 2013, is amended to read as follows:

6 *j.* Establish and maintain a data collection and
7 management information system oriented to the needs of
8 patients, providers, the department, and other programs
9 or facilities in accordance with section 225C.6A. The
10 system shall be used to identify, collect, and analyze
11 service outcome and performance measures data in order
12 to assess the effects of the services on the persons
13 utilizing the services. The administrator shall
14 annually submit to the commission information collected
15 by the department indicating the changes and trends
16 in the disability services system. The administrator
17 shall make the outcome data available to the public.

18 Sec. _____. Section 225C.6A, Code 2013, is amended to
19 read as follows:

20 **225C.6A Disability services system ~~redesign~~ central**
21 **data repository.**

22 1. ~~The commission~~ department shall do the following
23 relating to ~~redesign of~~ data concerning the disability
24 services system in the state:

25 ~~1. Identify sources of revenue to support statewide~~
26 ~~delivery of core disability services to eligible~~
27 ~~disability populations.~~

28 ~~2. Ensure there is a continuous improvement process~~
29 ~~for development and maintenance of the disability~~
30 ~~services system for adults and children. The process~~
31 ~~shall include but is not limited to data collection and~~
32 ~~reporting provisions.~~

33 ~~3. a.~~ Plan, collect, and analyze data as necessary
34 to issue cost estimates for serving additional
35 populations and providing core disability services
36 statewide. The department shall maintain compliance
37 with applicable federal and state privacy laws
38 to ensure the confidentiality and integrity of
39 individually identifiable disability services data.
40 The department ~~shall regularly~~ may periodically assess
41 the status of the compliance in order to assure that
42 data security is protected.

43 ~~b. In implementing~~ Implement a system central data
44 repository under this subsection section for collecting
45 and analyzing state, county and region, and private
46 contractor data, ~~the.~~ The department shall establish
47 a client identifier for the individuals receiving
48 services. ~~The client identifier shall be used in lieu~~
49 ~~of the individual's name or social security number.~~
50 ~~The client identifier shall consist of the last four~~

1 ~~digits of an individual's social security number, the~~
2 ~~first three letters of the individual's last name, the~~
3 ~~individual's date of birth, and the individual's gender~~
4 ~~in an order determined by the department.~~

5 c. Consult on an ongoing basis with regional
6 administrators, service providers, and other
7 stakeholders in implementing the central data
8 repository and operations of the repository. The
9 consultation shall focus on minimizing the state and
10 local costs associated with operating the repository.

11 d. Engage with other state and local government
12 and nongovernmental entities operating the Iowa
13 health information network under chapter 135 and
14 other data systems that maintain information relating
15 to individuals with information in the central data
16 repository in order to integrate data concerning
17 individuals.

18 e. 2. A county or region shall not be required to
19 utilize a uniform data operational or transactional
20 system. However, the system utilized shall have the
21 capacity to exchange information with the department,
22 counties and regions, contractors, and others involved
23 with services to persons with a disability who have
24 authorized access to the central data repository. The
25 information exchanged shall be labeled consistently
26 and share the same definitions. Each county
27 regional administrator shall regularly report to the
28 department annually on or before December 1, for the
29 preceding fiscal year the following information for
30 each individual served: demographic information,
31 expenditure data, and data concerning the services and
32 other support provided to each individual, as specified
33 in administrative rule adopted by the commission by the
34 department.

35 ~~4. Work with county representatives and other~~
36 ~~qualified persons to develop an implementation plan~~
37 ~~for replacing the county of legal settlement approach~~
38 ~~to determining service system funding responsibilities~~
39 ~~with an approach based upon residency. The plan shall~~
40 ~~address a statewide standard for proof of residency,~~
41 ~~outline a plan for establishing a data system for~~
42 ~~identifying residency of eligible individuals, address~~
43 ~~residency issues for individuals who began residing~~
44 ~~in a county due to a court order or criminal sentence~~
45 ~~or to obtain services in that county, recommend an~~
46 ~~approach for contesting a residency determination, and~~
47 ~~address other implementation issues.~~

48 3. The outcome and performance measures applied
49 to the regional disability services system shall
50 utilize measurement domains. The department may

1 identify other measurement domains in consultation with
2 system stakeholders to be utilized in addition to the
3 following initial set of measurement domains:

- 4 a. Access to services.
- 5 b. Life in the community.
- 6 c. Person-centeredness.
- 7 d. Health and wellness.
- 8 e. Quality of life and safety.
- 9 f. Family and natural supports.

10 4. a. The processes used for collecting outcome
11 and performance measures data shall include but are
12 not limited to direct surveys of the individuals and
13 families receiving services and the providers of the
14 services. The department shall involve a workgroup of
15 persons who are knowledgeable about both the regional
16 service system and survey techniques to implement and
17 maintain the processes. The workgroup shall conduct
18 an ongoing evaluation for the purpose of eliminating
19 the collection of information that is not utilized.
20 The surveys shall be conducted with a conflict-free
21 approach in which someone other than a provider of
22 services surveys an individual receiving the services.

23 b. The outcome and performance measures data
24 shall encompass and provide a means to evaluate both
25 the regional services and the services funded by the
26 medical assistance program provided to the same service
27 populations.

28 c. The department shall develop and implement an
29 internet-based approach with graphical display of
30 information to provide outcome and performance measures
31 data to the public and those engaged with the regional
32 service system.

33 d. The department shall include any significant
34 costs for collecting and interpreting outcome and
35 performance measures and other data in the department's
36 operating budget.

37 Sec. ____. REPEAL. The amendment to section 225C.4,
38 subsection 1, paragraph j, in 2012 Iowa Acts, chapter
39 1120, section 2, is repealed.

40 Sec. ____. REPEAL. The amendments to section
41 225C.6A, in 2012 Iowa Acts, chapter 1120, sections 6,
42 7, and 95, are repealed.

43 DIVISION ____

44 CHILDREN'S CABINET

45 Sec. ____. NEW SECTION. **242.1 Findings.**

46 The general assembly finds there is a need for a
47 state-level children's cabinet to provide guidance,
48 oversight, problem solving, long-term strategy
49 development, and collaboration among the state and
50 local efforts to build a comprehensive, coordinated

1 system to promote the well-being of the children in
2 this state and to address the needs of children for
3 mental health treatment and other specialized services.

4 Sec. ____ . NEW SECTION. 242.2 Children's cabinet
5 established.

6 There is established within the department of human
7 services a children's cabinet.

8 1. The voting members of the children's cabinet
9 shall consist of the following:

10 a. The director of the department of education or
11 the director's designee.

12 b. The director of the department of human services
13 or the director's designee. This member shall be
14 chairperson of the cabinet.

15 c. The director of the department of public health
16 or the director's designee.

17 d. A parent of a child with a severe emotional
18 disturbance or a disability who is the primary
19 caregiver for that child, appointed by the governor.

20 e. A juvenile court judge or juvenile court officer
21 appointed by the chief justice of the supreme court.

22 f. A community-based provider of child welfare,
23 health, or juvenile justice services to children,
24 appointed by the director of human services.

25 g. A member of the early childhood Iowa state
26 board, appointed by the state board.

27 h. A community stakeholder who is not affiliated
28 with a provider of services, appointed by the governor.

29 i. Not more than three other members, including
30 a pediatrician, designated by the cabinet chairperson
31 to ensure adequate representation of the persons and
32 interests who may be affected by the recommendations
33 made by the cabinet.

34 2. In addition to the voting members, there
35 shall be four ex officio, nonvoting members of the
36 children's cabinet. These members shall be two state
37 representatives, one appointed by the speaker of
38 the house of representatives and one by the minority
39 leader of the house of representatives, and two state
40 senators, one appointed by the majority leader of the
41 senate and one by the minority leader of the senate.

42 3. a. The voting members, other than department
43 directors and their designees, shall be appointed for
44 four-year terms. The terms of such members begin on
45 May 1 in the year of appointment and expire on April 30
46 in the year of expiration.

47 b. Vacancies shall be filled in the same manner as
48 original appointments. A vacancy shall be filled for
49 the unexpired term.

50 c. The voting members shall receive actual and

1 necessary expenses incurred in the performance of their
2 duties and legislative members shall be compensated as
3 provided in section 2.32A.

4 4. Staffing services for the children's cabinet
5 shall be provided by the department of human services.

6 Sec. ____ . NEW SECTION. 242.3 Duties.

7 The children's cabinet shall perform the following
8 duties to address the needs of children and families in
9 this state:

10 1. Recommend operating provisions for health homes
11 for children implemented by the department of human
12 services. The provisions shall include but are not
13 limited to all of the following:

14 a. Identification of quality expectations.

15 b. Identification of performance criteria.

16 c. Provisions for monitoring the implementation of
17 specialized health homes.

18 2. Gather information and improve the understanding
19 of policymakers and the public of how the various
20 service systems intended to meet the needs of children
21 and families operate at the local level.

22 3. Address areas of overlap, gaps, and conflict
23 between service systems.

24 4. Support the evolution of service systems in
25 implementing new services and enhancing existing
26 services to address the needs of children and families
27 through process improvement methodologies.

28 5. Assist policymakers and service system users in
29 understanding and effectively managing system costs.

30 6. Ensure services offered are evidence-based.

31 7. Issue guidelines to enable the services and
32 other support which is provided by or under the control
33 of state entities and delivered at the local level to
34 have sufficient flexibility to engage local resources
35 and meet unique needs of children and families.

36 8. Integrate efforts of policymakers and service
37 providers to improve the well-being of community
38 members in addition to children and families.

39 9. Implement strategies so that the children and
40 families engaged with the service systems avoid the
41 need for higher level services and other support.

42 10. Submit a report annually by December 15 to the
43 governor, general assembly, and supreme court providing
44 findings and recommendations and issue other reports as
45 deemed necessary by the cabinet. The reports submitted
46 or issued by the children's cabinet shall be posted on
47 the department's internet site.

48 Sec. ____ . INITIAL TERMS. Notwithstanding section
49 242.2, subsection 3, paragraph "a", as enacted by
50 this division of this Act, the appointing authorities

1 for the members of the children's cabinet created by
2 this division of this Act who are subject to terms of
3 service shall be coordinated so that the initial terms
4 of approximately half of such members are two years and
5 the remainder are for four years and remain staggered
6 thereafter.>
7 2. By renumbering as necessary.

FRY of Clarke