

House File 2501

H-8499

1 Amend House File 2501 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 DEPARTMENT ON AGING — FY 2018-2019

6 Section 1. 2017 Iowa Acts, chapter 174, section 40,  
7 unnumbered paragraphs 1 and 2, are amended to read as follows:

8 There is appropriated from the general fund of the state  
9 to the department on aging for the fiscal year beginning July  
10 1, 2018, and ending June 30, 2019, the following amount, or  
11 so much thereof as is necessary, to be used for the purposes  
12 designated:

13 For aging programs for the department on aging and area  
14 agencies on aging to provide citizens of Iowa who are 60 years  
15 of age and older with case management for frail elders, Iowa's  
16 aging and disabilities resource center, and other services  
17 which may include but are not limited to adult day services,  
18 respite care, chore services, information and assistance,  
19 and material aid, for information and options counseling for  
20 persons with disabilities who are 18 years of age or older,  
21 and for salaries, support, administration, maintenance, and  
22 miscellaneous purposes, and for not more than the following  
23 full-time equivalent positions:

24 .....	\$ 5,521,238
25 .....	<u>11,042,924</u>
26 .....	FTEs 27.00

27 Sec. 2. 2017 Iowa Acts, chapter 174, section 40, subsections  
28 2, 4, 5, 6, and 7, are amended to read as follows:

29 2. Of the funds appropriated in this section, ~~\$139,973~~  
30 \$279,946 is transferred to the economic development authority  
31 for the Iowa commission on volunteer services to be used for  
32 the retired and senior volunteer program.

33 ~~4. Of the funds appropriated in this section, at least~~  
34 ~~\$125,000 shall be used to fund the unmet needs identified~~  
35 ~~through Iowa's aging and disability resource center network.~~

1 5. Of the funds appropriated in this section, at  
2 least ~~\$300,000~~ \$600,000 shall be used to fund home and  
3 community-based services through the area agencies on aging  
4 that enable older individuals to avoid more costly utilization  
5 of residential or institutional services and remain in their  
6 own homes.

7 6. Of the funds appropriated in this section, ~~\$406,268~~  
8 \$812,537 shall be used for the purposes of ~~chapter 231E~~ and  
9 ~~section 231.56A~~, of which ~~\$175,000~~ shall be used for the office  
10 of ~~substitute decision maker pursuant to chapter 231E~~, and the  
11 remainder shall be distributed equally to the area agencies on  
12 aging to administer the prevention of elder abuse, neglect, and  
13 exploitation program pursuant to ~~section 231.56A~~, in accordance  
14 with the requirements of the federal Older Americans Act of  
15 1965, 42 U.S.C. §3001 et seq., as amended.

16 7. Of the funds appropriated in this section, ~~\$375,000~~  
17 \$1,000,000 shall be used to fund continuation of the aging  
18 and disability resource center lifelong links to provide  
19 individuals and caregivers with information and services to  
20 plan for and maintain independence.

21 Sec. 3. 2017 Iowa Acts, chapter 174, section 40, subsection  
22 8, is amended by striking the subsection.

23 Sec. 4. 2017 Iowa Acts, chapter 174, section 40, is amended  
24 by adding the following new subsection:

25 NEW SUBSECTION. 9. Of the funds appropriated in this  
26 section, \$100,000 shall be used by the department on aging,  
27 in collaboration with the department of human services and  
28 affected stakeholders, to design a pilot initiative to provide  
29 long-term care options counseling utilizing support planning  
30 protocols, to assist non-Medicaid eligible consumers who  
31 indicate a preference to return to the community and are  
32 deemed appropriate for discharge, to return to their community  
33 following a nursing facility stay. The department on aging  
34 shall submit the design plan as well as recommendations for  
35 legislation necessary to administer the initiative, including

1 but not limited to legislation to allow the exchange of contact  
2 information for nursing facility residents appropriate for  
3 discharge planning, to the governor and the general assembly by  
4 December 15, 2018.

5 DIVISION II

6 OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2018-2019

7 Sec. 5. 2017 Iowa Acts, chapter 174, section 41, is amended  
8 to read as follows:

9 SEC. 41. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is  
10 appropriated from the general fund of the state to the office  
11 of long-term care ombudsman for the fiscal year beginning July  
12 1, 2018, and ending June 30, 2019, the following amount, or  
13 so much thereof as is necessary, to be used for the purposes  
14 designated:

15 For salaries, support, administration, maintenance, and  
16 miscellaneous purposes, and for not more than the following  
17 full-time equivalent positions:

18 .....	\$	580,140
19 .....		<u>1,149,821</u>
20 .....	FTEs	16.00

21 DIVISION III

22 DEPARTMENT OF PUBLIC HEALTH — FY 2018-2019

23 Sec. 6. 2017 Iowa Acts, chapter 174, section 42, subsections  
24 1, 2, 3, 4, 5, 6, 7, and 8, are amended to read as follows:

25 1. ADDICTIVE DISORDERS

26 For reducing the prevalence of the use of tobacco, alcohol,  
27 and other drugs, and treating individuals affected by addictive  
28 behaviors, including gambling, and for not more than the  
29 following full-time equivalent positions:

30 .....	\$	<del>12,492,915</del>
31 .....		<u>24,804,344</u>
32 .....	FTEs	<del>10.00</del>
33 .....		<u>11.00</u>

34 a. (1) Of the funds appropriated in this subsection,  
35 ~~\$2,010,612~~ \$4,021,225 shall be used for the tobacco use

1 prevention and control initiative, including efforts at the  
2 state and local levels, as provided in [chapter 142A](#). The  
3 commission on tobacco use prevention and control established  
4 pursuant to [section 142A.3](#) shall advise the director of  
5 public health in prioritizing funding needs and the allocation  
6 of moneys appropriated for the programs and initiatives.  
7 Activities of the programs and initiatives shall be in  
8 alignment with the United States centers for disease control  
9 and prevention best practices for comprehensive tobacco control  
10 programs that include the goals of preventing youth initiation  
11 of tobacco usage, reducing exposure to secondhand smoke,  
12 and promotion of tobacco cessation. To maximize resources,  
13 the department shall determine if third-party sources are  
14 available to instead provide nicotine replacement products  
15 to an applicant prior to provision of such products to an  
16 applicant under the initiative. The department shall track and  
17 report to the individuals specified in this Act, any reduction  
18 in the provision of nicotine replacement products realized  
19 by the initiative through implementation of the prerequisite  
20 screening.

21 (2) (a) The department shall collaborate with the  
22 alcoholic beverages division of the department of commerce for  
23 enforcement of tobacco laws, regulations, and ordinances and to  
24 engage in tobacco control activities approved by the division  
25 of tobacco use prevention and control of the department of  
26 public health as specified in the memorandum of understanding  
27 entered into between the divisions.

28 (b) For the fiscal year beginning July 1, 2018, and ending  
29 June 30, 2019, the terms of the memorandum of understanding,  
30 entered into between the division of tobacco use prevention  
31 and control of the department of public health and the  
32 alcoholic beverages division of the department of commerce,  
33 governing compliance checks conducted to ensure licensed retail  
34 tobacco outlet conformity with tobacco laws, regulations, and  
35 ordinances relating to persons under 18 years of age, shall

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(amending this HF 2501 to CONFORM to SF 2418)

1 continue to restrict the number of such checks to one check per  
2 retail outlet, and one additional check for any retail outlet  
3 found to be in violation during the first check.

4 b. Of the funds appropriated in this subsection,  
5 ~~\$10,482,303~~ \$20,783,119 shall be used for problem gambling and  
6 substance-related disorder prevention, treatment, and recovery  
7 services, including a 24-hour helpline, public information  
8 resources, professional training, youth prevention, and program  
9 evaluation.

10 c. The requirement of [section 123.17, subsection 5](#), is met  
11 by the appropriations and allocations made in this division of  
12 this Act for purposes of substance-related disorder treatment  
13 and addictive disorders for the fiscal year beginning July 1,  
14 2018.

15 d. The department of public health, in collaboration with  
16 the department of human services, shall engage a stakeholder  
17 workgroup to review reimbursement provisions applicable  
18 to substance use disorder services providers. The issues  
19 considered by the workgroup shall include but are not limited  
20 to the adequacy of reimbursement provisions including for  
21 both outpatient and residential treatment, whether it is  
22 appropriate to rebase reimbursement, whether there is equity in  
23 reimbursement compared to the reimbursement methodologies used  
24 for providers of similar behavioral health services, and access  
25 to substance use disorder services providers including whether  
26 the designated number of community mental health centers in the  
27 state is sufficient. The workgroup shall review the reports  
28 of previous workgroups including those authorized in 2014 Iowa  
29 Acts, chapter 1140, section 3, subsection 1, and shall report  
30 the workgroup's findings and recommendations to the general  
31 assembly on or before December 15, 2018.

32 2. HEALTHY CHILDREN AND FAMILIES

33 For promoting the optimum health status for children,  
34 adolescents from birth through 21 years of age, and families,  
35 and for not more than the following full-time equivalent

1 positions:

2 .....	\$	<del>2,662,816</del>
3		<u>5,820,625</u>
4 .....	FTEs	<del>12.00</del>
5		<u>13.00</u>

6 a. Of the funds appropriated in this subsection, not  
7 more than ~~\$367,420~~ \$734,841 shall be used for the healthy  
8 opportunities for parents to experience success (HOPES)-healthy  
9 families Iowa (HFI) program established pursuant to section  
10 135.106. The funding shall be distributed to renew the grants  
11 that were provided to the grantees that operated the program  
12 during the fiscal year ending June 30, 2018.

13 b. In order to implement the legislative intent stated in  
14 sections 135.106 and 256I.9, that priority for home visitation  
15 program funding be given to programs using evidence-based or  
16 promising models for home visitation, it is the intent of the  
17 general assembly to phase in the funding priority in accordance  
18 with 2012 Iowa Acts, chapter 1133, section 2, subsection 2,  
19 paragraph "0b".

20 c. Of the funds appropriated in this subsection, ~~\$1,537,550~~  
21 \$3,075,101 shall be used for continuation of the department's  
22 initiative to provide for adequate developmental surveillance  
23 and screening during a child's first five years. The funds  
24 shall be used first to fully fund the current sites to ensure  
25 that the sites are fully operational, with the remaining  
26 funds to be used for expansion to additional sites. The full  
27 implementation and expansion shall include enhancing the scope  
28 of the initiative through collaboration with the child health  
29 specialty clinics to promote healthy child development through  
30 early identification and response to both biomedical and social  
31 determinants of healthy development; by monitoring child  
32 health metrics to inform practice, document long-term health  
33 impacts and savings, and provide for continuous improvement  
34 through training, education, and evaluation; and by providing  
35 for practitioner consultation particularly for children with

1 behavioral conditions and needs. The department of public  
2 health shall also collaborate with the Iowa Medicaid enterprise  
3 and the child health specialty clinics to integrate the  
4 activities of the first five initiative into the establishment  
5 of patient-centered medical homes, community utilities,  
6 accountable care organizations, and other integrated care  
7 models developed to improve health quality and population  
8 health while reducing health care costs. To the maximum extent  
9 possible, funding allocated in this paragraph shall be utilized  
10 as matching funds for medical assistance program reimbursement.

11 d. Of the funds appropriated in this subsection, ~~\$32,320~~  
12 \$64,640 shall be distributed to a statewide dental carrier to  
13 provide funds to continue the donated dental services program  
14 patterned after the projects developed by the lifeline network  
15 to provide dental services to indigent individuals who are  
16 elderly or with disabilities.

17 e. Of the funds appropriated in this subsection, ~~\$78,241~~  
18 \$156,482 shall be used to provide audiological services and  
19 hearing aids for children. The department may enter into a  
20 contract to administer this paragraph.

21 f. Of the funds appropriated in this subsection, ~~\$11,500~~  
22 \$23,000 is transferred to the university of Iowa college of  
23 dentistry for provision of primary dental services to children.  
24 State funds shall be matched on a dollar-for-dollar basis.  
25 The university of Iowa college of dentistry shall coordinate  
26 efforts with the department of public health, bureau of  
27 oral and health delivery systems, to provide dental care to  
28 underserved populations throughout the state.

29 g. Of the funds appropriated in this subsection, ~~\$25,000~~  
30 \$50,000 shall be used to address youth suicide prevention.

31 h. Of the funds appropriated in this subsection, ~~\$20,255~~  
32 \$40,511 shall be used to support the Iowa effort to address the  
33 survey of children who experience adverse childhood experiences  
34 known as ACEs.

35 i. The department of public health shall continue to

1 administer the program to assist parents in this state with  
2 costs resulting from the death of a child in accordance with  
3 the provisions of 2014 Iowa Acts, chapter 1140, section 22,  
4 subsection 12.

5 j. Of the funds appropriated in this subsection, up to  
6 \$494,993 shall be used for childhood obesity prevention.

7 3. CHRONIC CONDITIONS

8 For serving individuals identified as having chronic  
9 conditions or special health care needs, and for not more than  
10 the following full-time equivalent positions:

11 .....	\$	<del>2,085,375</del>
12 .....		<u>4,528,109</u>
13 .....	FTEs	<del>5.00</del>
14 .....		<u>9.00</u>

15 a. Of the funds appropriated in this subsection, ~~\$76,877~~  
16 \$153,755 shall be used for grants to individual patients who  
17 have an inherited metabolic disorder to assist with the costs  
18 of medically necessary foods and formula.

19 b. Of the funds appropriated in this subsection, ~~\$510,397~~  
20 \$1,055,291 shall be used for the brain injury services program  
21 pursuant to [section 135.22B](#), including for contracting with an  
22 existing nationally affiliated and statewide organization whose  
23 purpose is to educate, serve, and support Iowans with brain  
24 injury and their families for resource facilitator services  
25 in accordance with [section 135.22B, subsection 9](#), and for  
26 contracting to enhance brain injury training and recruitment  
27 of service providers on a statewide basis. Of the amount  
28 allocated in this paragraph, ~~\$47,500~~ \$95,000 shall be used to  
29 fund one full-time equivalent position to serve as the state  
30 brain injury services program manager.

31 c. Of the funds appropriated in this subsection, ~~\$72,048~~  
32 \$144,097 shall be used for the public purpose of continuing  
33 to contract with an existing national-affiliated organization  
34 to provide education, client-centered programs, and client  
35 and family support for people living with epilepsy and their



1 families. The amount allocated in this paragraph in excess  
2 of ~~\$50,000~~ \$100,000 shall be matched dollar-for-dollar by the  
3 organization specified.

4 d. Of the funds appropriated in this subsection, ~~\$404,775~~  
5 \$809,550 shall be used for child health specialty clinics.

6 e. Of the funds appropriated in this subsection,  
7 ~~\$192,276~~ \$384,552 shall be used by the regional autism  
8 assistance program established pursuant to [section 256.35](#),  
9 and administered by the child health specialty clinic located  
10 at the university of Iowa hospitals and clinics. The funds  
11 shall be used to enhance interagency collaboration and  
12 coordination of educational, medical, and other human services  
13 for persons with autism, their families, and providers of  
14 services, including delivering regionalized services of care  
15 coordination, family navigation, and integration of services  
16 through the statewide system of regional child health specialty  
17 clinics and fulfilling other requirements as specified in  
18 chapter 225D. The university of Iowa shall not receive funds  
19 allocated under this paragraph for indirect costs associated  
20 with the regional autism assistance program.

21 f. Of the funds appropriated in this subsection, ~~\$288,687~~  
22 \$577,375 shall be used for the comprehensive cancer control  
23 program to reduce the burden of cancer in Iowa through  
24 prevention, early detection, effective treatment, and ensuring  
25 quality of life. Of the funds allocated in this paragraph "f",  
26 ~~\$75,000~~ \$150,000 shall be used to support a melanoma research  
27 symposium, a melanoma biorepository and registry, basic and  
28 translational melanoma research, and clinical trials.

29 g. Of the funds appropriated in this subsection, ~~\$48,766~~  
30 \$97,532 shall be used for cervical and colon cancer screening,  
31 and ~~\$88,860~~ \$177,720 shall be used to enhance the capacity of  
32 the cervical cancer screening program to include provision  
33 of recommended prevention and early detection measures to a  
34 broader range of low-income women.

35 h. Of the funds appropriated in this subsection, ~~\$253,177~~

1 \$506,355 shall be used for the center for congenital and  
2 inherited disorders.

3 i. Of the funds appropriated in this subsection, ~~\$107,631~~  
4 \$225,263 shall be used by the department of public health  
5 for reform-related activities, including but not limited to  
6 facilitation of communication to stakeholders at the state and  
7 local level, administering the patient-centered health advisory  
8 council pursuant to [section 135.159](#), and involvement in health  
9 care system innovation activities occurring across the state.

10 j. Of the funds appropriated in this subsection, ~~\$11,050~~  
11 \$322,100 shall be used for administration of ~~chapter 124D~~ [124E](#),  
12 the medical cannabidiol Act.

13 4. COMMUNITY CAPACITY

14 For strengthening the health care delivery system at the  
15 local level, and for not more than the following full-time  
16 equivalent positions:

17 .....	\$	<del>1,453,888</del>
18 .....		<u>4,970,152</u>
19 .....	FTEs	13.00

20 a. Of the funds appropriated in this subsection, ~~\$47,787~~  
21 \$95,575 is allocated for continuation of the child vision  
22 screening program implemented through the university of Iowa  
23 hospitals and clinics in collaboration with early childhood  
24 Iowa areas. The program shall submit a report to the  
25 individuals identified in this Act for submission of reports  
26 regarding the use of funds allocated under this paragraph  
27 "a". The report shall include the objectives and results for  
28 the program year including the target population and how the  
29 funds allocated assisted the program in meeting the objectives;  
30 the number, age, and location within the state of individuals  
31 served; the type of services provided to the individuals  
32 served; the distribution of funds based on service provided;  
33 and the continuing needs of the program.

34 ~~b. Of the funds appropriated in this subsection, \$52,828 is~~  
35 ~~allocated for continuation of an initiative implemented at the~~

1 ~~university of Iowa to expand and improve the workforce engaged~~  
2 ~~in mental health treatment and services. The initiative shall~~  
3 ~~receive input from the university of Iowa, the department of~~  
4 ~~human services, the department of public health, and the mental~~  
5 ~~health and disability services commission to address the focus~~  
6 ~~of the initiative.~~

7 ~~c. Of the funds appropriated in this section, \$41,657 shall~~  
8 ~~be deposited in the governmental public health system fund~~  
9 ~~created in [section 135A.8](#) to be used for the purposes of the~~  
10 ~~fund.~~

11 d. Of the funds appropriated in this subsection, \$24,034  
12 \$48,069 shall be used for a grant to a statewide association  
13 of psychologists that is affiliated with the American  
14 psychological association to be used for continuation of a  
15 program to rotate intern psychologists in placements in urban  
16 and rural mental health professional shortage areas, as defined  
17 in [section 135.180](#).

18 e. Of the funds appropriated in this subsection, the  
19 following amounts are allocated to be used as follows to  
20 support the Iowa collaborative safety net provider network  
21 goals of increased access, health system integration, and  
22 engagement.

23 (1) Not less than ~~\$260,931~~ \$542,829 is allocated to the  
24 Iowa prescription drug corporation for continuation of the  
25 pharmaceutical infrastructure for safety net providers as  
26 described in [2007 Iowa Acts, chapter 218, section 108](#), and for  
27 the prescription drug donation repository program created in  
28 chapter 135M.

29 (2) Not less than ~~\$167,435~~ \$334,870 is allocated to free  
30 clinics and free clinics of Iowa for necessary infrastructure,  
31 statewide coordination, provider recruitment, service delivery,  
32 and provision of assistance to patients in securing a medical  
33 home inclusive of oral health care.

34 (3) Not less than ~~\$12,500~~ \$25,000 is allocated to the  
35 Iowa association of rural health clinics for necessary

1 infrastructure and service delivery transformation.

2 (4) Not less than ~~\$50,000~~ \$205,493 is allocated to the  
3 Polk county medical society for continuation of the safety net  
4 provider patient access to a specialty health care initiative  
5 as described in [2007 Iowa Acts, chapter 218, section 109](#).

6 f. Of the funds appropriated in this subsection, ~~\$38,115~~  
7 \$15,000 shall be used by the department in implementing  
8 the recommendations in the final report submitted by the  
9 direct care worker advisory council to the governor and the  
10 general assembly in March 2012, including by continuing to  
11 develop, promote, and make available on a statewide basis the  
12 prepare-to-care core curriculum and its associated modules  
13 and specialties through various formats including online  
14 access, community colleges, and other venues; exploring new and  
15 maintaining existing specialties including but not limited to  
16 oral health and dementia care; supporting instructor training;  
17 and assessing and making recommendations concerning the Iowa  
18 care book and information technology systems and infrastructure  
19 uses and needs.

20 g. Of the funds appropriated in this subsection, ~~\$95,594~~  
21 \$176,188 shall be allocated for continuation of the contract  
22 with an independent statewide direct care worker organization  
23 previously selected through a request for proposals process.  
24 The contract shall continue to include performance and outcomes  
25 measures, and shall continue to allow the contractor to use a  
26 portion of the funds received under the contract to collect  
27 data to determine results based on the performance and outcomes  
28 measures.

29 h. Of the funds appropriated in this subsection, the  
30 department may use up to ~~\$29,087~~ \$58,175 for up to one  
31 full-time equivalent position to administer the volunteer  
32 health care provider program pursuant to [section 135.24](#).

33 i. Of the funds appropriated in this subsection, ~~\$48,069~~  
34 \$96,138 shall be used for a matching dental education loan  
35 repayment program to be allocated to a dental nonprofit health

1 service corporation to continue to develop the criteria and  
2 implement the loan repayment program.

3 ~~j. Of the funds appropriated in this subsection, \$26,455 is~~  
4 ~~transferred to the college student aid commission for deposit~~  
5 ~~in the rural Iowa primary care trust fund created in section~~  
6 ~~261.113 to be used for the purposes of the fund.~~

7 k. Of the funds appropriated in this subsection, \$75,000  
8 \$100,000 shall be used for the purposes of the Iowa donor  
9 registry as specified in [section 142C.18](#).

10 l. Of the funds appropriated in this subsection, ~~\$48,069~~  
11 \$96,138 shall be used for continuation of a grant to a  
12 nationally affiliated volunteer eye organization that has an  
13 established program for children and adults and that is solely  
14 dedicated to preserving sight and preventing blindness through  
15 education, nationally certified vision screening and training,  
16 and community and patient service programs. The organization  
17 shall submit a report to the individuals identified in this  
18 Act for submission of reports regarding the use of funds  
19 allocated under this paragraph "l". The report shall include  
20 the objectives and results for the program year including  
21 the target population and how the funds allocated assisted  
22 the program in meeting the objectives; the number, age, and  
23 location within the state of individuals served; the type of  
24 services provided to the individuals served; the distribution  
25 of funds based on services provided; and the continuing needs  
26 of the program.

27 m. Of the funds appropriated in this subsection, ~~\$436,327~~  
28 \$2,000,000 shall be deposited in the medical residency training  
29 account created in [section 135.175, subsection 5](#), paragraph  
30 "a", and is appropriated from the account to the department  
31 of public health to be used for the purposes of the medical  
32 residency training state matching grants program as specified  
33 in [section 135.176](#).

34 n. Of the funds appropriated in this subsection, \$250,000  
35 shall be used for the public purpose of providing funding to

1 Des Moines university to establish a provider education project  
2 to provide primary care physicians with the training and skills  
3 necessary to recognize signs of mental illness in patients.

4 5. ESSENTIAL PUBLIC HEALTH SERVICES

5 To provide public health services that reduce risks and  
6 invest in promoting and protecting good health over the  
7 course of a lifetime with a priority given to older Iowans and  
8 vulnerable populations:

9 ..... \$ ~~4,098,939~~  
10 ..... 7,662,464

11 6. INFECTIOUS DISEASES

12 For reducing the incidence and prevalence of communicable  
13 diseases, and for not more than the following full-time  
14 equivalent positions:

15 ..... \$ ~~823,213~~  
16 ..... 1,796,426  
17 ..... FTEs 4.00

18 7. PUBLIC PROTECTION

19 For protecting the health and safety of the public through  
20 establishing standards and enforcing regulations, and for not  
21 more than the following full-time equivalent positions:

22 ..... \$ ~~2,097,569~~  
23 ..... 4,095,139  
24 ..... FTEs ~~138.00~~  
25 ..... 141.00

26 a. Of the funds appropriated in this subsection, not more  
27 than ~~\$152,350~~ \$304,700 shall be credited to the emergency  
28 medical services fund created in [section 135.25](#). Moneys in  
29 the emergency medical services fund are appropriated to the  
30 department to be used for the purposes of the fund.

31 b. Of the funds appropriated in this subsection, up  
32 to ~~\$121,630~~ \$243,260 shall be used for sexual violence  
33 prevention programming through a statewide organization  
34 representing programs serving victims of sexual violence  
35 through the department's sexual violence prevention program,

1 and for continuation of a training program for sexual assault  
2 response team (SART) members, including representatives of  
3 law enforcement, victim advocates, prosecutors, and certified  
4 medical personnel. The amount allocated in this paragraph "b"  
5 shall not be used to supplant funding administered for other  
6 sexual violence prevention or victims assistance programs.

7 c. Of the funds appropriated in this subsection, up to  
8 ~~\$287,813~~ \$500,000 shall be used for the state poison control  
9 center. Pursuant to the directive under 2014 Iowa Acts,  
10 chapter 1140, section 102, the federal matching funds available  
11 to the state poison control center from the department of human  
12 services under the federal Children's Health Insurance Program  
13 Reauthorization Act allotment shall be subject to the federal  
14 administrative cap rule of 10 percent applicable to funding  
15 provided under Tit. XXI of the federal Social Security Act and  
16 included within the department's calculations of the cap.

17 d. Of the funds appropriated in this subsection, up to  
18 ~~\$258,491~~ \$504,796 shall be used for childhood lead poisoning  
19 provisions.

20 8. RESOURCE MANAGEMENT

21 For establishing and sustaining the overall ability of the  
22 department to deliver services to the public, and for not more  
23 than the following full-time equivalent positions:

24 .....	\$	<del>485,607</del>
25 .....		<u>971,215</u>
26 .....	FTEs	4.00

27 Sec. 7. 2017 Iowa Acts, chapter 174, section 42, subsections  
28 10 and 11, are amended by striking the subsections.

29 DIVISION IV

30 DEPARTMENT OF VETERANS AFFAIRS — FY 2018-2019

31 Sec. 8. 2017 Iowa Acts, chapter 174, section 43, is amended  
32 to read as follows:

33 SEC. 43. DEPARTMENT OF VETERANS AFFAIRS. There is  
34 appropriated from the general fund of the state to the  
35 department of veterans affairs for the fiscal year beginning

1 July 1, 2018, and ending June 30, 2019, the following amounts,  
2 or so much thereof as is necessary, to be used for the purposes  
3 designated:

4 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

5 For salaries, support, maintenance, and miscellaneous  
6 purposes, and for not more than the following full-time  
7 equivalent positions:

8 .....	\$	<del>571,278</del>
9 .....		<u>1,150,500</u>
10 .....	FTEs	15.00

11 2. IOWA VETERANS HOME

12 For salaries, support, maintenance, and miscellaneous  
13 purposes:

14 .....	\$	<del>3,614,070</del>
15 .....		<u>7,162,976</u>

16 a. The Iowa veterans home billings involving the department  
17 of human services shall be submitted to the department on at  
18 least a monthly basis.

19 b. Within available resources and in conformance with  
20 associated state and federal program eligibility requirements,  
21 the Iowa veterans home may implement measures to provide  
22 financial assistance to or on behalf of veterans or their  
23 spouses who are participating in the community reentry program.

24 d. The Iowa veterans home shall continue to include in the  
25 annual discharge report applicant information and to provide  
26 for the collection of demographic information including but not  
27 limited to the number of individuals applying for admission and  
28 admitted or denied admittance and the basis for the admission  
29 or denial; the age, gender, and race of such individuals;  
30 and the level of care for which such individuals applied for  
31 admission including residential or nursing level of care.

32 3. HOME OWNERSHIP ASSISTANCE PROGRAM

33 For transfer to the Iowa finance authority for the  
34 continuation of the home ownership assistance program for  
35 persons who are or were eligible members of the armed forces of

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1 the United States, pursuant to [section 16.54](#):  
 2 ..... \$ ~~1,000,000~~  
 3 2,000,000

4 Sec. 9. 2017 Iowa Acts, chapter 174, section 44, is amended  
 5 to read as follows:

6 SEC. 44. LIMITATION OF COUNTY COMMISSIONS OF VETERAN  
 7 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the  
 8 standing appropriation in [section 35A.16](#) for the fiscal year  
 9 beginning July 1, 2018, and ending June 30, 2019, the amount  
 10 appropriated from the general fund of the state pursuant to  
 11 that section for the following designated purposes shall not  
 12 exceed the following amount:

13 For the county commissions of veteran affairs fund under  
 14 section 35A.16:

15 ..... \$ ~~473,962~~  
 16 990,000

17 DIVISION V

18 DEPARTMENT OF HUMAN SERVICES — FY 2018-2019

19 Sec. 10. 2017 Iowa Acts, chapter 174, section 45, is amended  
 20 to read as follows:

21 SEC. 45. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
 22 GRANT. There is appropriated from the fund created in section  
 23 8.41 to the department of human services for the fiscal year  
 24 beginning July 1, 2018, and ending June 30, 2019, from moneys  
 25 received under the federal temporary assistance for needy  
 26 families (TANF) block grant pursuant to the federal Personal  
 27 Responsibility and Work Opportunity Reconciliation Act of 1996,  
 28 Pub. L. No. 104-193, and successor legislation, the following  
 29 amounts, or so much thereof as is necessary, to be used for the  
 30 purposes designated:

31 1. To be credited to the family investment program account  
 32 and used for assistance under the family investment program  
 33 under [chapter 239B](#):

34 ..... \$ ~~2,556,231~~  
 35 4,539,006

1     2. To be credited to the family investment program account  
 2 and used for the job opportunities and basic skills (JOBS)  
 3 program and implementing family investment agreements in  
 4 accordance with [chapter 239B](#):  
 5 ..... \$ ~~2,787,846~~  
 6 5,412,060

7     3. To be used for the family development and  
 8 self-sufficiency grant program in accordance with section  
 9 216A.107:  
 10 ..... \$ ~~1,449,490~~  
 11 2,883,980

12     Notwithstanding [section 8.33](#), moneys appropriated in this  
 13 subsection that remain unencumbered or unobligated at the close  
 14 of the fiscal year shall not revert but shall remain available  
 15 for expenditure for the purposes designated until the close of  
 16 the succeeding fiscal year. However, unless such moneys are  
 17 encumbered or obligated on or before September 30, 2019, the  
 18 moneys shall revert.

19     4. For field operations:  
 20 ..... \$ ~~15,648,116~~  
 21 31,296,232

22     5. For general administration:  
 23 ..... \$ ~~1,872,000~~  
 24 3,744,000

25     6. For state child care assistance:  
 26 ..... \$ ~~23,933,413~~  
 27 47,166,826

28     a. Of the funds appropriated in this subsection,  
 29 ~~\$13,164,048~~ \$26,205,412 is transferred to the child care  
 30 and development block grant appropriation made by the  
 31 Eighty-seventh General Assembly, 2018 session, for the federal  
 32 fiscal year beginning October 1, 2018, and ending September  
 33 30, 2019. Of this amount, ~~\$100,000~~ \$200,000 shall be used  
 34 for provision of educational opportunities to registered  
 35 child care home providers in order to improve services and

1 programs offered by this category of providers and to increase  
 2 the number of providers. The department may contract with  
 3 institutions of higher education or child care resource and  
 4 referral centers to provide the educational opportunities.  
 5 Allowable administrative costs under the contracts shall not  
 6 exceed 5 percent. The application for a grant shall not exceed  
 7 two pages in length.

8 b. Any funds appropriated in this subsection remaining  
 9 unallocated shall be used for state child care assistance  
 10 payments for families who are employed including but not  
 11 limited to individuals enrolled in the family investment  
 12 program.

13 7. For child and family services:  
 14 ..... \$ ~~16,190,327~~  
 15 32,380,654

16 8. For child abuse prevention grants:  
 17 ..... \$ ~~62,500~~  
 18 125,000

19 9. For pregnancy prevention grants on the condition that  
 20 family planning services are funded:  
 21 ..... \$ ~~965,033~~  
 22 1,913,203

23 Pregnancy prevention grants shall be awarded to programs  
 24 in existence on or before July 1, 2018, if the programs have  
 25 demonstrated positive outcomes. Grants shall be awarded to  
 26 pregnancy prevention programs which are developed after July  
 27 1, 2018, if the programs are based on existing models that  
 28 have demonstrated positive outcomes. Grants shall comply with  
 29 the requirements provided in 1997 Iowa Acts, chapter 208,  
 30 section 14, subsections 1 and 2, including the requirement that  
 31 grant programs must emphasize sexual abstinence. Priority in  
 32 the awarding of grants shall be given to programs that serve  
 33 areas of the state which demonstrate the highest percentage of  
 34 unplanned pregnancies of females of childbearing age within the  
 35 geographic area to be served by the grant.

1 10. For technology needs and other resources necessary  
2 to meet federal welfare reform reporting, tracking, and case  
3 management requirements:

4 ..... \$ 518,593  
5 1,037,186

6 11. a. Notwithstanding any provision to the contrary,  
7 including but not limited to requirements in [section 8.41](#) or  
8 provisions in 2017 or 2018 Iowa Acts regarding the receipt and  
9 appropriation of federal block grants, federal funds from the  
10 temporary assistance for needy families block grant received  
11 by the state and not otherwise appropriated in this section  
12 and remaining available for the fiscal year beginning July 1,  
13 2018, are appropriated to the department of human services to  
14 the extent as may be necessary to be used in the following  
15 priority order: the family investment program, for state child  
16 care assistance program payments for families who are employed,  
17 and for the family investment program share of system costs  
18 ~~to develop and maintain a new, integrated for~~ eligibility  
19 determination system and related functions. The federal funds  
20 appropriated in this paragraph "a" shall be expended only after  
21 all other funds appropriated in subsection 1 for assistance  
22 under the family investment program, in subsection 6 for child  
23 care assistance, or in subsection 10 for technology costs  
24 related to the family investment program, as applicable, have  
25 been expended. For the purposes of this subsection, the funds  
26 appropriated in subsection 6, paragraph "a", for transfer  
27 to the child care and development block grant appropriation  
28 are considered fully expended when the full amount has been  
29 transferred.

30 b. The department shall, on a quarterly basis, advise the  
31 legislative services agency and department of management of  
32 the amount of funds appropriated in this subsection that was  
33 expended in the prior quarter.

34 12. Of the amounts appropriated in this section, ~~\$6,481,004~~  
35 \$12,962,008 for the fiscal year beginning July 1, 2018, is

1 transferred to the appropriation of the federal social services  
2 block grant made to the department of human services for that  
3 fiscal year.

4 13. For continuation of the program providing categorical  
5 eligibility for the food assistance program as specified  
6 for the program in the section of this division of this Act  
7 relating to the family investment program account:  
8 ..... \$ 12,500  
9 14,236

10 14. The department may transfer funds allocated in this  
11 section to the appropriations made in this division of this Act  
12 for the same fiscal year for general administration and field  
13 operations for resources necessary to implement and operate the  
14 services referred to in this section and those funded in the  
15 appropriation made in this division of this Act for the same  
16 fiscal year for the family investment program from the general  
17 fund of the state.

18 15. With the exception of moneys allocated under this  
19 section for the family development and self-sufficiency grant  
20 program, to the extent moneys allocated in this section are  
21 deemed by the department not to be necessary to support the  
22 purposes for which they are allocated, such moneys may be  
23 credited used in the same fiscal year for any other purpose  
24 for which funds are allocated in this section or in section 7  
25 of this division for the family investment program account.  
26 If there are conflicting needs, priority shall first be given  
27 to the family investment program account as specified under  
28 subsection 1 of this section and used for the purposes of  
29 assistance under the family investment program under chapter  
30 239B in the same fiscal year, followed by state child care  
31 assistance program payments for families who are employed,  
32 followed by other priorities as specified by the department.

33 Sec. 11. 2017 Iowa Acts, chapter 174, section 46, subsection  
34 4, is amended to read as follows:

35 4. Moneys appropriated in this division of this Act and

1 credited to the FIP account for the fiscal year beginning July  
2 1, 2018, and ending June 30, 2019, are allocated as follows:

3 a. To be retained by the department of human services to  
4 be used for coordinating with the department of human rights  
5 to more effectively serve participants in FIP and other shared  
6 clients and to meet federal reporting requirements under the  
7 federal temporary assistance for needy families block grant:  
8 ..... \$ ~~10,000~~  
9 5,000

10 b. To the department of human rights for staffing,  
11 administration, and implementation of the family development  
12 and self-sufficiency grant program in accordance with section  
13 216A.107:  
14 ..... \$ ~~3,096,417~~  
15 6,192,834

16 (1) Of the funds allocated for the family development  
17 and self-sufficiency grant program in this paragraph "b",  
18 not more than 5 percent of the funds shall be used for the  
19 administration of the grant program.

20 (2) The department of human rights may continue to implement  
21 the family development and self-sufficiency grant program  
22 statewide during fiscal year 2018-2019.

23 (3) The department of human rights may engage in activities  
24 to strengthen and improve family outcomes measures and  
25 data collection systems under the family development and  
26 self-sufficiency grant program.

27 c. For the diversion subaccount of the FIP account:  
28 ..... \$ ~~407,500~~  
29 749,694

30 A portion of the moneys allocated for the subaccount may  
31 be used for field operations, salaries, data management  
32 system development, and implementation costs and support  
33 deemed necessary by the director of human services in order to  
34 administer the FIP diversion program. To the extent moneys  
35 allocated in this paragraph "c" are deemed by the department

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1 not to be necessary to support diversion activities, such  
2 moneys may be used for other efforts intended to increase  
3 engagement by family investment program participants in work,  
4 education, or training activities, or for the purposes of  
5 assistance under the family investment program in accordance  
6 with [chapter 239B](#).

7 d. For the food assistance employment and training program:  
8 ..... \$ ~~33,294~~  
9 66,588

10 (1) The department shall apply the federal supplemental  
11 nutrition assistance program (SNAP) employment and training  
12 state plan in order to maximize to the fullest extent permitted  
13 by federal law the use of the 50 percent federal reimbursement  
14 provisions for the claiming of allowable federal reimbursement  
15 funds from the United States department of agriculture  
16 pursuant to the federal SNAP employment and training program  
17 for providing education, employment, and training services  
18 for eligible food assistance program participants, including  
19 but not limited to related dependent care and transportation  
20 expenses.

21 (2) The department shall continue the categorical federal  
22 food assistance program eligibility at 160 percent of the  
23 federal poverty level and continue to eliminate the asset test  
24 from eligibility requirements, consistent with federal food  
25 assistance program requirements. The department shall include  
26 as many food assistance households as is allowed by federal  
27 law. The eligibility provisions shall conform to all federal  
28 requirements including requirements addressing individuals who  
29 are incarcerated or otherwise ineligible.

30 e. For the JOBS program:  
31 ..... \$ ~~6,761,645~~  
32 12,139,821

33 Sec. 12. 2017 Iowa Acts, chapter 174, section 46, is amended  
34 by adding the following new subsection:

35 NEW SUBSECTION. 7. The department of human services shall

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1 convene a workgroup to review opportunities to increase state  
2 engagement in the supplemental nutrition assistance program  
3 (SNAP) employment and training program. The workgroup shall  
4 explore the feasibility of expansion of the current pilot  
5 program to a statewide basis, the potential involvement of  
6 community-based organizations to the extent allowed by federal  
7 law, and the leveraging of state and private funding to match  
8 available federal funds. The membership of the workgroup  
9 shall include representatives of the department of human  
10 services, community colleges, community-based organizations  
11 serving SNAP recipients, philanthropic organizations, and other  
12 stakeholders with relevant interest or expertise as determined  
13 by the department. The workgroup shall submit a report of its  
14 findings and recommendations to the governor and the general  
15 assembly by December 15, 2018.

16 Sec. 13. 2017 Iowa Acts, chapter 174, section 47, unnumbered  
17 paragraph 2, is amended to read as follows:

18 To be credited to the family investment program (FIP)  
19 account and used for family investment program assistance under  
20 chapter 239B:

21 ..... \$ ~~21,502,240~~  
22 40,365,715

23 Sec. 14. 2017 Iowa Acts, chapter 174, section 47,  
24 subsections 1, 2, 4, and 5, are amended to read as follows:

25 1. Of the funds appropriated in this section, ~~\$3,973,798~~  
26 \$6,727,761 is allocated for the JOBS program.

27 2. Of the funds appropriated in this section, ~~\$1,656,927~~  
28 \$3,313,854 is allocated for the family development and  
29 self-sufficiency grant program.

30 4. Of the funds appropriated in this section, ~~\$97,839~~  
31 \$195,678 shall be used for continuation of a grant to an  
32 Iowa-based nonprofit organization with a history of providing  
33 tax preparation assistance to low-income Iowans in order to  
34 expand the usage of the earned income tax credit. The purpose  
35 of the grant is to supply this assistance to underserved areas



1 of the state.

2 5. Of the funds appropriated in this section, ~~\$30,000~~  
3 \$70,000 shall be used for the continuation of ~~an unfunded pilot~~  
4 ~~project~~ the parenting program, as ~~defined~~ specified in 441 IAC  
5 ~~100.1~~ 100, relating to parental obligations, in which the child  
6 support recovery unit participates, to support the efforts  
7 of a nonprofit organization committed to strengthening the  
8 community through youth development, healthy living, and social  
9 responsibility headquartered in a county with a population  
10 over 350,000 according to the latest certified federal  
11 census. The funds allocated in this subsection shall be used  
12 by the recipient organization to develop a larger community  
13 effort, through public and private partnerships, to support a  
14 broad-based multi-county ~~fatherhood~~ parenthood initiative that  
15 promotes payment of child support obligations, improved family  
16 relationships, and full-time employment.

17 Sec. 15. 2017 Iowa Acts, chapter 174, section 48, unnumbered  
18 paragraph 2, is amended to read as follows:

19 For child support recovery, including salaries, support,  
20 maintenance, and miscellaneous purposes, and for not more than  
21 the following full-time equivalent positions:

22 .....	\$ 6,293,317
23 .....	<u>14,586,635</u>
24 .....	FTEs 459.00

25 Sec. 16. 2017 Iowa Acts, chapter 174, section 48, subsection  
26 1, is amended to read as follows:

27 1. The department shall expend up to ~~\$12,164~~ \$24,329,  
28 including federal financial participation, for the fiscal year  
29 beginning July 1, 2018, for a child support public awareness  
30 campaign. The department and the office of the attorney  
31 general shall cooperate in continuation of the campaign. The  
32 public awareness campaign shall emphasize, through a variety  
33 of media activities, the importance of maximum involvement of  
34 both parents in the lives of their children as well as the  
35 importance of payment of child support obligations.

1     Sec. 17. 2017 Iowa Acts, chapter 174, section 48, subsection  
2 4, is amended by striking the subsection.

3     Sec. 18. 2017 Iowa Acts, chapter 174, section 51, unnumbered  
4 paragraph 2, is amended to read as follows:

5     For medical assistance program reimbursement and associated  
6 costs as specifically provided in the reimbursement  
7 methodologies in effect on June 30, 2018, except as otherwise  
8 expressly authorized by law, consistent with options under  
9 federal law and regulations, and contingent upon receipt of  
10 approval from the office of the governor of reimbursement for  
11 each abortion performed under the program:

12 ..... ~~\$642,202,870~~  
13 1,337,841,375

14     Sec. 19. 2017 Iowa Acts, chapter 174, section 51,  
15 subsections 3, 4, 5, 6, 7, 8, 14, 17, 18, and 19, are amended  
16 to read as follows:

17     3. The department shall utilize not more than ~~\$30,000~~  
18 \$60,000 of the funds appropriated in this section to continue  
19 the AIDS/HIV health insurance premium payment program as  
20 established in 1992 Iowa Acts, Second Extraordinary Session,  
21 chapter 1001, section 409, subsection 6. Of the funds  
22 allocated in this subsection, not more than ~~\$2,500~~ \$5,000 may  
23 be expended for administrative purposes.

24     4. Of the funds appropriated in this Act to the  
25 department of public health for addictive disorders, ~~\$475,000~~  
26 \$950,000 for the fiscal year beginning July 1, 2018, is  
27 transferred to the department of human services for an  
28 integrated substance-related disorder managed care system.  
29 The departments of human services and public health shall  
30 work together to maintain the level of mental health and  
31 substance-related disorder treatment services provided by the  
32 managed care contractors. Each department shall take the steps  
33 necessary to continue the federal waivers as necessary to  
34 maintain the level of services.

35     5. a. The department shall aggressively pursue options for

1 providing medical assistance or other assistance to individuals  
2 with special needs who become ineligible to continue receiving  
3 services under the early and periodic screening, diagnostic,  
4 and treatment program under the medical assistance program  
5 due to becoming 21 years of age who have been approved for  
6 additional assistance through the department's exception to  
7 policy provisions, but who have health care needs in excess  
8 of the funding available through the exception to policy  
9 provisions.

10 b. Of the funds appropriated in this section, ~~\$50,000~~  
11 \$100,000 shall be used for participation in one or more  
12 pilot projects operated by a private provider to allow the  
13 individual or individuals to receive service in the community  
14 in accordance with principles established in *Olmstead v.*  
15 *L.C.*, 527 U.S. 581 (1999), for the purpose of providing  
16 medical assistance or other assistance to individuals with  
17 special needs who become ineligible to continue receiving  
18 services under the early and periodic screening, diagnostic,  
19 and treatment program under the medical assistance program  
20 due to becoming 21 years of age who have been approved for  
21 additional assistance through the department's exception to  
22 policy provisions, but who have health care needs in excess  
23 of the funding available through the exception to the policy  
24 provisions.

25 6. Of the funds appropriated in this section, up to  
26 ~~\$1,525,041~~ \$3,050,082 may be transferred to the field  
27 operations or general administration appropriations in this  
28 division of this Act for operational costs associated with Part  
29 D of the federal Medicare Prescription Drug Improvement and  
30 Modernization Act of 2003, Pub. L. No. 108-173.

31 7. Of the funds appropriated in this section, up to  
32 ~~\$221,050~~ \$442,100 may be transferred to the appropriation in  
33 this division of this Act for medical contracts to be used  
34 for clinical assessment services and prior authorization of  
35 services.

1 8. A portion of the funds appropriated in this section  
2 may be transferred to the appropriations in this division of  
3 this Act for general administration, medical contracts, the  
4 children's health insurance program, or field operations to be  
5 used for the state match cost to comply with the payment error  
6 rate measurement (PERM) program for both the medical assistance  
7 and children's health insurance programs as developed by the  
8 centers for Medicare and Medicaid services of the United States  
9 department of health and human services to comply with the  
10 federal Improper Payments Information Act of 2002, Pub. L.  
11 No. 107-300, and to support other reviews and quality control  
12 activities to improve the integrity of these programs.

13 14. Of the funds appropriated in this section, ~~\$174,505~~  
14 \$349,011 shall be used for the administration of the health  
15 insurance premium payment program, including salaries, support,  
16 maintenance, and miscellaneous purposes.

17 17. a. Of the funds appropriated in this section, up  
18 to ~~\$25,000~~ \$50,000 may be transferred by the department to  
19 the appropriation made in this division of this Act to the  
20 department for the same fiscal year for general administration  
21 to be used for associated administrative expenses and for not  
22 more than one full-time equivalent position, in addition to  
23 those authorized for the same fiscal year, to be assigned to  
24 implementing the children's mental health home project.

25 b. Of the funds appropriated in this section, up to  
26 ~~\$200,000~~ \$400,000 may be transferred by the department to  
27 the appropriation made to the department in this division of  
28 this Act for the same fiscal year for Medicaid program-related  
29 general administration planning and implementation activities.  
30 The funds may be used for contracts or for personnel in  
31 addition to the amounts appropriated for and the positions  
32 authorized for general administration for the fiscal year.

33 c. Of the funds appropriated in this section, up to  
34 ~~\$1,500,000~~ \$3,000,000 may be transferred by the department  
35 to the appropriations made in this division of this Act

1 for the same fiscal year for general administration or  
2 medical contracts to be used to support the development  
3 and implementation of standardized assessment tools for  
4 persons with mental illness, an intellectual disability, a  
5 developmental disability, or a brain injury.

6 18. Of the funds appropriated in this section, ~~\$75,000~~  
7 \$150,000 shall be used for lodging expenses associated with  
8 care provided at the university of Iowa hospitals and clinics  
9 for patients with cancer whose travel distance is 30 miles or  
10 more and whose income is at or below 200 percent of the federal  
11 poverty level as defined by the most recently revised poverty  
12 income guidelines published by the United States department of  
13 health and human services. The department of human services  
14 shall establish the maximum number of overnight stays and the  
15 maximum rate reimbursed for overnight lodging, which may be  
16 based on the state employee rate established by the department  
17 of administrative services. The funds allocated in this  
18 subsection shall not be used as nonfederal share matching  
19 funds.

20 19. Of the funds appropriated in this section, up to  
21 ~~\$1,691,940~~ \$3,383,880 shall be used for administration of the  
22 state family planning services program as enacted in this 2017  
23 Act, and of this amount the department may use ~~to up to \$100,000~~  
24 up to \$200,000 for administrative expenses.

25 Sec. 20. 2017 Iowa Acts, chapter 174, section 51, is amended  
26 by adding the following new subsections:

27 NEW SUBSECTION. 22. Of the funds appropriated in this  
28 section, \$195,000 shall be used by the department of human  
29 services through a request for proposals process to establish  
30 a partnership between the university of Iowa hospitals  
31 and clinics and a durable medical equipment provider and  
32 manufacturer to provide new, refurbished, or repaired durable  
33 medical equipment to Medicaid members in the state. Such  
34 durable medical equipment provider and manufacturer shall be  
35 authorized as a Medicaid provider in the state on or after

1 April 1, 2018, and shall have the capability to provide  
2 assessments for customized wheelchairs, manufacture bathing aid  
3 equipment and mobility bathing aids, offer in-home care, and  
4 sell durable medical equipment at cost in Iowa and online.

5 NEW SUBSECTION. 23. The department of human services shall  
6 expand Medicaid coverage to provide care for young adults with  
7 complex medical conditions in a special population nursing  
8 facility as specified by rule of the department pursuant to  
9 this subsection. The department shall adopt rules pursuant to  
10 chapter 17A to expand the criteria for a special population  
11 nursing facility under the Medicaid program to include a  
12 nursing facility that serves residents, 100 percent of whom are  
13 aged 30 and under and require the skilled level of care, and to  
14 include a nursing facility that serves residents, 100 percent  
15 of whom require care from a facility licensed by the department  
16 of inspections and appeals as an intermediate care facility  
17 for persons with medical complexity as defined by rule of the  
18 department.

19 NEW SUBSECTION. 24. Consistent with the informational  
20 bulletin published May 9, 2017, by the centers for Medicare and  
21 Medicaid services of the United States department of health and  
22 human services, in implementing the regulation that finalized  
23 criteria for home and community-based settings appropriate for  
24 provision of home and community-based services, the department  
25 of human services shall continue progress with the statewide  
26 transition plan to be approved by March 17, 2019, but shall  
27 extend the transition period to demonstrate compliance with  
28 the home and community-based settings criteria until March 17,  
29 2022, for those settings to which a transition period applies.

30 NEW SUBSECTION. 25. The department of human services shall  
31 utilize \$3,000,000 of the funds appropriated under this section  
32 to adjust current supported community living provider daily  
33 rate cells under the tiered rate reimbursement methodology  
34 effective with dates of service beginning July 1, 2018. The  
35 department shall work with the Medicaid program actuary to

1 evaluate the current tiered rates and the tiered rates phase-in  
2 plan to determine the necessary apportionment of such funds.  
3 In addition, the department, working with the Medicaid program  
4 actuary, shall review the current tiered rates and the tiered  
5 rates phase-in plan and shall propose recommendations for any  
6 changes. The department shall convene the tiered rate provider  
7 workgroup initially convened in the fiscal year beginning July  
8 1, 2016, to review the actuarial findings and recommendations.  
9 The tiered rates may be adjusted based upon the actuarial  
10 findings and recommendations if such adjustments are budget  
11 neutral. A report of the actuarial findings, recommendations,  
12 and comments provided by the tiered rate provider workgroup  
13 shall be submitted to the governor and the general assembly by  
14 December 15, 2018. If additional funding is appropriated to  
15 implement the recommendations, the additional funding shall be  
16 incorporated into the managed care organization capitation rate  
17 setting process for the fiscal year beginning July 1, 2019.

18 NEW SUBSECTION. 26. The department of human services shall  
19 review all current Medicaid fee schedules and shall submit a  
20 report to the governor and the general assembly by January 15,  
21 2019, regarding how the current rates compare to the equivalent  
22 Medicare fee schedules or other appropriate reimbursement  
23 methodologies for specific services and including a plan for  
24 phased-in implementation of any changes.

25 NEW SUBSECTION. 27. Of the funds appropriated in this  
26 section, \$1,545,530 shall be used and may be transferred to  
27 other appropriations in this division of this Act as necessary  
28 to administer the provisions in the division of this Act  
29 relating to Medicaid program administration.

30 NEW SUBSECTION. 28. Of the funds appropriated in this  
31 section, \$876,015 shall be used and may be transferred to other  
32 appropriations in this division of this Act as necessary to  
33 administer the provisions of 2018 Iowa Acts, House File 2456,  
34 as enacted.

35 Sec. 21. 2017 Iowa Acts, chapter 174, section 52, is amended

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(amending this HF 2501 to CONFORM to SF 2418)

1 to read as follows:

2 SEC. 52. MEDICAL CONTRACTS. There is appropriated from the  
3 general fund of the state to the department of human services  
4 for the fiscal year beginning July 1, 2018, and ending June 30,  
5 2019, the following amount, or so much thereof as is necessary,  
6 to be used for the purpose designated:

7 For medical contracts:

8 .....	\$ <del>8,813,232</del>
9	<u>16,603,198</u>

10 1. The department of inspections and appeals shall  
11 provide all state matching funds for survey and certification  
12 activities performed by the department of inspections  
13 and appeals. The department of human services is solely  
14 responsible for distributing the federal matching funds for  
15 such activities.

16 2. Of the funds appropriated in this section, ~~\$25,000~~  
17 \$50,000 shall be used for continuation of home and  
18 community-based services waiver quality assurance programs,  
19 including the review and streamlining of processes and policies  
20 related to oversight and quality management to meet state and  
21 federal requirements.

22 3. Of the amount appropriated in this section, up to  
23 ~~\$100,000~~ \$200,000 may be transferred to the appropriation  
24 for general administration in this division of this Act to  
25 be used for additional full-time equivalent positions in the  
26 development of key health initiatives such as cost containment,  
27 development and oversight of managed care programs, and  
28 development of health strategies targeted toward improved  
29 quality and reduced costs in the Medicaid program.

30 4. Of the funds appropriated in this section, ~~\$500,000~~  
31 \$1,000,000 shall be used for planning and development,  
32 in cooperation with the department of public health, of a  
33 phased-in program to provide a dental home for children.

34 5. Of the funds appropriated in this section, ~~\$475,000~~  
35 \$573,000 shall be credited to the autism support program fund



1 created in [section 225D.2](#) to be used for the autism support  
2 program created in [chapter 225D](#), with the exception of the  
3 following amounts of this allocation which shall be used as  
4 follows:

5 ~~a. Of the funds allocated in this subsection, \$125,000~~  
6 ~~shall be deposited in the board-certified behavior analyst and~~  
7 ~~board-certified assistant behavior analyst grants program fund~~  
8 ~~created in [section 135.181](#), to be used for the purposes of the~~  
9 ~~fund.~~

10 b. Of the funds allocated in this subsection, ~~\$12,500~~  
11 \$25,000 shall be used for the public purpose of continuation  
12 of a grant to a nonprofit provider of child welfare services  
13 provider headquartered that has been in existence for more than  
14 115 years, is located in a county with a population between  
15 ~~205,000~~ 200,000 and ~~215,000~~ in 220,000 according to the latest  
16 certified federal census ~~that provides multiple services~~  
17 including but not limited to, is licensed as a psychiatric  
18 medical institution for children, shelter, residential  
19 treatment, after school programs, and provides school-based  
20 programming, ~~and an Asperger's syndrome program~~, to be used for  
21 support services for children with autism spectrum disorder and  
22 their families.

23 ~~c. Of the funds allocated in this subsection, \$12,500~~  
24 ~~shall be used for the public purpose of continuing a grant to~~  
25 ~~a hospital-based provider headquartered in a county with a~~  
26 ~~population between 90,000 and 95,000 in the latest certified~~  
27 ~~federal census that provides multiple services including~~  
28 ~~but not limited to diagnostic, therapeutic, and behavioral~~  
29 ~~services to individuals with autism spectrum disorder across~~  
30 ~~one's lifespan. The grant recipient shall utilize the funds~~  
31 ~~to continue the pilot project to determine the necessary~~  
32 ~~support services for children with autism spectrum disorder and~~  
33 ~~their families to be included in the children's disabilities~~  
34 ~~services system. The grant recipient shall submit findings and~~  
35 ~~recommendations based upon the results of the pilot project~~

1 ~~to the individuals specified in this division of this Act for~~  
2 ~~submission of reports by December 31, 2018.~~

3 Sec. 22. 2017 Iowa Acts, chapter 174, section 53, unnumbered  
4 paragraph 2, is amended to read as follows:

5 For the state supplementary assistance program:

6 ..... \$ ~~5,186,329~~  
7 10,250,873

8 Sec. 23. 2017 Iowa Acts, chapter 174, section 53, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
11 appropriated in this section that remain unencumbered or  
12 unobligated at the close of the fiscal year shall not revert  
13 but shall remain available for expenditure for the purposes  
14 designated until the close of the succeeding fiscal year.

15 Sec. 24. 2017 Iowa Acts, chapter 174, section 54, is amended  
16 to read as follows:

17 SEC. 54. CHILDREN'S HEALTH INSURANCE PROGRAM.

18 1. There is appropriated from the general fund of the  
19 state to the department of human services for the fiscal year  
20 beginning July 1, 2018, and ending June 30, 2019, the following  
21 amount, or so much thereof as is necessary, to be used for the  
22 purpose designated:

23 For maintenance of the healthy and well kids in Iowa (hawk-i)  
24 program pursuant to [chapter 514I](#), including supplemental dental  
25 services, for receipt of federal financial participation under  
26 Tit. XXI of the federal Social Security Act, which creates the  
27 children's health insurance program:

28 ..... \$ ~~4,259,226~~  
29 7,064,057

30 2. Of the funds appropriated in this section, ~~\$21,400~~  
31 \$42,800 is allocated for continuation of the contract for  
32 outreach with the department of public health.

33 Sec. 25. 2017 Iowa Acts, chapter 174, section 55, unnumbered  
34 paragraph 2, is amended to read as follows:

35 For child care programs:

1 ..... \$ ~~19,671,808~~  
 2 40,816,931

3 Sec. 26. 2017 Iowa Acts, chapter 174, section 55,  
 4 subsections 1 and 4, are amended to read as follows:

5 1. Of the funds appropriated in this section, ~~\$16,746,808~~  
 6 \$34,966,931 shall be used for state child care assistance in  
 7 accordance with [section 237A.13](#).

8 4. Of the funds appropriated in this section, ~~\$2,925,000~~  
 9 \$5,850,000 shall be credited to the early childhood programs  
 10 grants account in the early childhood Iowa fund created  
 11 in [section 256I.11](#). The moneys shall be distributed for  
 12 funding of community-based early childhood programs targeted  
 13 to children from birth through five years of age developed  
 14 by early childhood Iowa areas in accordance with approved  
 15 community plans as provided in [section 256I.8](#).

16 Sec. 27. 2017 Iowa Acts, chapter 174, section 56, is amended  
 17 to read as follows:

18 SEC. 56. JUVENILE INSTITUTION. There is appropriated  
 19 from the general fund of the state to the department of human  
 20 services for the fiscal year beginning July 1, 2018, and ending  
 21 June 30, 2019, the following amounts, or so much thereof as is  
 22 necessary, to be used for the purposes designated:

23 1. For operation of the state training school at Eldora and  
 24 for salaries, support, maintenance, and miscellaneous purposes,  
 25 and for not more than the following full-time equivalent  
 26 positions:

27 ..... \$ ~~5,675,221~~  
 28 12,762,443  
 29 ..... FTEs 189.00

30 Of the funds appropriated in this subsection, ~~\$45,575~~  
 31 \$91,150 shall be used for distribution to licensed classroom  
 32 teachers at this and other institutions under the control of  
 33 the department of human services based upon the average student  
 34 yearly enrollment at each institution as determined by the  
 35 department.

1 2. A portion of the moneys appropriated in this section  
2 shall be used by the state training school at Eldora for  
3 grants for adolescent pregnancy prevention activities at the  
4 institution in the fiscal year beginning July 1, 2018.

5 3. Of the funds appropriated in this subsection, \$212,000  
6 shall be used by the state training school at Eldora for a  
7 substance use disorder treatment program at the institution in  
8 the fiscal year beginning July 1, 2018.

9 Sec. 28. 2017 Iowa Acts, chapter 174, section 57, is amended  
10 to read as follows:

11 SEC. 57. CHILD AND FAMILY SERVICES.

12 1. There is appropriated from the general fund of the  
13 state to the department of human services for the fiscal year  
14 beginning July 1, 2018, and ending June 30, 2019, the following  
15 amount, or so much thereof as is necessary, to be used for the  
16 purpose designated:

17 For child and family services:  
18 ..... \$ ~~43,639,687~~  
19 84,939,774

20 2. The department may transfer funds appropriated in this  
21 section as necessary to pay the nonfederal costs of services  
22 reimbursed under the medical assistance program, state child  
23 care assistance program, or the family investment program which  
24 are provided to children who would otherwise receive services  
25 paid under the appropriation in this section. The department  
26 may transfer funds appropriated in this section to the  
27 appropriations made in this division of this Act for general  
28 administration and for field operations for resources necessary  
29 to implement and operate the services funded in this section.

30 3. a. Of the funds appropriated in this section, up  
31 to ~~\$17,868,324~~ \$34,536,648 is allocated as the statewide  
32 expenditure target under [section 232.143](#) for group foster care  
33 maintenance and services. If the department projects that such  
34 expenditures for the fiscal year will be less than the target  
35 amount allocated in this paragraph "a", the department may

1 reallocate the excess to provide additional funding for shelter  
2 care or the child welfare emergency services addressed with the  
3 allocation for shelter care.

4 b. If at any time after September 30, 2018, annualization  
5 of a service area's current expenditures indicates a service  
6 area is at risk of exceeding its group foster care expenditure  
7 target under [section 232.143](#) by more than 5 percent, the  
8 department and juvenile court services shall examine all  
9 group foster care placements in that service area in order to  
10 identify those which might be appropriate for termination.  
11 In addition, any aftercare services believed to be needed  
12 for the children whose placements may be terminated shall be  
13 identified. The department and juvenile court services shall  
14 initiate action to set dispositional review hearings for the  
15 placements identified. In such a dispositional review hearing,  
16 the juvenile court shall determine whether needed aftercare  
17 services are available and whether termination of the placement  
18 is in the best interest of the child and the community.

19 4. In accordance with the provisions of [section 232.188](#),  
20 the department shall continue the child welfare and juvenile  
21 justice funding initiative during fiscal year 2018-2019. Of  
22 the funds appropriated in this section, ~~\$858,876~~ \$1,717,753  
23 is allocated specifically for expenditure for fiscal year  
24 2018-2019 through the decategorization services funding pools  
25 and governance boards established pursuant to [section 232.188](#).

26 5. A portion of the funds appropriated in this section  
27 may be used for emergency family assistance to provide other  
28 resources required for a family participating in a family  
29 preservation or reunification project or successor project to  
30 stay together or to be reunified.

31 6. Notwithstanding [section 234.35](#) or any other provision  
32 of law to the contrary, state funding for shelter care and  
33 the child welfare emergency services contracting implemented  
34 to provide for or prevent the need for shelter care shall be  
35 limited to ~~\$4,048,079~~ \$8,096,158.

1 7. Federal funds received by the state during the fiscal  
2 year beginning July 1, 2018, as the result of the expenditure  
3 of state funds appropriated during a previous state fiscal  
4 year for a service or activity funded under this section are  
5 appropriated to the department to be used as additional funding  
6 for services and purposes provided for under this section.  
7 Notwithstanding [section 8.33](#), moneys received in accordance  
8 with this subsection that remain unencumbered or unobligated at  
9 the close of the fiscal year shall not revert to any fund but  
10 shall remain available for the purposes designated until the  
11 close of the succeeding fiscal year.

12 8. a. Of the funds appropriated in this section, up to  
13 ~~\$1,645,000~~ \$3,290,000 is allocated for the payment of the  
14 expenses of court-ordered services provided to juveniles  
15 who are under the supervision of juvenile court services,  
16 which expenses are a charge upon the state pursuant to  
17 section 232.141, subsection 4. Of the amount allocated in  
18 this paragraph "a", up to ~~\$778,143~~ \$1,556,287 shall be made  
19 available to provide school-based supervision of children  
20 adjudicated under [chapter 232](#), of which not more than ~~\$7,500~~  
21 \$15,000 may be used for the purpose of training. A portion of  
22 the cost of each school-based liaison officer shall be paid by  
23 the school district or other funding source as approved by the  
24 chief juvenile court officer.

25 b. Of the funds appropriated in this section, up to ~~\$374,492~~  
26 \$748,985 is allocated for the payment of the expenses of  
27 court-ordered services provided to children who are under the  
28 supervision of the department, which expenses are a charge upon  
29 the state pursuant to [section 232.141, subsection 4](#).

30 c. Notwithstanding [section 232.141](#) or any other provision  
31 of law to the contrary, the amounts allocated in this  
32 subsection shall be distributed to the judicial districts  
33 as determined by the state court administrator and to the  
34 department's service areas as determined by the administrator  
35 of the department of human services' division of child and

1 family services. The state court administrator and the  
2 division administrator shall make the determination of the  
3 distribution amounts on or before June 15, 2018.

4 d. Notwithstanding [chapter 232](#) or any other provision of  
5 law to the contrary, a district or juvenile court shall not  
6 order any service which is a charge upon the state pursuant  
7 to [section 232.141](#) if there are insufficient court-ordered  
8 services funds available in the district court or departmental  
9 service area distribution amounts to pay for the service. The  
10 chief juvenile court officer and the departmental service area  
11 manager shall encourage use of the funds allocated in this  
12 subsection such that there are sufficient funds to pay for  
13 all court-related services during the entire year. The chief  
14 juvenile court officers and departmental service area managers  
15 shall attempt to anticipate potential surpluses and shortfalls  
16 in the distribution amounts and shall cooperatively request the  
17 state court administrator or division administrator to transfer  
18 funds between the judicial districts' or departmental service  
19 areas' distribution amounts as prudent.

20 e. Notwithstanding any provision of law to the contrary,  
21 a district or juvenile court shall not order a county to pay  
22 for any service provided to a juvenile pursuant to an order  
23 entered under [chapter 232](#) which is a charge upon the state  
24 under [section 232.141, subsection 4](#).

25 f. Of the funds allocated in this subsection, not more  
26 than ~~\$41,500~~ \$83,000 may be used by the judicial branch for  
27 administration of the requirements under this subsection.

28 g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000  
29 shall be used by the department of human services to support  
30 the interstate commission for juveniles in accordance with  
31 the interstate compact for juveniles as provided in section  
32 232.173.

33 9. Of the funds appropriated in this section, ~~\$6,126,613~~  
34 \$12,253,227 is allocated for juvenile delinquent graduated  
35 sanctions services. Any state funds saved as a result of

1 efforts by juvenile court services to earn a federal Tit. IV-E  
2 match for juvenile court services administration may be used  
3 for the juvenile delinquent graduated sanctions services.

4 10. Of the funds appropriated in this section, ~~\$829,142~~  
5 \$1,658,285 is transferred to the department of public health  
6 to be used for the child protection center grant program for  
7 child protection centers located in Iowa in accordance with  
8 section 135.118. The grant amounts under the program shall be  
9 equalized so that each center receives a uniform base amount  
10 of ~~\$122,500~~ \$245,000, so that ~~\$25,000~~ \$50,000 is awarded to  
11 establish a satellite child protection center in a city in  
12 north central Iowa that is the county seat of a county with  
13 a population between 44,000 and 45,000 according to the 2010  
14 federal decennial census, and so that the remaining funds are  
15 awarded through a funding formula based upon the volume of  
16 children served.

17 11. If the department receives federal approval to  
18 implement a waiver under Tit. IV-E of the federal Social  
19 Security Act to enable providers to serve children who remain  
20 in the children's families and communities, for purposes of  
21 eligibility under the medical assistance program through 25  
22 years of age, children who participate in the waiver shall be  
23 considered to be placed in foster care.

24 12. Of the funds appropriated in this section, ~~\$2,012,583~~  
25 \$4,025,167 is allocated for the preparation for adult living  
26 program pursuant to [section 234.46](#).

27 13. Of the funds appropriated in this section, ~~\$113,668~~  
28 \$227,337 shall be used for the public purpose of continuing  
29 a grant to a nonprofit human services organization providing  
30 services to individuals and families in multiple locations in  
31 southwest Iowa and Nebraska for support of a project providing  
32 immediate, sensitive support and forensic interviews, medical  
33 exams, needs assessments, and referrals for victims of child  
34 abuse and their nonoffending family members.

35 14. Of the funds appropriated in this section, ~~\$150,310~~



1 \$300,620 is allocated for the foster care youth council  
2 approach of providing a support network to children placed in  
3 foster care.

4 15. Of the funds appropriated in this section, ~~\$101,000~~  
5 \$202,000 is allocated for use pursuant to [section 235A.1](#) for  
6 continuation of the initiative to address child sexual abuse  
7 implemented pursuant to 2007 Iowa Acts, chapter 218, section  
8 18, subsection 21.

9 16. Of the funds appropriated in this section, ~~\$315,120~~  
10 \$630,240 is allocated for the community partnership for child  
11 protection sites.

12 17. Of the funds appropriated in this section, ~~\$185,625~~  
13 \$371,250 is allocated for the department's minority youth and  
14 family projects under the redesign of the child welfare system.

15 18. Of the funds appropriated in this section, ~~\$568,297~~  
16 \$851,595 is allocated for funding of the community circle of  
17 care collaboration for children and youth in northeast Iowa.

18 19. Of the funds appropriated in this section, at least  
19 ~~\$73,579~~ \$147,158 shall be used for the continuation of the  
20 child welfare provider training academy, a collaboration  
21 between the coalition for family and children's services in  
22 Iowa and the department.

23 20. Of the funds appropriated in this section, ~~\$105,936~~  
24 \$211,872 shall be used for continuation of the central Iowa  
25 system of care program grant through June 30, 2019.

26 21. Of the funds appropriated in this section, ~~\$117,500~~  
27 \$235,000 shall be used for the public purpose of the  
28 continuation and expansion of a system of care program grant  
29 implemented in Cerro Gordo and Linn counties to utilize a  
30 comprehensive and long-term approach for helping children  
31 and families by addressing the key areas in a child's life  
32 of childhood basic needs, education and work, family, and  
33 community.

34 22. Of the funds appropriated in this section, at least  
35 ~~\$12,500~~ \$25,000 shall be used to continue and to expand the

1 foster care respite pilot program in which postsecondary  
2 students in social work and other human services-related  
3 programs receive experience by assisting family foster care  
4 providers with respite and other support.

5 23. Of the funds appropriated in this section, ~~\$55,000~~  
6 \$110,000 shall be used for the public purpose of funding  
7 community-based services and other supports with a system of  
8 care approach for children with a serious emotional disturbance  
9 and their families through a nonprofit provider of child  
10 welfare services that has been in existence for more than  
11 115 years, is located in a county with a population of more  
12 than 200,000 but less than 220,000 according to the latest  
13 certified federal census, is licensed as a psychiatric medical  
14 institution for children, and was a system of care grantee  
15 prior to July 1, 2018.

16 Sec. 29. 2017 Iowa Acts, chapter 174, section 58, subsection  
17 1, paragraph a, is amended to read as follows:

18 a. For adoption subsidy payments and services:  
19 ..... \$ ~~20,388,955~~  
20 40,445,137

21 Sec. 30. 2017 Iowa Acts, chapter 174, section 60, is amended  
22 to read as follows:

23 SEC. 60. FAMILY SUPPORT SUBSIDY PROGRAM.

24 1. There is appropriated from the general fund of the  
25 state to the department of human services for the fiscal year  
26 beginning July 1, 2018, and ending June 30, 2019, the following  
27 amount, or so much thereof as is necessary, to be used for the  
28 purpose designated:

29 For the family support subsidy program subject to the  
30 enrollment restrictions in [section 225C.37, subsection 3](#):  
31 ..... \$ ~~534,641~~  
32 949,282

33 2. At least ~~\$393,750~~ \$787,500 of the moneys appropriated in  
34 this section is transferred to the department of public health  
35 for the family support center component of the comprehensive

1 family support program under [chapter 225C](#), subchapter V.

2 3. If at any time during the fiscal year, the amount of  
3 funding available for the family support subsidy program  
4 is reduced from the amount initially used to establish the  
5 figure for the number of family members for whom a subsidy  
6 is to be provided at any one time during the fiscal year,  
7 notwithstanding [section 225C.38, subsection 2](#), the department  
8 shall revise the figure as necessary to conform to the amount  
9 of funding available.

10 Sec. 31. 2017 Iowa Acts, chapter 174, section 61, is amended  
11 to read as follows:

12 SEC. 61. CONNER DECREE. There is appropriated from the  
13 general fund of the state to the department of human services  
14 for the fiscal year beginning July 1, 2018, and ending June 30,  
15 2019, the following amount, or so much thereof as is necessary,  
16 to be used for the purpose designated:

17 For building community capacity through the coordination  
18 and provision of training opportunities in accordance with the  
19 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
20 Iowa, July 14, 1994):

21 .....	\$	<del>16,816</del>
22		<u>33,632</u>

23 Sec. 32. 2017 Iowa Acts, chapter 174, section 62, subsection  
24 1, is amended to read as follows:

25 1. There is appropriated from the general fund of the  
26 state to the department of human services for the fiscal year  
27 beginning July 1, 2018, and ending June 30, 2019, the following  
28 amounts, or so much thereof as is necessary, to be used for the  
29 purposes designated:

30 a. For operation of the state mental health institute at  
31 Cherokee as required by [chapters 218](#) and [226](#) for salaries,  
32 support, maintenance, and miscellaneous purposes, and for not  
33 more than the following full-time equivalent positions:

34 .....	\$	<del>6,935,127</del>
35		<u>13,870,254</u>

1 ..... FTEs 162.00

2 b. For operation of the state mental health institute at  
3 Independence as required by chapters 218 and 226 for salaries,  
4 support, maintenance, and miscellaneous purposes, and for not  
5 more than the following full-time equivalent positions:

6 ..... \$ ~~8,756,810~~  
7 ..... 17,513,621

8 ..... FTEs 204.00

9 Sec. 33. 2017 Iowa Acts, chapter 174, section 63, subsection  
10 1, is amended to read as follows:

11 1. There is appropriated from the general fund of the  
12 state to the department of human services for the fiscal year  
13 beginning July 1, 2018, and ending June 30, 2019, the following  
14 amounts, or so much thereof as is necessary, to be used for the  
15 purposes designated:

16 a. For the state resource center at Glenwood for salaries,  
17 support, maintenance, and miscellaneous purposes:

18 ..... \$ ~~8,943,890~~  
19 ..... 16,858,523

20 b. For the state resource center at Woodward for salaries,  
21 support, maintenance, and miscellaneous purposes:

22 ..... \$ ~~6,038,517~~  
23 ..... 11,386,679

24 Sec. 34. 2017 Iowa Acts, chapter 174, section 64, subsection  
25 1, is amended to read as follows:

26 1. There is appropriated from the general fund of the  
27 state to the department of human services for the fiscal year  
28 beginning July 1, 2018, and ending June 30, 2019, the following  
29 amount, or so much thereof as is necessary, to be used for the  
30 purpose designated:

31 For costs associated with the commitment and treatment of  
32 sexually violent predators in the unit located at the state  
33 mental health institute at Cherokee, including costs of legal  
34 services and other associated costs, including salaries,  
35 support, maintenance, and miscellaneous purposes, and for not

1 more than the following full-time equivalent positions:

2	.....	\$	<del>4,732,373</del>
3			<u>10,864,747</u>
4	.....	FTEs	<del>112.00</del>
5			<u>132.00</u>

6 Sec. 35. 2017 Iowa Acts, chapter 174, section 65, is amended  
7 to read as follows:

8 SEC. 65. FIELD OPERATIONS. There is appropriated from the  
9 general fund of the state to the department of human services  
10 for the fiscal year beginning July 1, 2018, and ending June 30,  
11 2019, the following amount, or so much thereof as is necessary,  
12 to be used for the purposes designated:

13 For field operations, including salaries, support,  
14 maintenance, and miscellaneous purposes, and for not more than  
15 the following full-time equivalent positions:

16	.....	\$	<del>24,242,217</del>
17			<u>49,074,517</u>
18	.....	FTEs	<del>1,583.00</del>
19			<u>1,539.00</u>

20 Priority in filling full-time equivalent positions shall be  
21 given to those positions related to child protection services  
22 and eligibility determination for low-income families.

23 Sec. 36. 2017 Iowa Acts, chapter 174, section 66, is amended  
24 to read as follows:

25 SEC. 66. GENERAL ADMINISTRATION. There is appropriated  
26 from the general fund of the state to the department of human  
27 services for the fiscal year beginning July 1, 2018, and ending  
28 June 30, 2019, the following amount, or so much thereof as is  
29 necessary, to be used for the purpose designated:

30 For general administration, including salaries, support,  
31 maintenance, and miscellaneous purposes, and for not more than  
32 the following full-time equivalent positions:

33	.....	\$	<del>7,016,520</del>
34			<u>13,833,040</u>
35	.....	FTEs	294.00

1 2. Of the funds appropriated in this section, ~~\$75,000~~  
2 \$150,000 shall be used to continue the contract for the  
3 provision of a program to provide technical assistance,  
4 support, and consultation to providers of habilitation services  
5 and home and community-based services waiver services for  
6 adults with disabilities under the medical assistance program.

7 3. Of the funds appropriated in this section, ~~\$25,000~~  
8 \$50,000 is transferred to the Iowa finance authority to be  
9 used for administrative support of the council on homelessness  
10 established in [section 16.2D](#) and for the council to fulfill its  
11 duties in addressing and reducing homelessness in the state.

12 4. Of the funds appropriated in this section, ~~\$100,000~~  
13 \$200,000 shall be transferred to and deposited in the  
14 administrative fund of the Iowa ABLE savings plan trust  
15 created in [section 12I.4](#), to be used for implementation and  
16 administration activities of the Iowa ABLE savings plan trust.

17 5. Of the funds appropriated in this section, ~~\$100,000~~  
18 \$200,000 is transferred to the economic development authority  
19 for the Iowa commission on volunteer services to continue  
20 to be used for RefugeeRISE AmeriCorps program established  
21 under [section 15H.8](#) for member recruitment and training to  
22 improve the economic well-being and health of economically  
23 disadvantaged refugees in local communities across Iowa. Funds  
24 transferred may be used to supplement federal funds under  
25 federal regulations.

26 7. Of the funds appropriated in this section, \$300,000 shall  
27 be used to contract for children's well-being collaboratives  
28 grants for the development and implementation of children's  
29 well-being collaboratives to establish and coordinate  
30 prevention and early intervention services to promote improved  
31 mental health and well-being for children and families, as  
32 enacted in 2017 Iowa Acts, chapter 174, section 88.

33 8. The department of human services shall submit the  
34 strategic plan to create and implement a children's mental  
35 health system submitted to the governor by the children's

1 system state board established by Executive Order Number Two  
2 issued April 23, 2018, to the general assembly by November 15,  
3 2018.

4 Sec. 37. 2017 Iowa Acts, chapter 174, section 67, is amended  
5 to read as follows:

6 SEC. 67. DEPARTMENT-WIDE DUTIES. There is appropriated  
7 from the general fund of the state to the department of human  
8 services for the fiscal year beginning July 1, 2018, and ending  
9 June 30, 2019, the following amount, or so much thereof as is  
10 necessary, to be used for the purposes designated:

11 For salaries, support, maintenance, and miscellaneous  
12 purposes at facilities under the purview of the department of  
13 human services:

14 ..... \$ ~~1,439,637~~  
15 2,879,274

16 Sec. 38. 2017 Iowa Acts, chapter 174, section 68, is amended  
17 to read as follows:

18 SEC. 68. VOLUNTEERS. There is appropriated from the general  
19 fund of the state to the department of human services for the  
20 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
21 the following amount, or so much thereof as is necessary, to be  
22 used for the purpose designated:

23 For development and coordination of volunteer services:

24 ..... \$ ~~42,343~~  
25 84,686

26 Sec. 39. 2017 Iowa Acts, chapter 174, section 70, subsection  
27 1, paragraph f, subparagraph (1), is amended to read as  
28 follows:

29 (1) For the fiscal year beginning July 1, 2018,  
30 reimbursement rates for home health agencies shall continue to  
31 be based on the Medicare low utilization payment adjustment  
32 (LUPA) methodology with state geographic wage adjustments and  
33 shall be adjusted to increase the rates to the extent possible  
34 within the \$1,000,000 of state funding appropriated for this  
35 purpose. The department shall continue to update the rates

1 every two years to reflect the most recent Medicare LUPA rates  
2 to the extent possible within the state funding appropriated  
3 for this purpose.

4 Sec. 40. 2017 Iowa Acts, chapter 174, section 70, subsection  
5 1, paragraphs j and k, are amended to read as follows:

6 j. For the fiscal year beginning July 1, 2018, unless  
7 otherwise specified in this Act, all noninstitutional medical  
8 assistance provider reimbursement rates shall remain at the  
9 rates in effect on June 30, 2018, except for area education  
10 agencies, local education agencies, infant and toddler  
11 services providers, home and community-based services providers  
12 including consumer-directed attendant care providers under a  
13 section 1915(c) or 1915(i) waiver, targeted case management  
14 providers, and those providers whose rates are required to be  
15 determined pursuant to section 249A.20, or to meet federal  
16 mental health parity requirements.

17 k. Notwithstanding any provision to the contrary, for the  
18 fiscal year beginning July 1, 2018, the reimbursement rate  
19 for anesthesiologists shall ~~be adjusted to implement the cost~~  
20 ~~containment strategies authorized for the medical assistance~~  
21 ~~program in this 2017 Act~~ remain at the rate in effect on June  
22 30, 2018, and updated on January 1, 2019, to align with the  
23 most current Iowa Medicare anesthesia base rate.

24 Sec. 41. 2017 Iowa Acts, chapter 174, section 70, subsection  
25 7, is amended to read as follows:

26 7. a. For the purposes of this subsection, "combined  
27 reimbursement rate" means the combined service and maintenance  
28 reimbursement rate for a service level under the department's  
29 reimbursement methodology. ~~Effective July 1, 2018, the~~  
30 ~~combined reimbursement rate for a group foster care service~~  
31 ~~level shall be the amount designated in this subsection.~~  
32 ~~However, if a group foster care provider's reimbursement rate~~  
33 ~~for a service level as of June 30, 2018, is more than the rate~~  
34 ~~designated in this subsection, the provider's reimbursement~~  
35 ~~shall remain at the higher rate.~~



1 ~~b. Unless a group foster care provider is subject to the~~  
2 ~~exception provided in paragraph "a", effective July 1, 2018,~~  
3 ~~the combined reimbursement rates for the service levels under~~  
4 ~~the department's reimbursement methodology shall be as follows:~~

5 ~~(1) For service level, community - D1, the daily rate shall~~  
6 ~~be at least \$84.17.~~

7 ~~(2) For service level, comprehensive - D2, the daily rate~~  
8 ~~shall be at least \$119.09.~~

9 ~~(3) For service level, enhanced - D3, the daily rate shall~~  
10 ~~be at least \$131.09 established by contract.~~

11 Sec. 42. 2017 Iowa Acts, chapter 174, section 70, subsection  
12 11, is amended to read as follows:

13 11. a. For the fiscal year beginning July 1, 2018,  
14 Effective July 1, 2018, the child care provider reimbursement  
15 rates shall remain at the rates in effect on June 30, 2018.  
16 Effective January 1, 2019, for child care providers reimbursed  
17 under the state child care assistance program, the department  
18 shall set utilize \$3,000,000 of the amount appropriated for  
19 child care assistance under this division to increase provider  
20 reimbursement rates based on the rate reimbursement survey  
21 completed in December 2004 2014. ~~Effective July 1, 2018,~~  
22 the child care provider reimbursement rates shall remain at  
23 the rates in effect on June 30, 2018. The department shall  
24 increase the lowest rate that is furthest from the fiftieth  
25 percentile to a rate consistent with the relative percentage of  
26 the second lowest rate as compared to the fiftieth percentile.  
27 As funds remain available, the department shall increase  
28 the subsequent lowest rates in a similar manner until the  
29 \$3,000,000 is projected to be fully expended in the fiscal  
30 year. The department shall set rates in a manner so as to  
31 provide incentives for a nonregistered provider to become  
32 registered by applying the increase only to registered and  
33 licensed providers.

34 b. Effective January 1, 2019, for infant and toddler  
35 child care providers reimbursed under the state child

1 care assistance program, the department shall set provider  
2 reimbursement rates at the seventy-fifth percentile of the rate  
3 reimbursement survey completed in December 2014, within the  
4 expected increase for the federal child care and development  
5 block grant expenditure requirement for infant and toddler  
6 quality improvement, subject to quality rating system criteria  
7 developed pursuant to section 237A.30. The department shall  
8 set rates in a manner so as to provide incentives for a  
9 nonregistered provider to become registered by applying the  
10 increase only to registered and licensed providers.

11 Sec. 43. 2017 Iowa Acts, chapter 174, section 70, subsection  
12 13, is amended by striking the subsection.

13 Sec. 44. REPEAL. 2017 Iowa Acts, chapter 174, section 69,  
14 is repealed.

15 DIVISION VI

16 HEALTH CARE ACCOUNTS AND FUNDS — FY 2018-2019

17 Sec. 45. 2017 Iowa Acts, chapter 174, section 75, is amended  
18 to read as follows:

19 SEC. 75. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
20 appropriated from the pharmaceutical settlement account created  
21 in section 249A.33 to the department of human services for the  
22 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
23 the following amount, or so much thereof as is necessary, to be  
24 used for the purpose designated:

25 Notwithstanding any provision of law to the contrary, to  
26 supplement the appropriations made in this Act for medical  
27 contracts under the medical assistance program for the fiscal  
28 year beginning July 1, 2018, and ending June 30, 2019:

29 ..... \$ 400,000  
30 1,446,266

31 Sec. 46. 2017 Iowa Acts, chapter 174, section 76, is amended  
32 to read as follows:

33 SEC. 76. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN  
34 SERVICES. Notwithstanding any provision to the contrary and  
35 subject to the availability of funds, there is appropriated

1 from the quality assurance trust fund created in section  
2 249L.4 to the department of human services for the fiscal year  
3 beginning July 1, 2018, and ending June 30, 2019, the following  
4 amounts, or so much thereof as is necessary, for the purposes  
5 designated:

6 To supplement the appropriation made in this Act from the  
7 general fund of the state to the department of human services  
8 for medical assistance for the same fiscal year:

9 ..... \$ ~~18,352,604~~  
10 36,705,208

11 Sec. 47. 2017 Iowa Acts, chapter 174, section 77, is amended  
12 to read as follows:

13 SEC. 77. HOSPITAL HEALTH CARE ACCESS TRUST FUND —  
14 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to  
15 the contrary and subject to the availability of funds, there is  
16 appropriated from the hospital health care access trust fund  
17 created in [section 249M.4](#) to the department of human services  
18 for the fiscal year beginning July 1, 2018, and ending June  
19 30, 2019, the following amounts, or so much thereof as is  
20 necessary, for the purposes designated:

21 To supplement the appropriation made in this Act from the  
22 general fund of the state to the department of human services  
23 for medical assistance for the same fiscal year:

24 ..... \$ ~~16,960,277~~  
25 33,920,554

26 DIVISION VII

27 PRIOR YEAR APPROPRIATIONS AND OTHER PROVISIONS

28 FEDERAL FUNDING

29 Sec. 48. 2017 Iowa Acts, chapter 165, section 13, subsection  
30 3, paragraphs b and e, are amended to read as follows:

31 b. Child and family services:

32 (1) FFY 2017-2018:  
33 ..... \$ ~~7,672,390~~  
34 8,022,390

35 (2) FFY 2018-2019:

1 ..... \$ ~~7,672,390~~  
 2 8,272,390

3 e. For distribution to counties for state case services  
 4 provided for persons with mental illness, intellectual  
 5 disability, or a developmental disability in accordance with  
 6 section 331.440, Code 2013, or in accordance with a dispute  
 7 resolution process implemented in accordance with section  
 8 331.394, subsections 5 or 6:

9 (1) FFY 2017-2018:  
 10 ..... \$ ~~600,000~~  
 11 250,000  
 12 (2) FFY 2018-2019:  
 13 ..... \$ ~~600,000~~  
 14 0

15 Moneys appropriated in this lettered paragraph "e"  
 16 that remain unencumbered or unallocated at the close of a  
 17 federal fiscal year shall not revert but shall be retained  
 18 by the department and used to supplement amounts otherwise  
 19 appropriated for child and family services under paragraph "b".

20 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

21 Sec. 49. 2017 Iowa Acts, chapter 174, section 6, is amended  
 22 to read as follows:

23 SEC. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
 24 GRANT. There is appropriated from the fund created in section  
 25 8.41 to the department of human services for the fiscal year  
 26 beginning July 1, 2017, and ending June 30, 2018, from moneys  
 27 received under the federal temporary assistance for needy  
 28 families (TANF) block grant pursuant to the federal Personal  
 29 Responsibility and Work Opportunity Reconciliation Act of 1996,  
 30 Pub. L. No. 104-193, and successor legislation, the following  
 31 amounts, or so much thereof as is necessary, to be used for the  
 32 purposes designated:

33 1. To be credited to the family investment program account  
 34 and used for assistance under the family investment program  
 35 under [chapter 239B](#):

1 ..... \$ ~~5,112,462~~  
2 ..... 4,539,006  
3 2. To be credited to the family investment program account  
4 and used for the job opportunities and basic skills (JOBS)  
5 program and implementing family investment agreements in  
6 accordance with [chapter 239B](#):  
7 ..... \$ ~~5,575,693~~  
8 ..... 5,412,060  
9 3. To be used for the family development and  
10 self-sufficiency grant program in accordance with section  
11 216A.107:  
12 ..... \$ ~~2,898,980~~  
13 ..... 2,883,980

14 Notwithstanding [section 8.33](#), moneys appropriated in this  
15 subsection that remain unencumbered or unobligated at the close  
16 of the fiscal year shall not revert but shall remain available  
17 for expenditure for the purposes designated until the close of  
18 the succeeding fiscal year. However, unless such moneys are  
19 encumbered or obligated on or before September 30, 2018, the  
20 moneys shall revert.

21 4. For field operations:  
22 ..... \$ 31,296,232  
23 5. For general administration:  
24 ..... \$ 3,744,000  
25 6. For state child care assistance:  
26 ..... \$ ~~47,866,826~~  
27 ..... 53,603,561

28 a. Of the funds appropriated in this subsection,  
29 ~~\$26,328,097~~ \$26,205,412 is transferred to the child care  
30 and development block grant appropriation made by the  
31 Eighty-seventh General Assembly, 2017 session, for the federal  
32 fiscal year beginning October 1, 2017, and ending September 30,  
33 2018. Of this amount, \$200,000 shall be used for provision  
34 of educational opportunities to registered child care home  
35 providers in order to improve services and programs offered

1 by this category of providers and to increase the number of  
2 providers. The department may contract with institutions  
3 of higher education or child care resource and referral  
4 centers to provide the educational opportunities. Allowable  
5 administrative costs under the contracts shall not exceed 5  
6 percent. The application for a grant shall not exceed two  
7 pages in length.

8 b. Any funds appropriated in this subsection remaining  
9 unallocated shall be used for state child care assistance  
10 payments for families who are employed including but not  
11 limited to individuals enrolled in the family investment  
12 program.

13 7. For child and family services:  
14 ..... \$ 32,380,654  
15 8. For child abuse prevention grants:  
16 ..... \$ 125,000  
17 9. For pregnancy prevention grants on the condition that  
18 family planning services are funded:  
19 ..... \$ ~~1,930,067~~  
20 ..... 1,913,203

21 Pregnancy prevention grants shall be awarded to programs  
22 in existence on or before July 1, 2017, if the programs have  
23 demonstrated positive outcomes. Grants shall be awarded to  
24 pregnancy prevention programs which are developed after July  
25 1, 2017, if the programs are based on existing models that  
26 have demonstrated positive outcomes. Grants shall comply with  
27 the requirements provided in 1997 Iowa Acts, chapter 208,  
28 section 14, subsections 1 and 2, including the requirement that  
29 grant programs must emphasize sexual abstinence. Priority in  
30 the awarding of grants shall be given to programs that serve  
31 areas of the state which demonstrate the highest percentage of  
32 unplanned pregnancies of females of childbearing age within the  
33 geographic area to be served by the grant.

34 10. For technology needs and other resources necessary  
35 to meet federal welfare reform reporting, tracking, and case

1 management requirements:

2 ..... \$ ~~1,037,186~~  
3 294,155

4 11. a. Notwithstanding any provision to the contrary,  
5 including but not limited to requirements in [section 8.41](#) or  
6 provisions in 2016 or 2017 Iowa Acts regarding the receipt and  
7 appropriation of federal block grants, federal funds from the  
8 temporary assistance for needy families block grant received by  
9 the state and not otherwise appropriated in this section and  
10 remaining available for the fiscal year beginning July 1, 2017,  
11 are appropriated to the department of human services to the  
12 extent as may be necessary to be used in the following priority  
13 order: the family investment program, for state child care  
14 assistance program payments for families who are employed, and  
15 for the family investment program share of costs to develop and  
16 maintain a new, integrated eligibility determination system.  
17 The federal funds appropriated in this paragraph "a" shall be  
18 expended only after all other funds appropriated in subsection  
19 1 for assistance under the family investment program, in  
20 subsection 6 for child care assistance, or in subsection 10  
21 for technology costs related to the family investment program,  
22 as applicable, have been expended. For the purposes of this  
23 subsection, the funds appropriated in subsection 6, paragraph  
24 "a", for transfer to the child care and development block grant  
25 appropriation are considered fully expended when the full  
26 amount has been transferred.

27 b. The department shall, on a quarterly basis, advise the  
28 legislative services agency and department of management of  
29 the amount of funds appropriated in this subsection that was  
30 expended in the prior quarter.

31 12. Of the amounts appropriated in this section,  
32 \$12,962,008 for the fiscal year beginning July 1, 2017, is  
33 transferred to the appropriation of the federal social services  
34 block grant made to the department of human services for that  
35 fiscal year.

1 13. For continuation of the program providing categorical  
2 eligibility for the food assistance program as specified  
3 for the program in the section of this division of this Act  
4 relating to the family investment program account:

5 ..... \$ 25,000  
6 14,236

7 14. The department may transfer funds allocated in this  
8 section to the appropriations made in this division of this Act  
9 for the same fiscal year for general administration and field  
10 operations for resources necessary to implement and operate the  
11 services referred to in this section and those funded in the  
12 appropriation made in this division of this Act for the same  
13 fiscal year for the family investment program from the general  
14 fund of the state.

15 15. With the exception of moneys allocated under this  
16 section for the family development and self-sufficiency grant  
17 program, to the extent moneys allocated in this section are  
18 deemed by the department not to be necessary to support the  
19 purposes for which they are allocated, such moneys may be  
20 credited used in the same fiscal year for any other purpose for  
21 which funds are allocated in this section or in section 7 of  
22 this division for the family investment program account. If  
23 there are competing needs, priority shall first be given to the  
24 family investment program account as specified under subsection  
25 1 of this section and used for the purposes of assistance  
26 under the family investment program in accordance with chapter  
27 239B in the same fiscal year, followed by state child care  
28 assistance program payments for families who are employed,  
29 followed by other priorities as specified by the department.

30 MEDICAID TRANSFERS TO SUPPORT REVIEWS AND QUALITY CONTROL  
31 ACTIVITIES

32 Sec. 50. 2017 Iowa Acts, chapter 174, section 12, subsection  
33 8, is amended to read as follows:

34 8. A portion of the funds appropriated in this section  
35 may be transferred to the appropriations in this division of



1 this Act for general administration, medical contracts, the  
2 children's health insurance program, or field operations to be  
3 used for the state match cost to comply with the payment error  
4 rate measurement (PERM) program for both the medical assistance  
5 and children's health insurance programs as developed by the  
6 centers for Medicare and Medicaid services of the United States  
7 department of health and human services to comply with the  
8 federal Improper Payments Information Act of 2002, Pub. L.  
9 No. 107-300, and to support other reviews and quality control  
10 activities to improve the integrity of these programs.

11 STATE SUPPLEMENTARY ASSISTANCE

12 Sec. 51. 2017 Iowa Acts, chapter 174, section 14, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
15 appropriated in this section that remain unencumbered or  
16 unobligated at the close of the fiscal year shall not revert  
17 but shall remain available for expenditure for the purposes  
18 designated until the close of the succeeding fiscal year.

19 JUVENILE INSTITUTION

20 Sec. 52. 2017 Iowa Acts, chapter 174, section 17, is amended  
21 by adding the following new subsection:

22 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys  
23 appropriated in this section that remain unencumbered or  
24 unobligated at the close of the fiscal year shall not revert  
25 but shall remain available for expenditure for the purposes  
26 designated until the close of the succeeding fiscal year.

27 MENTAL HEALTH INSTITUTES

28 Sec. 53. 2017 Iowa Acts, chapter 174, section 23, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
31 appropriated in this section that remain unencumbered or  
32 unobligated at the close of the fiscal year shall not revert  
33 but shall remain available for expenditure for the purposes  
34 designated until the close of the succeeding fiscal year.

35 STATE RESOURCE CENTERS

HF2501.5741 (2) 87

(amending this HF 2501 to CONFORM to SF 2418)





1 services region's expense. ~~For a state case~~ When a person is  
2 a resident in another state or in a foreign country, or when  
3 the persons' residence is unknown, the state may apply the  
4 diagnosis and evaluation provisions of this subsection at the  
5 state's expense.

6 Sec. 64. Section 222.65, subsection 1, Code 2018, is amended  
7 to read as follows:

8 1. If the administrator concurs with a certified  
9 determination as to residency of the person ~~so that the~~  
10 ~~person is deemed a state case~~ in another state or in a foreign  
11 country, or the person's residence is unknown under section  
12 222.60, the administrator shall cause the person either to be  
13 transferred to a resource center or a special unit or to be  
14 transferred to the place of foreign residency.

15 Sec. 65. Section 222.66, Code 2018, is amended to read as  
16 follows:

17 **222.66 Transfers — ~~state cases~~ no residency in the state or**  
18 **residency unknown — expenses.**

19 ~~1.~~ The transfer to a resource center or a special unit or  
20 to the place of residency of a person with an intellectual  
21 disability who has no residence in this state or whose  
22 residency is unknown, shall be made in accordance with such  
23 directions as shall be prescribed by the administrator and  
24 when practicable by employees of the state resource center or  
25 the special unit. The actual and necessary expenses of such  
26 transfers shall be paid by the department on itemized vouchers  
27 sworn to by the claimants and approved by the administrator and  
28 the approved amount is appropriated to the department from any  
29 funds in the state treasury not otherwise appropriated.

30 ~~2. The case of a person with an intellectual disability~~  
31 ~~who is determined to have no residence in this state or whose~~  
32 ~~residence is unknown shall be considered a state case.~~

33 Sec. 66. Section 222.67, Code 2018, is amended to read as  
34 follows:

35 **222.67 Charge on finding of residency.**

1 If a person has been received into a resource center or a  
2 special unit as a patient whose residency is unknown and the  
3 administrator determines that the residency of the patient  
4 was at the time of admission in a county of this state, the  
5 administrator shall certify the determination and charge  
6 all legal costs and expenses pertaining to the admission  
7 and support of the patient to the county of residence. The  
8 certification shall be sent to the county of residence. The  
9 certification shall be accompanied by a copy of the evidence  
10 supporting the determination. If the person's residency status  
11 has been determined in accordance with [section 331.394](#), the  
12 legal costs and expenses shall be charged to the county ~~or as a~~  
13 ~~state case~~ in accordance with that determination. The costs  
14 and expenses shall be collected as provided by law in other  
15 cases.

16 Sec. 67. Section 222.70, Code 2018, is amended to read as  
17 follows:

18 **222.70 Residency disputes.**

19 If a dispute arises between counties or between the  
20 department and a county as to the residency of a person  
21 admitted to a resource center, or a special unit, ~~or a~~  
22 ~~community-based service~~, the dispute shall be resolved as  
23 provided in [section 331.394](#).

24 Sec. 68. Section 226.45, Code 2018, is amended to read as  
25 follows:

26 **226.45 Reimbursement to county or state.**

27 If a patient is not receiving medical assistance under  
28 chapter 249A and the amount ~~to~~ in the account of any patient  
29 in the patients' personal deposit fund exceeds two hundred  
30 dollars, the business manager of the hospital may apply any  
31 of the excess to reimburse the county of residence or the  
32 state ~~for a state case~~ when the patient is a resident in  
33 another state or in a foreign country, or when the patient's  
34 residence is unknown for liability incurred by the county or  
35 the state for the payment of care, support and maintenance of

1 the patient, when billed by the county of residence or by the  
2 administrator ~~for a state case~~ when the patient is a resident  
3 in another state or in a foreign country, or when the patient's  
4 residence is unknown.

5 Sec. 69. Section 230.1, subsection 1, paragraph b, Code  
6 2018, is amended to read as follows:

7 b. By the state ~~as a state case~~ if such person has no  
8 residence in this state, if the person's residence is unknown,  
9 or if the person is under eighteen years of age.

10 Sec. 70. Section 230.2, Code 2018, is amended to read as  
11 follows:

12 **230.2 Finding of residence.**

13 If a person's residency status is disputed, the residency  
14 shall be determined in accordance with [section 331.394](#).  
15 Otherwise, the district court may, when the person is  
16 ordered placed in a hospital for psychiatric examination and  
17 appropriate treatment, or as soon thereafter as the court  
18 obtains the proper information, make one of the following  
19 determinations and enter of record whether the residence of the  
20 person is in a county or the person is ~~deemed to be a state case~~  
21 a resident in another state or in a foreign country, or when  
22 the person's residence is unknown, as follows:

23 1. That the person's residence is in the county from which  
24 the person was placed in the hospital.

25 2. That the person's residence is in another county of the  
26 state.

27 3. That the person's residence is in a foreign state or  
28 country ~~and the person is deemed to be a state case.~~

29 4. That the person's residence is unknown ~~and the person is~~  
30 ~~deemed to be a state case.~~

31 Sec. 71. Section 230.8, Code 2018, is amended to read as  
32 follows:

33 **230.8 Transfers of persons with mental illness — expenses.**

34 The transfer to any state hospitals or to the places of their  
35 residence of persons with mental illness who have no residence

1 in this state or whose residence is unknown ~~and deemed to be a~~  
2 ~~state case~~, shall be made according to the directions of the  
3 administrator, and when practicable by employees of the state  
4 hospitals. The actual and necessary expenses of such transfers  
5 shall be paid by the department on itemized vouchers sworn to  
6 by the claimants and approved by the administrator.

7 Sec. 72. Section 230.9, Code 2018, is amended to read as  
8 follows:

9 **230.9 Subsequent discovery of residence.**

10 If, after a person has been received by a state hospital  
11 for persons with mental illness ~~as a state case patient~~  
12 whose residence is supposed to be outside this state, the  
13 administrator determines that the residence of the person  
14 was, at the time of admission or commitment, in a county of  
15 this state, the administrator shall certify the determination  
16 and charge all legal costs and expenses pertaining to the  
17 admission or commitment and support of the person to the county  
18 of residence. The certification shall be sent to the county  
19 of residence. The certification shall be accompanied by a  
20 copy of the evidence supporting the determination. The costs  
21 and expenses shall be collected as provided by law in other  
22 cases. If the person's residency status has been determined in  
23 accordance with [section 331.394](#), the legal costs and expenses  
24 shall be charged ~~to the county of residence or as a state case~~  
25 in accordance with that determination.

26 Sec. 73. Section 230.11, Code 2018, is amended to read as  
27 follows:

28 **230.11 Recovery of costs from state.**

29 Costs and expenses attending the taking into custody,  
30 care, and investigation of a person who has been admitted  
31 or committed to a state hospital, United States department  
32 of veterans affairs hospital, or other agency of the United  
33 States government, for persons with mental illness and who  
34 has no residence in this state or whose residence is unknown,  
35 including cost of commitment, if any, shall be paid ~~as a state~~

1 ease as approved by the administrator. The amount of the costs  
2 and expenses approved by the administrator is appropriated  
3 to the department from any money in the state treasury  
4 not otherwise appropriated. Payment shall be made by the  
5 department on itemized vouchers executed by the auditor of the  
6 county which has paid them, and approved by the administrator.

7 Sec. 74. Section 249A.26, subsection 2, paragraph b, Code  
8 2018, is amended to read as follows:

9 b. The state shall pay for one hundred percent of the  
10 nonfederal share of the costs of case management provided for  
11 adults, day treatment, partial hospitalization, and the home  
12 and community-based services waiver services for persons who  
13 ~~have no residence in this state or whose residence is unknown~~  
14 ~~so that the persons are deemed to be state cases.~~

15 Sec. 75. Section 249A.26, subsection 7, Code 2018, is  
16 amended by striking the subsection.

17 Sec. 76. Section 331.394, Code 2018, is amended to read as  
18 follows:

19 **331.394 County of residence — services to residents —**  
20 **service authorization appeals — disputes between counties or**  
21 **regions and the department.**

22 1. For the purposes of **this section**, unless the context  
23 otherwise requires:

24 a. *“County of residence”* means the county in this state in  
25 which, at the time a person applies for or receives services,  
26 the person is living and has established an ongoing presence  
27 with the declared, good faith intention of living in the  
28 county for a permanent or indefinite period of time. The  
29 county of residence of a person who is a homeless person  
30 is the county where the homeless person usually sleeps. A  
31 person maintains residency in the county or state in which the  
32 person last resided while the person is present in another  
33 county or this state receiving services in a hospital, a  
34 correctional facility, a halfway house for community-based  
35 corrections or substance-related treatment, a nursing facility,



1 an intermediate care facility for persons with an intellectual  
2 disability, or a residential care facility, or for the purpose  
3 of attending a college or university.

4 *b. "Homeless person"* means the same as defined in section  
5 48A.2.

6 *c. "Mental health professional"* means the same as defined  
7 in [section 228.1](#).

8 *d. "Person"* means a person who is a United States citizen or  
9 a qualified alien as defined in 8 U.S.C. §1641.

10 2. If a person appeals a decision regarding a service  
11 authorization or other services-related decision made by a  
12 regional administrator that cannot be resolved informally,  
13 the appeal shall be heard in a contested case proceeding by a  
14 state administrative law judge. The administrative law judge's  
15 decision shall be considered final agency action under chapter  
16 17A.

17 3. If a service authorization or other services-related  
18 decision made by a regional administrator concerning a person  
19 varies from the type and amount of service identified to be  
20 necessary for the person in a clinical determination made by a  
21 mental health professional and the mental health professional  
22 believes that failure to provide the type and amount of service  
23 identified could cause an immediate danger to the person's  
24 health or safety, the person may request an expedited review  
25 of the regional administrator's decision to be made by the  
26 department of human services. An expedited review held in  
27 accordance with [this subsection](#) is subject to the following  
28 procedures:

29 *a.* The request for the expedited review shall be filed  
30 within five business days of receiving the notice of decision  
31 by the regional administrator. The request must be in writing,  
32 plainly state the request for an expedited review in the  
33 caption and body of the request, and be supported by written  
34 documentation from the mental health professional who made the  
35 clinical determination stating how the notice of decision on

1 services could cause an immediate danger to the person's health  
2 or safety.

3     *b.* The expedited review shall be performed by a mental  
4 health professional, who is either the administrator of the  
5 division of mental health and disability services of the  
6 department of human services or the administrator's designee.  
7 If the administrator is not a mental health professional,  
8 the expedited review shall be performed by a designee of the  
9 administrator who is a mental health professional and is free  
10 of any conflict of interest to perform the expedited review.  
11 The expedited review shall be performed within two business  
12 days of the time the request is filed. If the reviewer  
13 determines the information submitted in connection with the  
14 request is inadequate to perform the review, the reviewer shall  
15 request the submission of additional information and the review  
16 shall be performed within two business days of the time that  
17 adequate information is submitted. The regional administrator  
18 and the person, with the assistance of the mental health  
19 professional who made the clinical determination, shall each  
20 provide a brief statement of facts, conclusions, and reasons  
21 for the decision made. Supporting clinical information shall  
22 also be attached. All information related to the proceedings  
23 and any related filings shall be considered to be mental health  
24 information subject to [chapter 228](#).

25     *c.* The administrator or designee shall issue an order,  
26 including a brief statement of findings of fact, conclusions of  
27 law, and policy reasons for the order, to justify the decision  
28 made concerning the expedited review. If the decision concurs  
29 with the contention that there is an immediate danger to the  
30 person's health or safety, the order shall identify the type  
31 and amount of service which shall be provided for the person.  
32 The administrator or designee shall give such notice as is  
33 practicable to persons who are required to comply with the  
34 order. The order is effective when issued.

35     *d.* The decision of the administrator or designee shall be

1 considered a final agency action and is subject to judicial  
2 review in accordance with [section 17A.19](#). The record for  
3 judicial review consists of any documents regarding the matter  
4 that were considered or prepared by the administrator or  
5 designee. The administrator or designee shall maintain these  
6 documents as the official record of the decision. If the  
7 matter is appealed to the district court, the record shall be  
8 filed as confidential.

9 4. If a county of residence is part of a mental health and  
10 disability services region that has agreed to pool funding and  
11 liability for services, the responsibilities of the county  
12 under law regarding such services shall be performed on behalf  
13 of the county by the regional administrator. The county of  
14 residence or the county's mental health and disability services  
15 region, as applicable, is responsible for paying the public  
16 costs of the mental health and disability services that are  
17 not covered by the medical assistance program under chapter  
18 249A and are provided in accordance with the region's approved  
19 service management plan to persons who are residents of the  
20 county or region.

21 5. a. The dispute resolution process implemented in  
22 accordance with [this subsection](#) applies to residency disputes.  
23 The dispute resolution process is not applicable to disputes  
24 involving persons committed to a state facility pursuant to  
25 chapter 812 or [rule of criminal procedure 2.22](#), Iowa court  
26 rules, or to disputes involving service authorization decisions  
27 made by a region.

28 b. If a county, or region, ~~or the department~~, as applicable,  
29 receives a billing for services provided to a resident  
30 in another county or region, or objects to a residency  
31 determination certified by ~~the department~~ or another county's  
32 or region's regional administrator and asserts either that the  
33 person has residency in another county or region or the person  
34 is not a resident of this state ~~or the person's residency is~~  
35 ~~unknown so that the person is deemed a state case~~, the person's

1 residency status shall be determined as provided in this  
2 subsection. ~~The county or region shall notify the department~~  
3 ~~of the county's or region's assertion within one hundred twenty~~  
4 ~~days of receiving the billing.~~ If the county or region asserts  
5 that the person has residency in another county or region,  
6 ~~that the county or region shall be notified at the same time~~  
7 ~~as the department.~~ ~~If the department disputes a residency~~  
8 ~~determination certification made by a regional administrator,~~  
9 ~~the department shall notify the affected counties or regions of~~  
10 ~~the department's assertion~~ notify the other county or region  
11 within one hundred twenty days of receiving the billing for  
12 services.

13 c. ~~The department,~~ county, or region that received the  
14 notification, as applicable, shall respond to the party that  
15 provided the notification within forty-five days of receiving  
16 the notification. If the parties cannot agree to a settlement  
17 as to the person's residency status within ninety days of the  
18 date of notification, on motion of any of the parties, the  
19 matter shall be referred to the department of inspections and  
20 appeals for a contested case hearing under [chapter 17A](#) before  
21 an administrative law judge assigned in accordance with section  
22 10A.801 to determine the person's residency status.

23 d. (1) The administrative law judge's determination  
24 of the person's residency status shall be considered final  
25 agency action, notwithstanding contrary provisions of section  
26 17A.15. The party that does not prevail in the determination  
27 or subsequent judicial review is liable for costs associated  
28 with the proceeding, including reimbursement of the department  
29 of inspections and appeals' actual costs associated with  
30 the administrative proceeding. Judicial review of the  
31 determination may be sought in accordance with [section 17A.19](#).

32 (2) If following the determination of a person's residency  
33 status in accordance with [this subsection](#), additional evidence  
34 becomes available that merits a change in that determination,  
35 the parties affected may change the determination by mutual

1 agreement. Otherwise, a party may move that the matter be  
2 reconsidered by the ~~department~~, county, or region, or by the  
3 administrative law judge.

4 e. (1) Unless a petition is filed for judicial review,  
5 the administrative law judge's determination of the person's  
6 residency status shall result in one of the following:

7 (a) If a county or region is determined to be the person's  
8 residence, the county or region shall pay the amounts due and  
9 shall reimburse any other amounts paid for services provided by  
10 the other county or region ~~or the department~~ on the person's  
11 behalf prior to the determination.

12 (b) If it is determined that the person is not a resident  
13 of this state ~~or the person's residency is unknown so that the~~  
14 ~~person is deemed to be a state case, the department shall pay~~  
15 ~~the amounts due and shall reimburse the county or region, as~~  
16 ~~applicable, for any payment made on behalf of the person prior~~  
17 ~~to the determination~~ neither the region in which the services  
18 were provided nor the state shall be liable for payment of  
19 amounts due for services provided to the person prior to the  
20 determination.

21 (2) The payment or reimbursement shall be remitted within  
22 forty-five days of the date the determination was issued.  
23 After the forty-five-day period, a penalty of not greater than  
24 one percent per month may be added to the amount due.

25 6. a. The dispute resolution process implemented in  
26 accordance with [this subsection](#) applies beginning July 1, 2012,  
27 to billing disputes between the state and a county or region,  
28 other than residency disputes or other dispute processes under  
29 this section, involving the responsibility for service costs  
30 for services provided on or after July 1, 2011, under any of  
31 the following:

- 32 (1) [Chapter 221.](#)
- 33 (2) [Chapter 222.](#)
- 34 (3) [Chapter 229.](#)
- 35 (4) [Chapter 230.](#)

1 (5) Chapter 249A.

2 (6) Chapter 812.

3 b. If a county, region, or the department, as applicable,  
4 disputes a billing for service costs listed in paragraph "a",  
5 the dispute shall be resolved as provided in this subsection.  
6 The county or region shall notify the department of the  
7 county's or region's assertion within ninety days of receiving  
8 the billing. However, for services provided on or after July  
9 1, 2011, for which a county has received the billing as of July  
10 1, 2012, the county shall notify the department of the county's  
11 assertion on or before October 1, 2012. If the department  
12 disputes such a billing of a regional administrator, the  
13 department shall notify the affected counties or regions of the  
14 department's assertion.

15 c. The department, county, or region that received the  
16 notification, as applicable, shall respond to the party  
17 that provided the notification within forty-five days of  
18 receiving the notification. If the parties cannot agree to a  
19 settlement as to the dispute within ninety days of the date  
20 of notification, on motion of any of the parties, the matter  
21 shall be referred to the department of inspections and appeals  
22 for a contested case hearing under chapter 17A before an  
23 administrative law judge assigned in accordance with section  
24 10A.801 to determine facts and issue a decision to resolve the  
25 dispute.

26 d. (1) The administrative law judge's decision is a final  
27 agency action, notwithstanding contrary provisions of section  
28 17A.15. The party that does not prevail in the decision or  
29 subsequent judicial review is liable for costs associated with  
30 the proceeding, including reimbursement of the department of  
31 inspections and appeals' actual costs associated with the  
32 administrative proceeding. Judicial review of the decision may  
33 be sought in accordance with section 17A.19.

34 (2) If following the decision regarding a dispute in  
35 accordance with this subsection, additional evidence becomes

1 available that merits a change in that decision, the parties  
2 affected may change the decision by mutual agreement.  
3 Otherwise, a party may move that the matter be reconsidered by  
4 the department, county, or region, or by the administrative law  
5 judge.

6 e. (1) Unless a petition is filed for judicial review,  
7 the administrative law judge's decision regarding a disputed  
8 billing shall result in one of the following:

9 (a) If a county or region is determined to be responsible  
10 for the disputed amounts, the county or region shall pay  
11 the amounts due and shall reimburse any other amounts paid  
12 for services provided by the other county or region or the  
13 department on the person's behalf prior to the decision.

14 (b) If it is determined that the state is responsible for  
15 the disputed amounts, the state shall pay the amounts due and  
16 shall reimburse the county or region, as applicable, for any  
17 payment made on behalf of the person prior to the decision.

18 (2) The payment or reimbursement shall be remitted within  
19 forty-five days of the date the decision was issued. After  
20 the forty-five-day period, a penalty of not greater than one  
21 percent per month may be added to the amount due.

22 Sec. 77. REPEAL. Section 226.9C, Code 2018, is repealed.

23 DIVISION X

24 IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING

25 Sec. 78. IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING. The  
26 department on aging and the department of human services shall  
27 collaborate to develop a cost allocation plan requesting  
28 Medicaid administrative funding to provide for the claiming  
29 of federal financial participation for aging and disability  
30 resource center activities that are performed to assist with  
31 administration of the Medicaid program. By January 1, 2019,  
32 the department of human services shall submit to the centers  
33 for Medicare and Medicaid services of the United States  
34 department of health and human services any Medicaid state plan  
35 amendment as necessary and shall enter into an interagency

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1 agreement with the department on aging to implement this  
2 section.

3 Sec. 79. EFFECTIVE DATE. This division of this Act, being  
4 deemed of immediate importance, takes effect upon enactment.

5 DIVISION XI

6 EXECUTIVE DIRECTOR — DEPARTMENT OF VETERANS AFFAIRS

7 Sec. 80. 2008 Iowa Acts, chapter 1191, section 14,  
8 subsection 3, is amended to read as follows:

9 3. The following are range 3 positions: administrator of  
10 the division of criminal and juvenile justice planning of the  
11 department of human rights, administrator of the division of  
12 community action agencies of the department of human rights,  
13 ~~executive director of the department of veterans affairs,~~ and  
14 chairperson and members of the employment appeal board of the  
15 department of inspections and appeals.

16 Sec. 81. 2008 Iowa Acts, chapter 1191, section 14,  
17 subsection 5, as amended by 2013 Iowa Acts, chapter 123,  
18 section 63, is amended to read as follows:

19 5. The following are range 5 positions: administrator of  
20 the division of homeland security and emergency management of  
21 the department of public defense, state public defender, drug  
22 policy coordinator, labor commissioner, workers' compensation  
23 commissioner, director of the department of cultural affairs,  
24 director of the department of elder affairs, director of the  
25 law enforcement academy, members of the property assessment  
26 appeal board, executive director of the department of veterans  
27 affairs, and administrator of the historical division of the  
28 department of cultural affairs.

29 Sec. 82. EFFECTIVE DATE. This division of this Act, being  
30 deemed of immediate importance, takes effect upon enactment.

31 DIVISION XII

32 FAMILY PLANNING SERVICES PROGRAM

33 Sec. 83. Section 217.41B, subsection 3, Code 2018, is  
34 amended to read as follows:

35 3. a. (1) Distribution of family planning services program

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1 funds shall not be made to any entity that performs abortions  
2 or that maintains or operates a facility where abortions  
3 are performed, which shall not be interpreted to include a  
4 nonpublic entity that is a distinct location of a nonprofit  
5 health care delivery system, if the distinct location provides  
6 family planning services but does not perform abortions  
7 or maintain or operate as a facility where abortions are  
8 performed.

9 (2) The department of human services shall adopt rules  
10 pursuant to chapter 17A to require that as a condition of  
11 eligibility as a provider under the family planning services  
12 program, each distinct location of a nonprofit health care  
13 delivery system shall enroll in the program as a separate  
14 provider, be assigned a distinct provider identification  
15 number, and complete an attestation that abortions are not  
16 performed at the distinct location.

17 (3) For the purposes of this section, "nonprofit health  
18 care delivery system" means an Iowa nonprofit corporation  
19 that controls, directly or indirectly, a regional health  
20 care network consisting of hospital facilities and various  
21 ambulatory and clinic locations that provide a range of  
22 primary, secondary, and tertiary inpatient, outpatient, and  
23 physician services.

24 b. For the purposes of [this section](#), "abortion" does not  
25 include any of the following:

26 a. (1) The treatment of a woman for a physical  
27 disorder, physical injury, or physical illness, including a  
28 life-endangering physical condition caused by or arising from  
29 the pregnancy itself, that would, as certified by a physician,  
30 place the woman in danger of death.

31 b. (2) The treatment of a woman for a spontaneous abortion,  
32 commonly known as a miscarriage, when not all of the products  
33 of human conception are expelled.

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DIVISION XIII  
PROVISIONAL REGIONALIZATION AUTHORIZATION

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(amending this HF 2501 to CONFORM to SF 2418)

1     Sec. 84. Section 331.389, subsection 1, paragraphs b and c,  
2 Code 2018, are amended to read as follows:

3     ~~b. The director of human services shall exempt a county  
4 from being required to enter into a regional service system if  
5 the county furnishes evidence that the county complies with  
6 the requirements in [subsection 3](#), paragraphs "c", "d", "e",  
7 and "f", and is able to provide the core services required  
8 by law to the county's residents in a manner that is as cost  
9 effective and with outcomes that are at least equal to what  
10 could be provided to the residents if the county would provide  
11 the services through a regional service system. The director  
12 shall identify criteria for evaluating the evidence provided by  
13 counties applying for the exemption. The criteria identified  
14 shall be specified in rule adopted by the state commission.~~

15     ~~e. b.~~ If a county has been exempted pursuant to this  
16 subsection prior to July 1, 2014, from the requirement to enter  
17 into a regional service system, the county and the county's  
18 board of supervisors shall fulfill all requirements under  
19 this chapter and [chapter 225C](#) for a regional service system,  
20 regional service system management plan, regional governing  
21 board, and regional administrator, and any other provisions  
22 applicable to a region of counties providing local mental  
23 health and disability services.

24     Sec. 85. Section 331.389, subsection 2, Code 2018, is  
25 amended to read as follows:

26     2. The director of human services shall approve any region  
27 meeting the requirements of [subsection 3](#). ~~However, the  
28 director of human services, in consultation with the state  
29 commission, may grant a waiver from the requirement relating to  
30 the minimum number of counties if there is convincing evidence  
31 that compliance with such requirement is not workable.~~

32     Sec. 86. Section 331.389, subsection 3, paragraph a, Code  
33 2018, is amended to read as follows:

34     a. The counties comprising the region are contiguous ~~except  
35 that a region may include a county that is not contiguous with~~

1 ~~any of the other counties in the region, if the county that is~~  
2 ~~not contiguous has had a formal relationship for two years or~~  
3 ~~longer with one or more of the other counties in the region for~~  
4 ~~the provision of mental health and disability services.~~

5 Sec. 87. Section 331.389, subsection 4, paragraph c, Code  
6 2018, is amended to read as follows:

7 ~~c. During the period of April 2, 2013, through July 1,~~  
8 ~~2013, the~~ The department shall work with any county that has  
9 not agreed to be part of a region in accordance with paragraph  
10 "a" and with the regions forming around the county to resolve  
11 issues preventing the county from joining a region. ~~By July~~  
12 ~~1, 2013, a~~ A county that has not agreed to be part of a region  
13 in accordance with paragraph "a" shall be assigned by the  
14 department to a region, unless exempted ~~pursuant to subsection~~  
15 ~~±~~ prior to July 1, 2014.

16 Sec. 88. Section 331.389, subsection 4, paragraph e,  
17 unnumbered paragraph 1, Code 2018, is amended to read as  
18 follows:

19 On or before June 30, 2014, unless exempted ~~pursuant to~~  
20 ~~subsection 1~~ prior to July 1, 2014, all counties shall be  
21 in compliance with all of the following mental health and  
22 disability services region implementation criteria:

23 Sec. 89. Section 331.424A, subsection 8, Code 2018, is  
24 amended to read as follows:

25 8. a. For the fiscal year beginning July 1, 2017, the  
26 regional per capita expenditure target amount is the sum of the  
27 base expenditure amount for all counties in the region divided  
28 by the population of the region. However, a regional per  
29 capita expenditure target amount shall not exceed the statewide  
30 per capita expenditure target amount. For the fiscal year  
31 beginning July 1, 2018, and each subsequent fiscal year, the  
32 regional per capita expenditure target amount for each region  
33 is equal to the regional per capita expenditure target amount  
34 for the fiscal year beginning July 1, 2017.

35 b. Notwithstanding paragraph "a", for the fiscal year

1 beginning July 1, 2019, the regional per capita expenditure  
2 target amount for a region formed pursuant to the section of  
3 this Act which authorizes regionalization is the sum of the  
4 base expenditure amount for all counties in the region divided  
5 by the population of the region. However, the regional per  
6 capita expenditure target amount shall not exceed the statewide  
7 per capita expenditure target amount. For the fiscal year  
8 beginning July 1, 2020, and each subsequent fiscal year, the  
9 regional per capita expenditure target amount for the region  
10 shall be equal to the regional per capita expenditure target  
11 amount for the fiscal year beginning July 1, 2019.

12       Sec. 90. MENTAL HEALTH AND DISABILITY SERVICES —  
13 REGIONALIZATION AUTHORIZATION.

14       1. Upon receiving a request from any county within the  
15 county social services mental health and disability services  
16 region to be removed from the region, the director of human  
17 services may authorize the county to join with other counties  
18 requesting to be removed from the county social services mental  
19 health and disability services region in the formation of a  
20 proposed new mental health and disability services region.

21       2. County formation of a proposed new mental health and  
22 disability services region pursuant to this section is subject  
23 to all of the following:

24       a. The aggregate population of all counties forming  
25 the region is at least 100,000 and includes at least one  
26 incorporated city with a population of more than 24,000. For  
27 purposes of this subparagraph, "population" means the same as  
28 defined in section 331.388, subsection 3, Code 2018.

29       b. Notwithstanding section 331.389, subsection 4, on or  
30 before February 1, 2019, the counties forming the region have  
31 complied with section 331.389, subsection 3, as amended in  
32 this division of this Act, and all of the following additional  
33 requirements:

34       (1) The board of supervisors of each county forming the  
35 region has voted to approve a chapter 28E agreement.

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1 (2) The duly authorized representatives of all the counties  
2 forming the region have signed a chapter 28E agreement that is  
3 in compliance with section 331.392 and 441 IAC 25.14.

4 (3) The county board of supervisors' or supervisors'  
5 designee members and other members of the region's governing  
6 board are appointed in accordance with section 331.390.

7 (4) Executive staff for the region's regional administrator  
8 are identified or engaged.

9 (5) The regional service management plan is developed in  
10 accordance with section 331.393 and 441 IAC 25.18 and 441 IAC  
11 25.21 and is submitted to the department.

12 (6) The initial regional service management plan shall  
13 identify the service provider network for the region, identify  
14 the information technology and data management capacity to be  
15 employed to support regional functions, and establish business  
16 functions, accounting procedures, and other administrative  
17 processes.

18 c. Each county forming the region shall submit the  
19 compliance information required in paragraph "b" to the  
20 director of human services on or before February 1, 2019.  
21 Within 45 days of receipt of such information, the director  
22 of human services shall determine if the region is in full  
23 compliance and shall approve the region if the region has met  
24 all of the requirements of this section.

25 d. The director of human services shall work with a county  
26 making a request under this section that has not agreed or  
27 is unable to join the proposed new region to resolve issues  
28 preventing the county from joining the proposed new region.

29 e. By February 1, 2019, the director of human services shall  
30 assign a county making a request under this section that has  
31 not reached an agreement to be part of the proposed new region  
32 to an existing region or to the new proposed region, consistent  
33 with this section.

34 3. If approved by the department, the region shall commence  
35 full operations no later than July 1, 2019.



1 ~~aggregate non-Medicare revenues of a nursing facility or the~~  
2 maximum amount that may be assessed pursuant to the indirect  
3 guarantee threshold as established pursuant to 42 C.F.R.  
4 §433.68(f)(3)(i), and shall be stated on a per-patient-day  
5 basis.

6 Sec. 94. Section 249L.4, subsection 2, Code 2018, is amended  
7 to read as follows:

8 2. Moneys in the trust fund shall be used, subject to  
9 their appropriation by the general assembly, by the department  
10 only for reimbursement of nursing facility services for which  
11 federal financial participation under the medical assistance  
12 program is available to match state funds. ~~Any moneys~~ Moneys  
13 appropriated from the trust fund for reimbursement of nursing  
14 facilities, in addition to the quality assurance assessment  
15 pass-through and the quality assurance assessment rate add-on  
16 which shall be used as specified in subsection 5, paragraph "b",  
17 shall be used in a manner such that no less than thirty-five  
18 percent of the amount received by a nursing facility is used  
19 for increases in compensation and costs of employment for  
20 direct care workers, and no less than sixty percent of the  
21 total is used to increase compensation and costs of employment  
22 for all nursing facility staff. For the purposes of use of  
23 such funds, "*direct care worker*", "*nursing facility staff*",  
24 "*increases in compensation*", and "*costs of employment*" mean as  
25 defined or specified in this chapter.

26 Sec. 95. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

27 1. The department of human services shall request approval  
28 from the centers for Medicare and Medicaid services of the  
29 United States department of health and human services for any  
30 waiver or state plan amendment necessary to administer this  
31 division of this Act.

32 2. The change in the quality assurance assessment shall  
33 accrue beginning on the first day of the calendar quarter  
34 following the date of approval of any waiver or state plan  
35 amendment.

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DIVISION XVI

SEXUAL OFFENSES AND SEX OFFENDERS

Sec. 96. Section 229A.2, subsection 4, Code 2018, is amended to read as follows:

4. "Discharge" means an unconditional discharge from the sexually violent predator program. A person released from a secure facility into a transitional release program or released with ~~or without~~ supervision is not considered to be discharged.

Sec. 97. Section 229A.5B, subsection 1, unnumbered paragraph 1, Code 2018, is amended to read as follows:

A person who is detained pursuant to [section 229A.5](#) or is subject to an order of civil commitment under [this chapter](#) shall remain in custody unless released by court order or discharged under [section 229A.8](#) or [229A.10](#). A person who has been placed in a transitional release program or who is under release with ~~or without~~ supervision is considered to be in custody. A person in custody under [this chapter](#) shall not do any of the following:

Sec. 98. Section 229A.5C, subsection 4, Code 2018, is amended to read as follows:

4. A person who committed a public offense while in a transitional release program or on release with ~~or without~~ supervision may be returned to a secure facility operated by the department of human services upon completion of any term of confinement that resulted from the commission of the public offense.

Sec. 99. Section 229A.6A, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. To a facility for placement or treatment in a transitional release program or for release with ~~or without~~ supervision. A transport order is not required under this paragraph.

Sec. 100. Section 229A.7, subsection 7, Code 2018, is amended to read as follows:

7. The control, care, and treatment of a person determined



1 to be a sexually violent predator shall be provided at a  
2 facility operated by the department of human services. At all  
3 times prior to placement in a transitional release program  
4 or release with ~~or without~~ supervision, persons committed  
5 for control, care, and treatment by the department of human  
6 services pursuant to **this chapter** shall be kept in a secure  
7 facility and those patients shall be segregated at all times  
8 from any other patient under the supervision of the department  
9 of human services. A person committed pursuant to **this chapter**  
10 to the custody of the department of human services may be kept  
11 in a facility or building separate from any other patient  
12 under the supervision of the department of human services.  
13 The department of human services may enter into a chapter  
14 28E agreement with the department of corrections or other  
15 appropriate agency in this state or another state for the  
16 confinement of patients who have been determined to be sexually  
17 violent predators. Patients who are in the custody of the  
18 director of the department of corrections pursuant to a chapter  
19 28E agreement and who have not been placed in a transitional  
20 release program or released with ~~or without~~ supervision shall  
21 be housed and managed separately from criminal offenders in  
22 the custody of the director of the department of corrections,  
23 and except for occasional instances of supervised incidental  
24 contact, shall be segregated from those offenders.

25 Sec. 101. Section 229A.8B, subsection 3, Code 2018, is  
26 amended to read as follows:

27 3. Upon the return of the committed person to a secure  
28 facility, the director of human services or the director's  
29 designee shall notify the court that issued the ex parte order  
30 that the absconder has been returned to a secure facility, and  
31 the court shall set a hearing ~~within five days~~ to determine if  
32 a violation occurred. If a court order was not issued, the  
33 director or the director's designee shall contact the nearest  
34 district court with jurisdiction to set a hearing to determine  
35 whether a violation of the rules or directives occurred. The

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1 court shall schedule a hearing ~~within five days of~~ after  
2 receiving notice that the committed person has been returned  
3 from the transitional release program to a secure facility.

4 Sec. 102. Section 229A.9A, Code 2018, is amended to read as  
5 follows:

6 **229A.9A Release with ~~or without~~ supervision.**

7 1. In any proceeding under section 229A.8, the court may  
8 order the committed person released with ~~or without~~ supervision  
9 if any of the following apply:

10 a. The attorney general stipulates to the release with ~~or~~  
11 ~~without~~ supervision.

12 b. The court or jury has determined that the person should  
13 be ~~discharged~~ released from the program a secure facility or  
14 a transitional release program, but the court has determined  
15 the person suffers from a mental abnormality and it is in the  
16 best interest of the community to order release with ~~or without~~  
17 supervision before the committed person is discharged.

18 2. If release with ~~or without~~ supervision is ordered, the  
19 department of human services shall prepare within sixty days of  
20 the order of the court a release plan addressing the person's  
21 needs for counseling, medication, community support services,  
22 residential services, vocational services, alcohol or other  
23 drug abuse treatment, sex offender treatment, or any other  
24 treatment or supervision necessary.

25 3. The court shall set a hearing on the release plan  
26 prepared by the department of human services before the  
27 committed person is released from a secure facility or a  
28 transitional release program.

29 4. If the court orders release with supervision, the court  
30 shall order supervision by an agency with jurisdiction that  
31 is familiar with the placement of criminal offenders in the  
32 community. The agency with jurisdiction shall be responsible  
33 for initiating proceedings for violations of the release plan  
34 as provided in section 229A.9B. ~~If the court orders release~~  
35 ~~without supervision, the agency with jurisdiction shall also be~~

1 ~~responsible for initiating proceedings for any violations of~~  
2 ~~the release plan as provided in section 229A.9B.~~

3 5. A committed person may not petition the court for release  
4 with ~~or without~~ supervision.

5 6. A committed person released with ~~or without~~ supervision  
6 is not considered discharged from civil commitment under this  
7 chapter.

8 7. After being released with ~~or without~~ supervision, the  
9 person may petition the court for discharge as provided in  
10 section 229A.8.

11 8. The court shall retain jurisdiction over the committed  
12 person who has been released with ~~or without~~ supervision until  
13 the person is discharged from the program. The department  
14 of human services or a judicial district department of  
15 correctional services shall not be held liable for any acts  
16 committed by a committed person who has been ordered released  
17 with ~~or without~~ supervision.

18 Sec. 103. Section 229A.9B, Code 2018, is amended to read as  
19 follows:

20 **229A.9B Violations of release with ~~or without~~ supervision.**

21 1. If a committed person violates the release plan, the  
22 agency with jurisdiction over the person may request the  
23 ~~district~~ court to issue an emergency ex parte order directing  
24 any law enforcement officer to take the person into custody  
25 so that the person can be returned to a secure facility.  
26 The request for an ex parte order may be made orally or by  
27 telephone, but the original written request or a facsimile copy  
28 of the request shall be filed with the clerk of court no later  
29 than 4:30 p.m. on the next business day the office of the clerk  
30 of court is open.

31 2. If a committed person has absconded in violation of the  
32 conditions of the person's release plan, a presumption arises  
33 that the person poses a risk to public safety. The department  
34 of human services or contracting agency, in cooperation with  
35 local law enforcement agencies, may make a public announcement

1 about the absconder. The public announcement may include a  
2 description of the committed person, that the committed person  
3 is on release with ~~or without~~ supervision from the sexually  
4 violent predator program, and any other information pertinent  
5 to public safety.

6 3. Upon the return of the committed person to a secure  
7 facility, the director of human services or the director's  
8 designee shall notify the court that issued the ex parte  
9 order that the committed person has been returned to a secure  
10 facility, and the court shall set hearing ~~within five days~~ to  
11 determine if a violation occurred. If a court order was not  
12 issued, the director or the director's designee shall contact  
13 the nearest district court with jurisdiction to set a hearing  
14 to determine whether a violation of the conditions of the  
15 release plan occurred. The court shall schedule a hearing  
16 ~~within five days of~~ after receiving notice that the committed  
17 person has been returned to a secure facility.

18 4. At the hearing, the burden shall be upon the attorney  
19 general to show by a preponderance of the evidence that a  
20 violation of the release plan occurred.

21 5. If the court determines a violation occurred, the court  
22 shall receive release recommendations from the department of  
23 human services and either order that the committed person be  
24 returned to release with ~~or without~~ supervision or placed  
25 in a transitional release program, or be confined in a  
26 secure facility. The court may impose further conditions  
27 upon the committed person if returned to release with ~~or~~  
28 ~~without~~ supervision or placed in the transitional release  
29 program. If the court determines no violation occurred, the  
30 committed person shall be returned to release with ~~or without~~  
31 supervision.

32 Sec. 104. Section 232.68, subsection 2, paragraph a,  
33 subparagraph (3), Code 2018, is amended to read as follows:

34 (3) The commission of a sexual offense with or to a child  
35 pursuant to [chapter 709, section 726.2](#), or section 728.12,

1 subsection 1, as a result of the acts or omissions of the  
2 person responsible for the care of the child or of a person who  
3 is fourteen years of age or older and resides in a home with  
4 the child. Notwithstanding [section 702.5](#), the commission of  
5 a sexual offense under this subparagraph includes any sexual  
6 offense referred to in this subparagraph with or to a person  
7 under the age of eighteen years.

8 Sec. 105. Section 232.68, subsection 2, paragraph a,  
9 subparagraph (9), Code 2018, is amended to read as follows:

10 (9) (a) Knowingly A person who is responsible for the  
11 care of a child knowingly allowing a person another person  
12 custody or of, control or over, or unsupervised access to a  
13 child or minor child under the age of fourteen or a child with  
14 a physical or mental disability, after knowing the person  
15 other person is required to register or is on the sex offender  
16 registry under [chapter 692A](#) for a violation of [section 726.6](#).

17 (b) This subparagraph does not apply in any of the following  
18 circumstances:

19 (i) A child living with a parent or guardian who is a sex  
20 offender required to register or on the sex offender registry  
21 under chapter 692A.

22 (ii) A child living with a parent or guardian who is married  
23 to and living with a sex offender required to register or on  
24 the sex offender registry under chapter 692A.

25 (iii) A child who is a sex offender required to register or  
26 on the sex offender registry under chapter 692A who is living  
27 with the child's parent, guardian, or foster parent and is also  
28 living with the child to whom access was allowed.

29 (c) For purposes of this subparagraph, "control over" means  
30 any of the following:

31 (i) A person who has accepted, undertaken, or assumed  
32 supervision of a child from the parent or guardian of the  
33 child.

34 (ii) A person who has undertaken or assumed temporary  
35 supervision of a child without explicit consent from the parent

1 or guardian of the child.

2 Sec. 106. Section 901A.2, subsection 6, Code 2018, is  
3 amended to read as follows:

4 6. A person who has been placed in a transitional release  
5 program, released with ~~or without~~ supervision, or discharged  
6 pursuant to [chapter 229A](#), and who is subsequently convicted of  
7 a sexually predatory offense or a sexually violent offense,  
8 shall be sentenced to life in prison on the same terms as  
9 a class "A" felon under [section 902.1](#), notwithstanding any  
10 other provision of the Code to the contrary. The terms and  
11 conditions applicable to sentences for class "A" felons under  
12 chapters 901 through 909 shall apply to persons sentenced under  
13 this subsection. However, if the person commits a sexually  
14 violent offense which is a misdemeanor offense under chapter  
15 709, the person shall be sentenced to life in prison, with  
16 eligibility for parole as provided in [chapter 906](#).

17 DIVISION XVII

18 MEDICAID RETROACTIVE ELIGIBILITY

19 Sec. 107. 2017 Iowa Acts, chapter 174, section 12,  
20 subsection 15, paragraph a, subparagraph (7), is amended to  
21 read as follows:

22 (7) (a) Elimination of the three-month retroactive  
23 Medicaid coverage benefit for Medicaid applicants effective  
24 October 1, 2017. The department shall seek a waiver from  
25 the centers for Medicare and Medicaid services of the United  
26 States department of health and human services to implement  
27 the strategy. If federal approval is received, an applicant's  
28 Medicaid coverage shall be effective on the first day of the  
29 month of application, as allowed under the Medicaid state plan.

30 (b) Effective July 1, 2018, a three-month retroactive  
31 Medicaid coverage benefit shall apply to a Medicaid applicant  
32 who is otherwise Medicaid-eligible and is a resident of a  
33 nursing facility licensed under chapter 135C. The department  
34 shall seek federal approval for any Medicaid waiver or state  
35 plan amendment necessary to implement this subparagraph (b).



1 health programs utilizing maternal and child health programs,  
2 Medicaid, and other new or existing programs.

3 3. Leveraging federal, state, and local resources for  
4 programs under the purview of the bureau.

5 4. Facilitating ongoing strategic planning and application  
6 of evidence-based research in oral health care policy  
7 development that improves oral health care access and the  
8 overall oral health of all Iowans.

9 5. Developing and implementing an ongoing oral health  
10 surveillance system for the evaluation and monitoring of  
11 the oral health status of children and other underserved  
12 populations.

13 6. Facilitating the provision of oral health services  
14 through dental homes. For the purposes of this section,  
15 "*dental home*" means a network of individualized care based on  
16 risk assessment, which includes oral health education, dental  
17 screenings, preventive services, diagnostic services, treatment  
18 services, and emergency services.

19 Sec. 111. Section 135.175, subsection 1, paragraph a, Code  
20 2018, is amended to read as follows:

21 a. A health care workforce support initiative is established  
22 to provide for the coordination and support of various efforts  
23 to address the health care workforce shortage in this state.  
24 This initiative shall include the medical residency training  
25 state matching grants program created in [section 135.176](#),  
26 the nurse residency state matching grants program created in  
27 section 135.178, and the fulfilling Iowa's need for dentists  
28 matching grant program created in [section 135.179](#).

29 Sec. 112. Section 135.175, subsection 5, Code 2018, is  
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. b. The nurse residency state matching grants  
32 program account. The nurse residency state matching grants  
33 program account shall be under the control of the department  
34 and the moneys in the account shall be used for the purposes of  
35 the nurse residency state matching grants program as specified



1 in section 135.178. Moneys in the account shall consist of  
2 moneys appropriated or allocated for deposit in or received  
3 by the fund or the account and specifically dedicated to the  
4 nurse residency state matching grants program account for the  
5 purposes of such account.

6 Sec. 113. Section 135.175, subsection 6, paragraph a, Code  
7 2018, is amended to read as follows:

8 a. Moneys in the fund and the accounts in the fund shall  
9 only be appropriated in a manner consistent with the principles  
10 specified and the strategic plan developed pursuant to section  
11 135.163 to support the medical residency training state  
12 matching grants program, the nurse residency state matching  
13 grants program, the fulfilling Iowa's need for dentists  
14 matching grant program, and to provide funding for state health  
15 care workforce shortage programs as provided in [this section](#).

16 DIVISION XX

17 STATE TRAINING SCHOOL — ELDORA

18 Sec. 114. Section 233A.1, Code 2018, is amended to read as  
19 follows:

20 **233A.1 State training school — Eldora and ~~Toledo~~.**

21 1. Effective January 1, 1992, a diagnosis and evaluation  
22 center and other units are established at Eldora the  
23 state training school to provide ~~to~~ court-committed  
24 male juvenile delinquents a program which focuses upon  
25 appropriate developmental skills, treatment, placements, and  
26 rehabilitation.

27 2. The diagnosis and evaluation center which is used to  
28 identify appropriate treatment and placement alternatives for  
29 juveniles and any other units for juvenile delinquents which  
30 are located at Eldora ~~and the unit for juvenile delinquents at~~  
31 ~~Toledo~~ shall ~~together~~ be known as the "*state training school*".  
32 For the purposes of [this chapter](#) "*director*" means the director  
33 of human services and "*superintendent*" means the administrator  
34 in charge of the diagnosis and evaluation center for juvenile  
35 delinquents and other units at ~~Eldora and the unit for juvenile~~

1 ~~delinquents at Toledo~~ the state training school.

2 3. The number of children present at any one time at the  
3 state training school ~~at Eldora~~ shall not exceed the population  
4 guidelines established under 1990 Iowa Acts, ch. 1239, §21, as  
5 adjusted for subsequent changes in the capacity at the training  
6 school.

7 Sec. 115. Section 233A.14, Code 2018, is amended to read as  
8 follows:

9 **233A.14 Transfers to other institutions.**

10 The administrator may transfer to the ~~schools~~ state training  
11 school minor wards of the state from any institution under the  
12 administrator's charge but no person shall be so transferred  
13 who is mentally ill or has an intellectual disability. Any  
14 child in the ~~schools~~ state training school who is mentally ill  
15 or has an intellectual disability may be transferred by the  
16 administrator to the proper state institution.

17 Sec. 116. Section 915.29, subsection 1, unnumbered  
18 paragraph 1, Code 2018, is amended to read as follows:

19 The department of human services shall notify a registered  
20 victim regarding a juvenile adjudicated delinquent for a  
21 violent crime, committed to the custody of the department of  
22 human services, and placed at the state training school ~~at~~  
23 ~~Eldora or Toledo~~, of the following:

24 DIVISION XXI

25 GERIATRIC PATIENT HOUSING REVIEW

26 Sec. 117. GERIATRIC PATIENT HOUSING REVIEW.

27 1. During the 2018 legislative interim, the department  
28 on aging and the departments of human services, inspections  
29 and appeals, and corrections, cooperatively, shall review  
30 issues and develop policy recommendations relating to housing  
31 for geriatric persons, including geriatric individuals  
32 who are registered on the sex offender registry or who are  
33 sexually aggressive. The review shall address all aspects  
34 of the issue including the feasibility of private entities  
35 utilizing facilities located at Mount Pleasant, Clarinda,

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1 or other vacant, state-owned facilities to care for such  
2 geriatric persons; related workforce recruitment and training;  
3 requirements that a facility must meet in order to receive  
4 Medicaid reimbursement; and any other information or issues  
5 deemed appropriate by the agencies.

6 2. The agencies shall submit a joint report with  
7 recommendations to the governor and general assembly by  
8 December 15, 2018.

9

#### DIVISION XXII

10 DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION

11 Sec. 118. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES  
12 ACT FUNDS FOR FAMILY PLANNING.

13 1. The department of public health shall annually apply  
14 to the United States department of health and human services  
15 for grant funding under Tit. X of the federal Public Health  
16 Services Act, 42 U.S.C. §300 et seq. The department shall  
17 distribute all grant funding received to applicants in the  
18 following order of priority:

19 a. Public entities that provide family planning services  
20 including state, county, or local community health clinics and  
21 federally qualified health centers.

22 b. Nonpublic entities that, in addition to family planning  
23 services, provide required primary health services as described  
24 in 42 U.S.C. §254b(b)(1)(A).

25 c. Nonpublic entities that provide family planning  
26 services but do not provide required primary health services as  
27 described in 42 U.S.C. §254b(b)(1)(A).

28 2. Distribution of funds under this section shall be made in  
29 a manner that continues access to family planning services.

30 3. Distribution of funds shall not be made to any entity  
31 that performs abortions or that maintains or operates a  
32 facility where abortions are performed. For the purposes of  
33 this section, "abortion" does not include any of the following:

34 a. The treatment of a woman for a physical disorder,  
35 physical injury, or physical illness, including a

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1 life-endangering physical condition caused by or arising from  
2 the pregnancy itself, that would, as certified by a physician,  
3 place the woman in danger of death.

4 b. The treatment of a woman for a spontaneous abortion,  
5 commonly known as a miscarriage.

6 3A. a. For the purposes of this section, an entity that  
7 performs abortions or that maintains or operates a facility  
8 where abortions are performed shall not be interpreted to  
9 include a nonpublic entity that is a distinct location of  
10 a nonprofit health care delivery system, if the distinct  
11 location provides family planning services but does not perform  
12 abortions or maintain or operate as a facility where abortions  
13 are performed.

14 b. The department of public health shall adopt rules  
15 pursuant to chapter 17A to require that as a condition of  
16 receiving funds under this section, each distinct location of  
17 a nonprofit health care delivery system shall apply for and  
18 be awarded funds as a separate provider, shall be assigned a  
19 distinct provider identification number, and shall complete an  
20 attestation that abortions are not performed at the distinct  
21 location.

22 c. For the purposes of this section, "nonprofit health  
23 care delivery system" means an Iowa nonprofit corporation  
24 that controls, directly or indirectly, a regional health  
25 care network consisting of hospital facilities and various  
26 ambulatory and clinic locations that provide a range of  
27 primary, secondary, and tertiary inpatient, outpatient, and  
28 physician services.

29 4. Funds distributed in accordance with this section shall  
30 not be used for direct or indirect costs, including but not  
31 limited to administrative costs or expenses, overhead, employee  
32 salaries, rent, and telephone and other utility costs, related  
33 to providing abortions as specified in this section.

34 5. The department of public health shall submit a report to  
35 the governor and the general assembly, annually by January 1,

1 listing any entities that received funds pursuant to subsection  
2 1, paragraph "c", and the amount and type of funds received by  
3 such entities during the preceding calendar year. The report  
4 shall provide a detailed explanation of how the department  
5 determined that distribution of funds to such an entity,  
6 instead of to an entity described in subsection 1, paragraph  
7 "a" or "b", was necessary to prevent severe limitation or  
8 elimination of access to family planning services in the region  
9 of the state where the entity is located.

10 Sec. 119. ADMINISTRATION OF PERSONAL RESPONSIBILITY  
11 EDUCATION PROGRAM AND ABSTINENCE EDUCATION GRANT PROGRAM  
12 FUNDS. Any project period entered into on or after July 1,  
13 2018, by the department of public health to administer the  
14 personal responsibility education program as specified in  
15 42 U.S.C. §713 or to administer the abstinence education  
16 grant program authorized pursuant to section 510 of Tit.  
17 V of the federal Social Security Act, shall exclude as  
18 an eligible applicant any applicant entity that provides  
19 abortions, maintains or operates a facility where abortions  
20 are performed, or regularly makes referrals to an entity that  
21 provides abortions or maintains or operates a facility where  
22 abortions are performed. For the purposes of this section,  
23 such referrals include but are not limited to referrals made by  
24 reference to an internet site or by linking to an internet site  
25 maintained by an entity that provides abortions or maintains or  
26 operates a facility where abortions are performed.

27 Sec. 120. AWARD OF COMMUNITY ADOLESCENT PREGNANCY  
28 PREVENTION AND SERVICES PROGRAM GRANT FUNDS. Any project  
29 period entered into on or after July 1, 2018, by the department  
30 of human services to award a community adolescent pregnancy  
31 prevention and services program grant using federal temporary  
32 assistance for needy families block grant funds appropriated  
33 to the department shall exclude as an eligible applicant any  
34 applicant entity that provides abortions, maintains or operates  
35 a facility where abortions are performed, or regularly makes

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1 referrals to an entity that provides abortions or maintains or  
2 operates a facility where abortions are performed. For the  
3 purposes of this section, such referrals include but are not  
4 limited to referrals made by reference to an internet site or  
5 by linking to an internet site maintained by an entity that  
6 provides abortions or maintains or operates a facility where  
7 abortions are performed.

8

DIVISION XXIII

9

WRONGFUL BIRTH OR WRONGFUL LIFE CAUSE OF ACTION

10 Sec. 121. NEW SECTION. 613.15B Wrongful birth or wrongful  
11 life cause of action — prohibitions — exceptions.

12 1. A cause of action shall not arise and damages shall not  
13 be awarded, on behalf of any person, based on a wrongful birth  
14 claim that, but for an act or omission of the defendant, a  
15 child would not or should not have been born.

16 2. A cause of action shall not arise and damages shall not  
17 be awarded, on behalf of any person, based on a wrongful life  
18 claim that, but for an act or omission of the defendant, the  
19 person bringing the action would not or should not have been  
20 born.

21 3. The prohibitions specified in this section apply to any  
22 claim regardless of whether the child is born healthy or with a  
23 birth defect or disorder or other adverse medical condition.  
24 However, the prohibitions specified in this section shall not  
25 apply to any of the following:

26 a. A civil action for damages for an intentional or grossly  
27 negligent act or omission, including any act or omission that  
28 constitutes a public offense.

29 b. A civil action for damages for the intentional failure  
30 of a physician to comply with the duty imposed by licensure  
31 pursuant to chapter 148 to provide a patient with all  
32 information reasonably necessary to make decisions about a  
33 pregnancy.

34 Sec. 122. EFFECTIVE DATE. This division of this Act, being  
35 deemed of immediate importance, takes effect upon enactment.

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1 8. A medical cannabidiol manufacturer owner shall not have  
2 been convicted of a disqualifying felony offense and shall be  
3 subject to a background investigation conducted by the division  
4 of criminal investigation of the department of public safety  
5 and a national criminal history background check pursuant to  
6 section 124E.19.

7 Sec. 126. Section 124E.9, subsections 7 and 8, Code 2018,  
8 are amended to read as follows:

9 7. A medical cannabidiol dispensary shall not employ a  
10 person who is under eighteen years of age or who has been  
11 convicted of a disqualifying felony offense. An employee  
12 of a medical cannabidiol dispensary shall be subject to a  
13 background investigation conducted by the division of criminal  
14 investigation of the department of public safety and a national  
15 criminal history background check pursuant to section 124E.19.

16 8. A medical cannabidiol dispensary owner shall not have  
17 been convicted of a disqualifying felony offense and shall be  
18 subject to a background investigation conducted by the division  
19 of criminal investigation of the department of public safety  
20 and a national criminal history background check pursuant to  
21 section 124E.19.

22 Sec. 127. Section 124E.10, Code 2018, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 **124E.10 Fees.**

25 All fees collected by the department under this chapter  
26 shall be retained by the department for operation of the  
27 medical cannabidiol registration card program and the medical  
28 cannabidiol manufacturer and medical cannabidiol dispensary  
29 licensing programs. The moneys retained by the department  
30 shall be considered repayment receipts as defined in section  
31 8.2 and shall be used for any of the department's duties  
32 under this chapter, including but not limited to the addition  
33 of full-time equivalent positions for program services and  
34 investigations. Notwithstanding section 8.33, moneys retained  
35 by the department pursuant to this section shall not revert to



1 the general fund of the state but shall remain available for  
2 expenditure only for the purposes specified in this section.

3 Sec. 128. NEW SECTION. **124E.19 Background investigations.**

4 1. The division of criminal investigation of the  
5 department of public safety shall conduct thorough  
6 background investigations for the purposes of licensing  
7 medical cannabidiol manufacturers and medical cannabidiol  
8 dispensaries under this chapter. The results of any background  
9 investigation conducted pursuant to this section shall be  
10 presented to the department.

11 *a.* An applicant for a medical cannabidiol manufacturer  
12 license or a medical cannabidiol dispensary license and their  
13 owners, investors, and employees shall submit all required  
14 information on a form prescribed by the department of public  
15 safety.

16 *b.* The department shall charge an applicant for a medical  
17 cannabidiol manufacturer license or a medical cannabidiol  
18 dispensary license a fee determined by the department of public  
19 safety and adopted by the department by rule to defray the  
20 costs associated with background investigations conducted  
21 pursuant to the requirements of this section. The fee shall  
22 be in addition to any other fees charged by the department.  
23 The fee may be retained by the department of public safety and  
24 shall be considered repayment receipts as defined in section  
25 8.2.

26 2. The department shall require an applicant for a medical  
27 cannabidiol manufacturer license or a medical cannabidiol  
28 dispensary license, their owners and investors, and applicants  
29 for employment at a medical cannabidiol manufacturer or  
30 medical cannabidiol dispensary to submit fingerprints and other  
31 required identifying information to the department on a form  
32 prescribed by the department of public safety. The department  
33 shall submit the fingerprint cards and other identifying  
34 information to the division of criminal investigation of the  
35 department of public safety for submission to the federal

1 bureau of investigation for the purpose of conducting a  
2 national criminal history record check. The department may  
3 require employees and contractors involved in carrying out  
4 a background investigation to submit fingerprints and other  
5 identifying information for the same purpose.

6 3. The department may enter into a chapter 28E agreement  
7 with the department of public safety to meet the requirements  
8 of this section.

9 4. An applicant for a medical cannabidiol manufacturer  
10 license or a medical cannabidiol dispensary license shall  
11 submit information and fees required by this section at the  
12 time of application.

13 5. The results of background investigations conducted  
14 pursuant to this section shall not be considered public records  
15 under chapter 22.

16 Sec. 129. EFFECTIVE UPON ENACTMENT. This division of this  
17 Act, being deemed of immediate importance, takes effect upon  
18 enactment.

19 DIVISION XXVI

20 DEPARTMENT OF HUMAN SERVICES PROGRAMS AND ACTIVITIES

21 INMATES OF PUBLIC INSTITUTIONS — MEDICAID

22 Sec. 130. Section 249A.38, Code 2018, is amended to read as  
23 follows:

24 **249A.38 Inmates of public institutions — suspension or**  
25 **termination of medical assistance.**

26 1. ~~The following conditions shall apply to~~ Following the  
27 first thirty days of commitment, the department shall suspend  
28 the eligibility of an individual who is an inmate of a public  
29 institution as defined in [42 C.F.R. §435.1010](#), who is enrolled  
30 in the medical assistance program at the time of commitment to  
31 the public institution, and who remains eligible for medical  
32 assistance as an individual except for the individual's  
33 institutional status;

34 ~~a. The department shall suspend the individual's~~  
35 ~~eligibility for up to the initial twelve months of the period~~

1 of commitment. The department shall delay the suspension  
2 of eligibility for a period of up to the first thirty days  
3 of commitment if such delay is approved by the centers for  
4 Medicare and Medicaid services of the United States department  
5 of health and human services. If such delay is not approved,  
6 the department shall suspend eligibility during the entirety  
7 of the initial twelve months of the period of commitment.  
8 Claims submitted on behalf of the individual under the medical  
9 assistance program for covered services provided during the  
10 delay period shall only be reimbursed if federal financial  
11 participation is applicable to such claims.

12 *b.* The department shall terminate an individual's  
13 eligibility following a twelve-month period of suspension  
14 of the individual's eligibility under paragraph "a", during  
15 the period of the individual's commitment to the public  
16 institution.

17 2. *a.* A public institution shall provide the department and  
18 the social security administration with a monthly report of the  
19 individuals who are committed to the public institution and of  
20 the individuals who are discharged from the public institution.  
21 The monthly report to the department shall include the date  
22 of commitment or the date of discharge, as applicable, of  
23 each individual committed to or discharged from the public  
24 institution during the reporting period. The monthly report  
25 shall be made through the reporting system created by the  
26 department for public, nonmedical institutions to report inmate  
27 populations. Any medical assistance expenditures, including  
28 but not limited to monthly managed care capitation payments,  
29 provided on behalf of an individual who is an inmate of a  
30 public institution but is not reported to the department  
31 in accordance with this subsection, shall be the financial  
32 responsibility of the respective public institution.

33 *b.* The department shall provide a public institution with  
34 the forms necessary to be used by the individual in expediting  
35 restoration of the individual's medical assistance benefits

1 upon discharge from the public institution.

2 ~~3. This section applies to individuals as specified in~~  
3 ~~subsection 1 on or after January 1, 2012.~~

4 ~~4. 3.~~ The department may adopt rules pursuant to chapter  
5 17A to implement this section.

6 MEDICAID PROGRAM ADMINISTRATION

7 Sec. 131. MEDICAID PROGRAM ADMINISTRATION.

8 1. PROVIDER PROCESSES AND PROCEDURES.

9 a. When all of the required documents and other information  
10 necessary to process a claim have been received by a managed  
11 care organization, the managed care organization shall  
12 either provide payment to the claimant within the timelines  
13 specified in the managed care contract or, if the managed  
14 care organization is denying the claim in whole or in part,  
15 shall provide notice to the claimant including the reasons for  
16 such denial consistent with national industry best practice  
17 guidelines.

18 b. A managed care organization shall correct any identified  
19 system configuration error within a reasonable time frame  
20 approved by the department, and shall fully and accurately  
21 reprocess claims affected by such errors within thirty days  
22 of the successful system correction. The department shall  
23 define "system configuration error" as appropriate to include  
24 errors in provider data caused by a managed care organization  
25 or improper claims edits that result in incorrect payments to  
26 providers.

27 c. A managed care organization shall provide written notice  
28 to affected individuals at least sixty days prior to making  
29 any program or procedural change, as determined necessary by  
30 the department. The department shall develop and distribute a  
31 list of the types of changes that require the sixty-day notice  
32 to the managed care organizations effective July 1, 2018.  
33 Such changes may include but are not limited to billing and  
34 collection provisions, provider network provisions, member or  
35 provider services, and prior authorization requirements.

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1 d. The department of human services shall engage dedicated  
2 provider relations staff to assist Medicaid providers in  
3 resolving billing conflicts with managed care organizations  
4 including those involving denied claims, technical omissions,  
5 or incomplete information. If the provider relations staff  
6 observe trends evidencing fraudulent claims or improper  
7 reimbursement, the staff shall forward such evidence to the  
8 department of human services for further review.

9 e. The department of human services shall adopt rules  
10 pursuant to chapter 17A to require the inclusion by a managed  
11 care organization of advanced registered nurse practitioners  
12 and physician assistants as primary care providers for the  
13 purposes of population health management.

14 f. The department of human services shall provide for the  
15 development and shall require the use of standardized Medicaid  
16 provider enrollment forms to be used by the department and  
17 uniform Medicaid provider credentialing specifications to be  
18 used by managed care organizations.

19 2. MEMBER SERVICES AND PROCESSES.

20 a. If a Medicaid member is receiving court-ordered services  
21 or treatment for a substance-related disorder pursuant to  
22 chapter 125 or for a mental illness pursuant to chapter 229,  
23 such services or treatment shall be provided and reimbursed  
24 for an initial period of three days before a managed care  
25 organization may apply medical necessity criteria to determine  
26 the most appropriate services, treatment, or placement for the  
27 Medicaid member.

28 b. The department of human services shall maintain and  
29 update Medicaid member eligibility files in a timely manner  
30 consistent with national industry best practices.

31 c. The department of human services shall utilize an  
32 independent, external quality review vendor to complete a  
33 review of a random case sample of decreased level of care  
34 determinations using national best practices to ensure that  
35 appropriate medically necessary services are provided to

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1 meet Medicaid member needs. The department shall report the  
2 findings of the review to the governor and the general assembly  
3 by December 15, 2018, including any plan necessary to address  
4 the findings.

5 d. The department of human services, on an annual basis,  
6 shall conduct an analysis of all Medicaid member appeals that  
7 have been dismissed, withdrawn, or overturned to determine  
8 if there are any negative patterns or trends based on the  
9 analysis. The services of any member whose appeal is subject  
10 to the analysis shall continue for the period during which an  
11 interdisciplinary team conducts a new assessment to determine  
12 which services are medically necessary for that member, which  
13 period shall not exceed ninety days. A report of the analysis  
14 and findings shall be submitted to the governor and the general  
15 assembly on a biannual basis and the department shall develop a  
16 plan as necessary to address any negative patterns or trends  
17 identified by the analysis.

18 3. MEDICAID PROGRAM REVIEW AND OVERSIGHT.

19 a. (1) The department of human services shall facilitate a  
20 workgroup, in collaboration with representatives of the managed  
21 care organizations and health home providers, to review the  
22 health home programs. The review shall include all of the  
23 following:

24 (a) An analysis of the state plan amendments applicable to  
25 health homes.

26 (b) An analysis of the current health home system, including  
27 the rationale for any recommended changes.

28 (c) The development of a clear and consistent delivery  
29 model linked to program-determined outcomes and data reporting  
30 requirements.

31 (d) A work plan to be used in communicating with  
32 stakeholders regarding the administration and operation of the  
33 health home programs.

34 (2) The department of human services shall submit a  
35 report of the workgroup's findings, recommendations, and

1 any actions taken by December 15, 2018, to the governor and  
2 to the Eighty-eighth General Assembly, 2019 session, for  
3 consideration.

4 (3) The workgroup and the workgroup's activities shall  
5 not affect the department's authority to apply or enforce the  
6 Medicaid state plan amendment relative to health homes.

7 b. The department of human services, in collaboration  
8 with Medicaid providers and managed care organizations, shall  
9 initiate a review process to determine the effectiveness of  
10 prior authorizations used by the managed care organizations  
11 with the goal of making adjustments based on relevant  
12 service costs and member outcomes data utilizing existing  
13 industry-accepted standards. Prior authorization policies  
14 shall comply with existing rules, guidelines, and procedures  
15 developed by the centers for Medicare and Medicaid services of  
16 the United States department of health and human services.

17 c. The department of human services shall enter into a  
18 contract with an independent review organization to perform  
19 an audit of a random sample of small dollar claims paid to  
20 or denied Medicaid long-term services and supports providers  
21 during the first quarter of the 2018 calendar year. The  
22 department of human services shall submit a report of  
23 the findings of the audit to the governor and the general  
24 assembly by February 1, 2019. The department may take any  
25 action specified in the managed care contract relative to  
26 any claim the auditor determines to be incorrectly paid or  
27 denied, subject to appeal by the managed care organization  
28 to the director of human services. For the purposes of this  
29 paragraph, "small dollar claims" means those claims less than  
30 or equal to two thousand five hundred dollars.

31 MEDICAID PROGRAM PHARMACY COPAYMENT

32 Sec. 132. 2005 Iowa Acts, chapter 167, section 42, is  
33 amended to read as follows:

34 SEC. 42. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER THE  
35 MEDICAL ASSISTANCE PROGRAM. The department of human services

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1 shall require recipients of medical assistance to pay the  
2 following copayments a copayment of \$1 on each prescription  
3 filled for a covered prescription drug, including each refill  
4 of such prescription, ~~as follows:~~

5 ~~1. A copayment of \$1 on each prescription filled for each~~  
6 ~~covered nonpreferred generic prescription drug.~~

7 ~~2. A copayment of \$1 for each covered preferred brand-name~~  
8 ~~or generic prescription drug.~~

9 ~~3. A copayment of \$1 for each covered nonpreferred~~  
10 ~~brand-name prescription drug for which the cost to the state is~~  
11 ~~up to and including \$25.~~

12 ~~4. A copayment of \$2 for each covered nonpreferred~~  
13 ~~brand-name prescription drug for which the cost to the state is~~  
14 ~~more than \$25 and up to and including \$50.~~

15 ~~5. A copayment of \$3 for each covered nonpreferred~~  
16 ~~brand-name prescription drug for which the cost to the state~~  
17 ~~is more than \$50.~~

18 MEDICAL ASSISTANCE ADVISORY COUNCIL

19 Sec. 133. Section 249A.4B, subsection 2, paragraph a,  
20 subparagraphs (27) and (28), Code 2018, are amended by striking  
21 the subparagraphs.

22 Sec. 134. MEDICAL ASSISTANCE ADVISORY COUNCIL — REVIEW OF  
23 MEDICAID MANAGED CARE REPORT DATA. The executive committee  
24 of the medical assistance advisory council shall review  
25 the data collected and analyzed for inclusion in periodic  
26 reports to the general assembly, including but not limited  
27 to the information and data specified in 2016 Iowa Acts,  
28 chapter 1139, section 93, to determine which data points and  
29 information should be included and analyzed to more accurately  
30 identify trends and issues with, and promote the effective and  
31 efficient administration of, Medicaid managed care for all  
32 stakeholders. At a minimum, the areas of focus shall include  
33 consumer protection, provider network access and safeguards,  
34 outcome achievement, and program integrity. The executive  
35 committee shall report its findings and recommendations to the

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1 medical assistance advisory council for review and comment by  
2 October 1, 2018, and shall submit a final report of findings  
3 and recommendations to the governor and the general assembly by  
4 December 31, 2018.

5 TARGETED CASE MANAGEMENT AND INPATIENT PSYCHIATRIC SERVICES  
6 REIMBURSEMENT

7 Sec. 135. Section 249A.31, Code 2018, is amended to read as  
8 follows:

9 **249A.31 Cost-based reimbursement.**

10 ~~1. Providers of individual case management services for~~  
11 ~~persons with an intellectual disability, a developmental~~  
12 ~~disability, or chronic mental illness shall receive cost-based~~  
13 ~~reimbursement for one hundred percent of the reasonable~~  
14 ~~costs for the provision of the services in accordance with~~  
15 ~~standards adopted by the mental health and disability services~~  
16 ~~commission pursuant to [section 225C.6](#). Effective July 1, 2018,~~  
17 ~~targeted case management services shall be reimbursed based~~  
18 ~~on a statewide fee schedule amount developed by rule of the~~  
19 ~~department pursuant to chapter 17A.~~

20 2. ~~Effective July 1, 2010~~ 2014, ~~the department shall apply~~  
21 ~~a cost-based reimbursement methodology for reimbursement of~~  
22 ~~psychiatric medical institution for children providers of~~  
23 ~~inpatient psychiatric services for individuals under twenty-one~~  
24 ~~years of age shall be reimbursed as follows:~~

25 a. For non-state-owned providers, services shall be  
26 reimbursed according to a fee schedule without reconciliation.

27 b. For state-owned providers, services shall be reimbursed  
28 at one hundred percent of the actual and allowable cost of  
29 providing the service.

30 DIVISION XXVII

31 PREAPPLICATION SCREENING ASSESSMENT

32 Sec. 136. Section 229.5A, Code 2018, is amended to read as  
33 follows:

34 **229.5A Preapplication screening assessment — program.**

35 Prior to filing an application pursuant to [section 229.6](#),

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1 the clerk of the district court or the clerk's designee  
2 shall inform the interested person referred to in section  
3 229.6, subsection 1, about the option of requesting a  
4 preapplication screening assessment through a preapplication  
5 screening assessment program, if available. ~~The state court~~  
6 ~~administrator shall prescribe practices and procedures for~~  
7 ~~implementation of the preapplication screening assessment~~  
8 ~~program.~~

9 Sec. 137. Section 602.1209, subsection 16, Code 2018, is  
10 amended to read as follows:

11 16. Prescribe practices and procedures for the  
12 implementation of the preapplication screening assessment  
13 program referred to in [sections section 125.74](#) and ~~229.5A~~.

14 DIVISION XXVIII

15 COVERAGE OF BEHAVIORAL HEALTH SERVICES PROVIDED BY CERTAIN  
16 PROVIDERS

17 Sec. 138. Section 249A.15, Code 2018, is amended to read as  
18 follows:

19 **249A.15 Licensed psychologists eligible for payment —**  
20 **provisional licensees.**

21 1. The department shall adopt rules pursuant to chapter  
22 17A entitling psychologists who are licensed pursuant to  
23 chapter 154B and psychologists who are licensed in the state  
24 where the services are provided and have a doctorate degree  
25 in psychology, have had at least two years of clinical  
26 experience in a recognized health setting, or have met the  
27 standards of a national register of health service providers  
28 in psychology, to payment for services provided to recipients  
29 of medical assistance, subject to limitations and exclusions  
30 the department finds necessary on the basis of federal laws and  
31 regulations and of funds available for the medical assistance  
32 program. The rules shall also provide that an individual, who  
33 holds a provisional license to practice psychology pursuant  
34 to section 154B.6, is entitled to payment under this section  
35 for services provided to recipients of medical assistance,

1 when such services are provided under the supervision of a  
2 supervisor who meets the qualifications determined by the board  
3 of psychology by rule, and claims for payment for such services  
4 are submitted by the supervisor.

5 2. Entitlement to payment under this section is applicable  
6 to services provided to recipients of medical assistance  
7 under both the fee-for-service and managed care payment and  
8 delivery systems. Neither the fee-for-service nor the managed  
9 care payment and delivery system shall impose a practice  
10 or supervision restriction which is inconsistent with or  
11 more restrictive than the authority already granted by law,  
12 including the authority to provide supervision in person or  
13 remotely through electronic means as specified by rule of the  
14 board of psychology.

15 Sec. 139. Section 249A.15A, Code 2018, is amended to read  
16 as follows:

17 **249A.15A Licensed marital and family therapists, licensed**  
18 **master social workers, licensed mental health counselors, and**  
19 **certified alcohol and drug counselors — temporary licensees.**

20 1. The department shall adopt rules pursuant to chapter  
21 17A entitling marital and family therapists who are licensed  
22 pursuant to [chapter 154D](#) to payment for behavioral health  
23 services provided to recipients of medical assistance, subject  
24 to limitations and exclusions the department finds necessary  
25 on the basis of federal laws and regulations. The rules shall  
26 also provide that a marital and family therapist, who holds  
27 a temporary license to practice marital and family therapy  
28 pursuant to section 154D.7, is entitled to payment under this  
29 section for behavioral health services provided to recipients  
30 of medical assistance, when such services are provided under  
31 the supervision of a qualified supervisor as determined by the  
32 board of behavioral science by rule, and claims for payment for  
33 such services are submitted by the qualified supervisor.

34 2. The department shall adopt rules pursuant to chapter  
35 17A entitling master social workers who hold a master's

1 degree approved by the board of social work, are licensed as  
2 a master social worker pursuant to section 154C.3, subsection  
3 1, paragraph "b", and provide treatment services under the  
4 supervision of an independent social worker licensed pursuant  
5 to [section 154C.3, subsection 1](#), paragraph "c", to payment  
6 for behavioral health services provided to recipients of  
7 medical assistance, subject to limitations and exclusions the  
8 department finds necessary on the basis of federal laws and  
9 regulations.

10 3. The department shall adopt rules pursuant to [chapter 17A](#)  
11 entitling mental health counselors who are licensed pursuant  
12 to [chapter 154D](#) to payment for behavioral health services  
13 provided to recipients of medical assistance, subject to  
14 limitations and exclusions the department finds necessary on  
15 the basis of federal laws and regulations. The rules shall  
16 also provide that a mental health counselor, who holds a  
17 temporary license to practice mental health counseling pursuant  
18 to section 154D.7, is entitled to payment under this section  
19 for behavioral health services provided to recipients of  
20 medical assistance, when such services are provided under the  
21 supervision of a qualified supervisor as determined by the  
22 board of behavioral science by rule, and claims for payment for  
23 such services are submitted by the qualified supervisor.

24 4. The department shall adopt rules pursuant to [chapter 17A](#)  
25 entitling alcohol and drug counselors who are certified by the  
26 nongovernmental Iowa board of substance abuse certification to  
27 payment for behavioral health services provided to recipients  
28 of medical assistance, subject to limitations and exclusions  
29 the department finds necessary on the basis of federal laws and  
30 regulations.

31 5. Entitlement to payment under this section is applicable  
32 to services provided to recipients of medical assistance  
33 under both the fee-for-service and managed care payment and  
34 delivery systems. Neither the fee-for-service nor the managed  
35 care payment and delivery system shall impose a practice

1 or supervision restriction which is inconsistent with or  
2 more restrictive than the authority already granted by law,  
3 including the authority to provide supervision in person or  
4 remotely through electronic means as specified by rule of the  
5 applicable licensing board.

6 Sec. 140. NEW SECTION. **514C.32 Services provided by**  
7 **certain licensed master social workers, licensed mental health**  
8 **counselors, and licensed marital and family therapists.**

9 1. Notwithstanding section 514C.6, a policy or contract  
10 providing for third-party payment or prepayment of health or  
11 medical expenses shall include a provision for the payment of  
12 necessary behavioral health services provided by any of the  
13 following:

14 a. A licensed master social worker who is licensed by the  
15 board of social work as a master social worker pursuant to  
16 section 154C.3, subsection 1, paragraph "b", and who provides  
17 services under the supervision of an independent social worker  
18 licensed pursuant to section 154C.3, subsection 1, paragraph  
19 "c".

20 b. A licensed mental health counselor or a licensed  
21 marital and family therapist who holds a temporary license to  
22 practice mental health counseling or marital and family therapy  
23 pursuant to section 154D.7, and who provides services under  
24 the supervision of a qualified supervisor as determined by the  
25 board of behavioral science by rule.

26 2. A policy or contract subject to this section shall  
27 not impose a practice or supervision restriction which is  
28 inconsistent with or more restrictive than the authority  
29 already granted by law, including the authority to provide  
30 supervision in person or remotely through electronic means as  
31 specified by rule of the applicable licensing board.

32 3. The requirements of this section apply to and supersede  
33 any conflicting requirements regarding services provided under  
34 a policy or contract, which is delivered, issued for delivery,  
35 continued, or renewed in this state on or after the effective

1 date of this Act, and apply to and supersede any conflicting  
2 requirements regarding services contained in an existing policy  
3 or contract on the policy's or contract's anniversary or  
4 renewal date, whichever is later.

5 4. For the purposes of this section, third-party payment or  
6 prepayment includes an individual or group policy of accident  
7 or health insurance or individual or group hospital or health  
8 care service contract issued pursuant to chapter 509, 514, or  
9 514A, an individual or group health maintenance organization  
10 contract issued and regulated under chapter 514B, or a  
11 preferred provider organization contract regulated pursuant to  
12 chapter 514F.

13 5. Nothing in this section shall be interpreted to require  
14 an individual or group health maintenance organization or a  
15 preferred provider organization or arrangement to provide  
16 payment or prepayment for services provided by a licensed  
17 master social worker providing behavioral health services  
18 under the supervision of an independent social worker, or to  
19 a licensed mental health counselor or licensed marital and  
20 family therapist who holds a temporary license to practice  
21 mental health counseling or marital and family therapy  
22 providing behavioral health services under the supervision of  
23 a qualified supervisor, as specified in this section, unless  
24 the supervising independent social worker or the qualified  
25 supervisor, respectively, has entered into a contract or other  
26 agreement to provide behavioral health services with the  
27 individual or group health maintenance organization or the  
28 preferred provider organization or arrangement.

29 Sec. 141. NEW SECTION. 514C.33 **Services provided by**  
30 **provisionally licensed psychologists.**

31 1. Notwithstanding section 514C.6, a policy or contract  
32 providing for third-party payment or prepayment of health or  
33 medical expenses shall include a provision for the payment of  
34 necessary behavioral health services provided by a person who  
35 holds a provisional license to practice psychology pursuant to

1 section 154B.6, and who practices under the supervision of a  
2 supervisor who meets the qualifications determined by the board  
3 of psychology by rule.

4 2. A policy or contract subject to this section shall  
5 not impose a practice or supervision restriction which is  
6 inconsistent with or more restrictive than the authority  
7 already granted by law, including the authority to provide  
8 supervision in person or remotely through electronic means as  
9 specified by rule of the board of psychology.

10 3. The requirements of this section apply to and supersede  
11 any conflicting requirements regarding services provided under  
12 a policy or contract which is delivered, issued for delivery,  
13 continued, or renewed in this state on or after the effective  
14 date of this Act, and apply to and supersede any conflicting  
15 requirements regarding services contained in an existing policy  
16 or contract on the policy's or contract's anniversary or  
17 renewal date, whichever is later.

18 4. For the purposes of this section, third-party payment or  
19 prepayment includes an individual or group policy of accident  
20 or health insurance or individual or group hospital or health  
21 care service contract issued pursuant to chapter 509, 514, or  
22 514A, an individual or group health maintenance organization  
23 contract issued and regulated under chapter 514B, or a  
24 preferred provider organization contract regulated pursuant to  
25 chapter 514F.

26 5. Nothing in this section shall be interpreted to require  
27 an individual or group health maintenance organization or a  
28 preferred provider organization or arrangement to provide  
29 payment or prepayment for services provided by a provisionally  
30 licensed psychologist providing behavioral health services  
31 under the supervision of a supervisor as specified in this  
32 section, unless the supervisor has entered into a contract or  
33 other agreement to provide behavioral health services with the  
34 individual or group health maintenance organization or the  
35 preferred provider organization or arrangement.

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