

Senate Amendment to
House File 2673

H-8336

1 Amend House File 2673, as amended, passed, and reprinted by
2 the House, as follows:

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

5 <DIVISION I

6 BEHAVIORAL HEALTH SERVICE SYSTEM

7 Section 1. NEW SECTION. 225A.1 Definitions.

8 As used in this chapter unless the context otherwise
9 requires:

10 1. "*Administrative services organization*" means an entity
11 designated by the department pursuant to section 225A.4, to
12 develop and perform planning and administrative services in
13 accordance with a district behavioral health service system
14 plan.

15 2. "*Behavioral health condition*" means a substantial
16 limitation in major life activities due to a mental,
17 behavioral, or addictive disorder or condition diagnosed in
18 accordance with the criteria provided in the most current
19 edition of the diagnostic and statistical manual of mental
20 disorders, published by the American psychiatric association.

21 3. "*Behavioral health district*" or "*district*" means a
22 geographic, multicounty, sub-state area as designated by the
23 department under section 225A.4.

24 4. "*Behavioral health provider*" or "*provider*" means an
25 individual, firm, corporation, association, or institution
26 that, pursuant to this chapter, is providing or has been
27 approved by the department to provide services to an individual
28 with a behavioral health condition.

29 5. "*Behavioral health service system*" means the behavioral
30 health service system established in section 225A.3.

31 6. "*Caregiver*" means an adult family member, or other
32 individual, who is providing care to a person outside of a
33 formal program.

34 7. "*Community mental health center*" means an entity
35 designated by the department to address the mental health needs

1 of one or more counties.

2 8. "*Department*" means the department of health and human
3 services.

4 9. "*Director*" means the director of the department of health
5 and human services.

6 10. "*District behavioral health advisory council*"
7 or "*advisory council*" means a council established by an
8 administrative services organization under section 225A.5, to
9 identify opportunities, address challenges, and advise the
10 administrative services organization in accordance with section
11 225A.5.

12 11. "*District behavioral health service system plan*" or
13 "*district behavioral health plan*" means a plan developed by
14 an administrative services organization and approved by the
15 department to outline the services intended to be provided
16 within the administrative services organization's behavioral
17 health district.

18 12. "*Indicated prevention*" means prevention activities
19 designed to prevent the onset of substance use disorders in
20 individuals who do not meet the medical criteria for addiction,
21 but who show early signs of developing a substance use disorder
22 in the future.

23 13. "*Selective prevention*" means prevention activities
24 designed to target subsets of the total population who are
25 considered at-risk for a substance use disorder by virtue of
26 their membership in a particular segment of the population.
27 Selective prevention targets the entire subgroup, regardless of
28 the degree of risk of any individual within the group.

29 14. "*State behavioral health service system plan*" or
30 "*state behavioral health plan*" means the plan developed by the
31 department that describes the key components of the state's
32 behavioral health service system.

33 15. "*Universal prevention*" means prevention activities
34 designed to address an entire population class for the purpose
35 of preventing or delaying the use of alcohol, tobacco, and

1 other drugs. Population classes include but are not limited
2 to the national population, local populations, community
3 populations, school populations, and neighborhood populations.

4 Sec. 2. NEW SECTION. **225A.2 State mental health authority**
5 **— state agency for substance abuse.**

6 1. The department is designated as the state mental health
7 authority as defined in 42 U.S.C. §201(m) for the purpose of
8 directing benefits from the federal community mental health
9 services block grant, 42 U.S.C. §300x et seq., and the state
10 authority designated for the purpose of directing benefits
11 from the federal substance abuse prevention and treatment
12 block grant, 42 U.S.C. §300x-21 et seq. This designation
13 does not preclude the state board of regents from authorizing
14 or directing any institution under the board of regents'
15 jurisdiction to carry out educational, prevention, and research
16 activities in the areas of mental health and intellectual
17 disability.

18 2. The department is designated as the single state agency
19 for substance abuse for the purposes of 42 U.S.C. §1396a et
20 seq.

21 3. For the purposes of effectuating the department's roles
22 designated in this section, the department shall have the
23 following powers and the authority to take all of the following
24 actions:

25 a. Plan, establish, and maintain prevention, education,
26 early intervention, treatment, recovery support, and crisis
27 services programs as necessary or desirable for the behavioral
28 health service system established in section 225A.3.

29 b. Develop and submit a state plan as required by, and in
30 accordance with, 42 U.S.C. §300x-1.

31 c. Review and approve district behavioral health service
32 system plans developed in accordance with the state behavioral
33 health service system plan.

34 d. Perform all necessary acts to cooperate with any state
35 agency, political subdivision, or federal government agency to

1 apply for grants.

2 *e.* Solicit and accept for use any gift of money by will or
3 otherwise, and any grant of money or services from the federal
4 government, the state, or any political subdivision thereof,
5 or any private source.

6 *f.* Collect and maintain records, engage in studies and
7 analyses, and gather relevant statistics.

8 *g.* Take any other actions as necessary to execute the
9 duties granted to the department in this chapter, or that
10 are otherwise required to maintain compliance with federal
11 requirements related to the department's roles as designated in
12 this section.

13 **Sec. 3. NEW SECTION. 225A.3 Behavioral health service**
14 **system — department powers and duties.**

15 1. *a.* A behavioral health service system is established
16 under the control of the department for the purposes of
17 implementing a statewide system of prevention, education, early
18 intervention, treatment, recovery support, and crisis services
19 related to mental health and addictive disorders, including but
20 not limited to alcohol use, substance use, tobacco use, and
21 problem gambling.

22 *b.* The behavioral health service system shall support
23 equitable statewide access to all services offered through
24 the behavioral health service system and offer specialized
25 services with a focus on at-risk populations including but not
26 limited to children, youth, young adults, individuals with
27 disabilities, pregnant and parenting women, older adults, and
28 people with limited access to financial resources.

29 *c.* Services offered through the behavioral health service
30 system shall, at a minimum, include all of the following:

31 (1) Prevention intervention services and education
32 programs designed to reduce and mitigate behavioral health
33 conditions and future behavioral health conditions. Prevention
34 intervention programs shall incorporate indicated prevention,
35 selective prevention, and universal prevention activities.

1 (2) Evidence-based and evidence-informed early intervention
2 and treatment services.

3 (3) Comprehensive recovery support services with a focus on
4 community-based services that avoid, divert, or offset the need
5 for long-term inpatient services, law enforcement involvement,
6 or incarceration.

7 (4) Crisis services with a focus on reducing the escalation
8 of crisis situations, relieving the immediate distress of
9 individuals experiencing a crisis situation, and reducing the
10 risk that individuals in a crisis situation harm themselves.

11 2. To the extent funding is available, the department shall
12 perform all of the following duties to develop and administer
13 the behavioral health service system:

14 a. (1) Develop a state behavioral health service system
15 plan that accomplishes all of the following:

16 (a) Identifies the goals, objectives, and targeted outcomes
17 for the behavioral health service system.

18 (b) Identifies the strategies to meet system objectives and
19 ensure equitable access statewide to prevention, education,
20 early intervention, treatment, recovery support, and crisis
21 services.

22 (c) Is consistent with the state health improvement plan
23 developed under section 217.17.

24 (d) Is consistent with the department's agency strategic
25 plan adopted pursuant to section 8E.206.

26 (2) The department shall do all of the following when
27 developing the state behavioral health service system plan:

28 (a) Collaborate with stakeholders including but not limited
29 to county supervisors and other local elected officials,
30 experienced behavioral health providers, and organizations that
31 represent populations, including but not limited to children,
32 served by the behavioral health service system.

33 (b) Publish the proposed state behavioral health service
34 system plan on the department's internet site and allow the
35 public to review and comment on the proposed state behavioral

1 health system plan prior to the adoption of the proposed state
2 behavioral health plan.

3 *b.* Administer and distribute state appropriations, federal
4 aid, and grants that have been deposited into the behavioral
5 health fund established in section 225A.7.

6 *c.* Oversee, provide technical assistance to, and
7 monitor administrative services organizations to ensure the
8 administrative services organizations' compliance with district
9 behavioral health plans.

10 *d.* Collaborate with the department of inspections, appeals,
11 and licensing on the accreditation, certification, and
12 licensure of behavioral health providers including but not
13 limited to the approval, denial, revocation, or suspension of
14 a behavioral health provider's accreditation, certification,
15 or licensure.

16 *e.* Develop and adopt minimum accreditation standards for
17 the maintenance and operation of community mental health
18 centers to ensure that each community mental health center,
19 and each entity that provides services under contract with a
20 community mental health center, furnishes high-quality mental
21 health services to the community that the community mental
22 health center serves in accordance with rules adopted by the
23 department.

24 *f.* Designate community mental health centers.

25 *g.* Conduct formal accreditation reviews of community mental
26 health centers based on minimum accreditation standards adopted
27 by the department pursuant to paragraph "e".

28 *h.* Establish and maintain a data collection and management
29 information system to identify, collect, and analyze service
30 outcome and performance data to address the needs of patients,
31 providers, the department, and programs operating within the
32 behavioral health service system.

33 *i.* Collect, monitor, and utilize information including but
34 not limited to behavioral health service system patient records
35 and syndromic surveillance data to understand emerging needs,

1 and to deploy information, resources, and technical assistance
2 in response.

3 *j.* Collaborate with the department of revenue for
4 enforcement of tobacco laws, regulations, and ordinances and
5 engage in tobacco control activities.

6 *k.* Adopt rules pursuant to chapter 17A to administer this
7 chapter. Such rules shall include but not be limited to rules
8 that provide for all of the following:

9 (1) Minimum access standards to ensure equitable access to
10 services provided through the behavioral health service system
11 including but not limited to when services are available, who
12 is eligible for services, and where services are available.

13 (2) Methods to ensure each individual who is eligible
14 for services receives an uninterrupted continuum of care for
15 prevention, education, early intervention, treatment, recovery
16 support, and crisis services.

17 (3) Standards for the implementation and maintenance
18 of behavioral health programs and services offered by the
19 behavioral health service system, and by each administrative
20 services organization.

21 (4) Procedures for the management and oversight of
22 behavioral health providers to ensure compliance with the terms
23 of the behavioral health providers' contracts relating to the
24 behavioral health service system, and with state and federal
25 law and rules.

26 (5) Procedures for the suspension of an administrative
27 services organization's services due to the administrative
28 services organization's failure to comply with the terms and
29 conditions of its contract with the department.

30 (6) Procedures for the reallocation of funds from
31 an administrative services organization that is not in
32 compliance with the terms of its contract with the department
33 to an alternative administrative services organization or
34 a behavioral health provider to provide for services the
35 noncompliant administrative services organization failed to

1 provide.

2 (7) Procedures for the termination of an administrative
3 services organization's designation as an administrative
4 services organization.

5 (8) Procedures for the collection, utilization, and
6 maintenance of the data necessary to establish a central data
7 repository in accordance with section 225A.6.

8 (9) Any other requirements the department deems necessary
9 to ensure that an administrative services organization
10 fulfills the administrative services organization's duties
11 as established in this chapter, and as established in the
12 administrative services organization's district behavioral
13 health plan.

14 Sec. 4. NEW SECTION. **225A.4 Behavioral health service**
15 **system — districts and administrative services organizations.**

16 1. *a.* The department shall divide the entirety of the
17 state into designated behavioral health districts. Behavioral
18 health prevention, education, early intervention, treatment,
19 recovery support, and crisis services related to mental health
20 and addictive disorders, including but not limited to alcohol
21 use, substance use, tobacco use, and problem gambling, shall
22 be made available through each behavioral health district in a
23 manner consistent with directives each district receives from
24 the department.

25 *b.* For the purpose of providing equitable access to all
26 services provided through the behavioral health service
27 system, the department shall consider all of the following when
28 designating behavioral health districts:

29 (1) City and county lines.

30 (2) The maximum population size that behavioral health
31 services available in an area are able to effectively serve.

32 (3) Areas of high need for behavioral health services.

33 (4) Patterns various populations exhibit when accessing or
34 receiving behavioral health services.

35 *c.* Notwithstanding chapter 17A, the manner in which the

1 department designates behavioral health districts including but
2 not limited to the determination of the boundaries for each
3 district shall not be subject to judicial review.

4 2. a. The department shall designate an administrative
5 services organization for each behavioral health district to
6 oversee and organize each district and the behavioral health
7 services associated with the district. The department shall
8 issue requests for proposals for administrative services
9 organization candidates.

10 b. At the department's discretion, the department may
11 designate any of the following entities as an administrative
12 services organization:

13 (1) An organization that coordinated administrative
14 services or mental health and disability services for a mental
15 health and disability services region formed on or before June
16 30, 2024.

17 (2) A public or private nonprofit agency located in a
18 behavioral health district, or any separate organizational
19 unit within the public or private nonprofit agency, that has
20 the capabilities to engage in the planning or provision of a
21 broad range of behavioral health prevention, education, early
22 intervention, treatment, recovery support, and crisis services
23 related to mental health and addictive disorders, including but
24 not limited to alcohol use, substance use, tobacco use, and
25 problem gambling, only as directed by the department.

26 c. The department shall consider all of the following
27 factors in determining whether to designate an entity as an
28 administrative services organization:

29 (1) Whether the entity has demonstrated the capacity to
30 manage and utilize available resources in a manner required of
31 an administrative services organization.

32 (2) Whether the entity has demonstrated the ability to
33 ensure the delivery of behavioral health services within the
34 district as required by the department by rule.

35 (3) Whether the entity has demonstrated the ability to

1 fulfill the monitoring, oversight, and provider compliance
2 responsibilities as required by the department by rule.

3 (4) Whether the entity has demonstrated the capacity to
4 function as a subrecipient for the purposes of the federal
5 community mental health services block grant, 42 U.S.C.
6 §300x et seq., and the federal substance abuse prevention and
7 treatment block grant, 42 U.S.C. §300x-21 et seq., and the
8 ability to comply with all federal requirements applicable to
9 subrecipients under the block grants.

10 3. a. Upon designation by the department, an administrative
11 services organization shall be considered an instrumentality of
12 the state and shall adhere to all state and federal mandates
13 and prohibitions applicable to an instrumentality of the state.

14 b. An entity's designation as an administrative services
15 organization shall continue until the designation is removed
16 by the department, the administrative services organization
17 withdraws, or a change in state or federal law necessitates the
18 removal of the designation.

19 4. Each administrative services organization shall function
20 as a subrecipient for the purposes of the federal community
21 mental health services block grant, 42 U.S.C. §300x et seq.,
22 and the federal substance abuse prevention and treatment block
23 grant, 42 U.S.C. §300x-21 et seq., and shall comply with all
24 federal requirements applicable to subrecipients under the
25 block grants.

26 5. Each administrative services organization shall perform
27 all of the following duties:

28 a. Develop and administer a district behavioral health plan
29 in accordance with the standards adopted by the department by
30 rule.

31 b. Coordinate the administration of the district behavioral
32 health plan with federal, state, and local resources in order
33 to develop a comprehensive and coordinated local behavioral
34 health service system.

35 c. Enter into contracts necessary to provide services under

1 the district behavioral health plan.

2 *d.* Oversee, provide technical assistance to, and monitor
3 the compliance of providers contracted by the administrative
4 services organization to provide behavioral health services in
5 accordance with the district behavioral health plan.

6 *e.* Establish a district behavioral health advisory council
7 pursuant to section 225A.5.

8 **Sec. 5. NEW SECTION. 225A.5 District behavioral health**
9 **advisory councils.**

10 1. Each administrative services organization shall
11 establish a district behavioral health advisory council that
12 shall do all of the following:

13 *a.* Identify opportunities and address challenges based on
14 updates received from the administrative services organization
15 regarding the implementation of the district behavioral health
16 plan.

17 *b.* Advise the administrative services organization while the
18 administrative services organization is developing behavioral
19 health policies.

20 *c.* Advise the administrative services organization on
21 how to best provide access to behavioral health prevention,
22 education, early intervention, treatment, recovery support,
23 and crisis services related to mental health and addictive
24 disorders, including but not limited to alcohol use, substance
25 use, tobacco use, and problem gambling, throughout the district
26 as directed by the department.

27 2. An advisory council shall consist of ten members.
28 Members shall be appointed by the administrative services
29 organization subject to the following requirements:

30 *a.* Three members shall be local elected public officials
31 currently holding office within the behavioral health district,
32 or the public official's designated representative.

33 *b.* Three members shall be chosen in accordance with
34 procedures established by the administrative services
35 organization to ensure representation of the populations

1 served within the behavioral health district. At least one
2 member chosen under this paragraph shall represent child and
3 adolescent persons.

4 *c.* Three members shall be chosen who have experience
5 or education related to core behavioral health functions,
6 essential behavioral health services, behavioral health
7 prevention, behavioral health treatment, population-based
8 behavioral health services, or community-based behavioral
9 health initiatives.

10 *d.* One member shall be a law enforcement representative from
11 within the behavioral health district.

12 3. An advisory council shall perform the duties required
13 under this section regardless of whether any seat on the
14 advisory council is vacant.

15 **Sec. 6. NEW SECTION. 225A.6 Behavioral health service**
16 **system — data collection and use.**

17 1. The department shall take all of the following actions
18 for data related to the behavioral health service system:

19 *a.* Collect and analyze the data, including but not
20 limited to Medicaid and community services network data, as
21 necessary to issue cost estimates for serving populations,
22 providing treatment, making and receiving payments, conducting
23 operations, and performing prevention and health promotion
24 activities. In doing so, the department shall maintain
25 compliance with applicable federal and state privacy laws
26 to ensure the confidentiality and integrity of individually
27 identifiable data. The department shall periodically assess
28 the status of the department's compliance to ensure that data
29 collected by and stored with the department is protected.

30 *b.* Establish and administer a central data repository for
31 collecting and analyzing state, behavioral health district, and
32 contracted behavioral health provider data.

33 *c.* Establish a record for each individual receiving publicly
34 funded services from an administrative services organization.
35 Each record shall include a unique client identifier for the

1 purposes of identifying and tracking the individual's record.

2 *d.* Consult with administrative services organizations,
3 behavioral health service providers, and other behavioral
4 health service system stakeholders on an ongoing basis to
5 implement and maintain the central data repository.

6 *e.* Engage with all entities that maintain information the
7 department is required to collect pursuant to this section in
8 order to integrate all data concerning individuals receiving
9 services within the behavioral health service system.

10 *f.* Engage with all entities that maintain general population
11 data relating to behavioral health in order to develop action
12 plans, create projections relating to a population's behavioral
13 health needs, develop policies concerning behavioral health,
14 and otherwise perform acts as necessary to enhance the state's
15 overall behavioral health.

16 2. Administrative services organizations shall report all
17 data required to be maintained in the central data repository
18 to the department in a manner as established by the department
19 by rule. For the purpose of making such data reports, an
20 administrative services organization shall do one of the
21 following:

22 *a.* Utilize a data system that integrates with the data
23 systems used by the department.

24 *b.* Utilize a data system that has the capacity to securely
25 exchange information with the department, other behavioral
26 health districts, contractors, and other entities involved with
27 the behavioral health service system who are authorized to
28 access the central data repository.

29 3. Data and information maintained by and exchanged between
30 an administrative services organization and the department
31 shall be labeled consistently, share the same definitions,
32 utilize the same common coding and nomenclature, and be in a
33 form and format as required by the department by rule.

34 4. Administrative services organizations shall report
35 to the department, in a manner specified by the department,

1 information including but not limited to demographic
2 information, expenditure data, and data concerning the
3 behavioral health services and other support provided to
4 individuals in the administrative service organization's
5 district.

6 5. The department shall ensure that public and private
7 agencies, organizations, and individuals that operate within
8 the behavioral health service system, or that make formal
9 requests for the release of data collected by the department,
10 maintain uniform methods for keeping statistical information
11 relating to behavioral health service system outcomes and
12 performance.

13 6. The department shall develop and implement a
14 communication plan that details how outcome and performance
15 data will be shared with stakeholders including but not limited
16 to the public, persons involved with the behavioral health
17 service system, and the general assembly.

18 Sec. 7. NEW SECTION. **225A.7 Behavioral health fund.**

19 1. For purposes of this section:

20 a. "*Population*" means, as of July 1 of the fiscal year
21 preceding the fiscal year in which the population figure is
22 applied, the population shown by the latest preceding certified
23 federal census or the latest applicable population estimate
24 issued by the United States census bureau, whichever is most
25 recent.

26 b. "*State growth factor*" for a fiscal year means an amount
27 equal to the dollar amount used to calculate the appropriation
28 under this section for the immediately preceding fiscal year
29 multiplied by the percent increase, if any, in the amount of
30 sales tax revenue deposited into the general fund of the state
31 under section 423.2A, subsection 1, paragraph "a", less the
32 transfers required under section 423.2A, subsection 2, between
33 the fiscal year beginning three years prior to the applicable
34 fiscal year and the fiscal year beginning two years prior
35 to the applicable year, but not to exceed one and one-half

1 percent.

2 2. A behavioral health fund is established in the state
3 treasury under the control of the department. The fund shall
4 consist of moneys deposited into the fund pursuant to this
5 section and section 426B.1, gifts of money or property accepted
6 by the state or the department to support any services under
7 this chapter or chapter 231, and moneys otherwise appropriated
8 by the general assembly. Moneys in the fund are appropriated
9 to the department to implement and administer the behavioral
10 health service system and related programs including but not
11 limited to all of the following:

12 a. Distributions to administrative services organizations
13 to provide services as outlined in the organizations' district
14 behavioral health plan.

15 b. Distributions to providers of mental health services
16 and addictive disorder services, including but not limited to
17 tobacco use services, substance use disorder services, and
18 problem gambling services.

19 c. Funding of disability services pursuant to chapter 231.
20 This paragraph is repealed July 1, 2028.

21 3. For the fiscal year beginning July 1, 2025, there
22 is transferred from the general fund of the state to the
23 behavioral health fund an amount equal to forty-two dollars
24 multiplied by the state's population for the fiscal year.

25 4. For the fiscal year beginning July 1, 2026, and each
26 succeeding fiscal year, there is transferred from the general
27 fund of the state to the behavioral health fund an amount equal
28 to the state's population for the fiscal year multiplied by
29 the sum of the dollar amount used to calculate the transfer
30 from the general fund to the behavioral health fund for the
31 immediately preceding fiscal year, plus the state growth factor
32 for the fiscal year for which the transfer is being made.

33 5. For each fiscal year, an administrative services
34 organization shall not spend on administrative costs an amount
35 more than seven percent of the total amount distributed to the

1 administrative services organization through this section and
2 all other appropriations for the same fiscal year.

3 6. Moneys in the behavioral health fund may be used by the
4 department for cash flow purposes, provided that any moneys so
5 allocated are returned to the behavioral health fund by the end
6 of each fiscal year.

7 7. Notwithstanding section 12C.7, subsection 2, interest
8 or earnings on moneys deposited in the behavioral health fund
9 shall be credited to the behavioral health fund.

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

14 Sec. 8. NEW SECTION. **225A.8 Addictive disorders prevention**
15 **— prohibitions.**

16 1. For purposes of this section, "*entity*" means a
17 manufacturer, distributor, wholesaler, retailer, or
18 distributing agent, or an agent of a manufacturer, distributor,
19 wholesaler, retailer, or distributing agent as those terms are
20 defined in section 453A.1.

21 2. To promote comprehensive tobacco use prevention and
22 control initiatives outlined in the state behavioral health
23 service system plan, an entity shall not perform any of the
24 following acts:

25 a. Give away cigarettes or tobacco products.

26 b. Provide free articles, products, commodities, gifts, or
27 concessions in any exchange for the purchase of cigarettes or
28 tobacco products.

29 3. The prohibitions in this section shall not apply to
30 transactions between manufacturers, distributors, wholesalers,
31 or retailers as those terms are defined in section 453A.1.

32 Sec. 9. NEW SECTION. **225A.9 Application for services —**
33 **minors.**

34 A minor who is twelve years of age or older shall have
35 the legal capacity to act and give consent to the provision

1 of tobacco cessation coaching services pursuant to a tobacco
2 cessation telephone and internet-based program approved by
3 the department through the behavioral health service system
4 established in section 225A.3. Consent shall not be subject to
5 later disaffirmance by reason of such minority. The consent of
6 another person, including but not limited to the consent of a
7 spouse, parent, custodian, or guardian, shall not be necessary.

8 Sec. 10. CODE EDITOR DIRECTIVE. The Code editor is directed
9 to do all of the following:

10 1. Designate sections 225A.1 through 225A.9, as enacted
11 in this division of this Act, as Code chapter 225A entitled
12 "Department of Health and Human Services — Behavioral Health
13 Service System".

14 2. Correct internal references in the Code and in any
15 enacted legislation as necessary due to the enactment of this
16 division of this Act.

17 Sec. 11. EFFECTIVE DATE. This division of this Act takes
18 effect July 1, 2025.

19 DIVISION II

20 BEHAVIORAL HEALTH SERVICE SYSTEM — CONFORMING CHANGES

21 Sec. 12. Section 11.6, subsection 1, paragraph b, Code 2024,
22 is amended to read as follows:

23 b. The financial condition and transactions of ~~community~~
24 ~~mental health centers organized under [chapter 230A](#)~~, substance
25 use disorder programs ~~organized~~ licensed under [chapter 125](#), and
26 community action agencies organized under [chapter 216A](#), shall
27 be audited at least once each year.

28 Sec. 13. Section 97B.1A, subsection 8, paragraph a,
29 subparagraph (13), Code 2024, is amended by striking the
30 subparagraph.

31 Sec. 14. Section 123.17, subsection 5, Code 2024, is amended
32 to read as follows:

33 5. After any transfer provided for in [subsection 3](#) is made,
34 the department shall transfer into a special revenue account
35 in the general fund of the state, a sum of money at least equal

1 to seven percent of the gross amount of sales made by the
2 department from the beer and liquor control fund on a monthly
3 basis but not less than nine million dollars annually. Of
4 the amounts transferred, ~~two~~three million dollars, ~~plus an~~
5 ~~additional amount determined by the general assembly, shall be~~
6 ~~appropriated to the department of health and human services for~~
7 ~~use by the staff who administer the comprehensive substance use~~
8 ~~disorder program under chapter 125 for substance use disorder~~
9 ~~treatment and prevention programs shall be transferred to the~~
10 behavioral health fund established under section 225A.7. Any
11 amounts received in excess of the amounts ~~appropriated to the~~
12 ~~department of health and human services for use by the staff~~
13 ~~who administer the comprehensive substance use disorder program~~
14 ~~under chapter 125~~ transferred to the behavioral health fund
15 shall be considered part of the general fund balance.

16 Sec. 15. Section 123.17, subsection 8, Code 2024, is amended
17 by striking the subsection.

18 Sec. 16. Section 123.17, subsection 9, Code 2024, is amended
19 to read as follows:

20 9. After any transfers provided for in subsections 3, 5,
21 6, and 7, ~~and~~ 8 are made, and before any other transfer to the
22 general fund, the department shall transfer to the economic
23 development authority from the beer and liquor control fund the
24 lesser of two hundred fifty thousand dollars or one percent of
25 the gross sales of native distilled spirits by all class "A"
26 native distilled spirits license holders made by the department
27 for the purposes of promoting Iowa wine, beer, and spirits.

28 Sec. 17. Section 124.409, subsection 2, Code 2024, is
29 amended by striking the subsection.

30 Sec. 18. Section 125.2, subsections 4, 5, and 10, Code 2024,
31 are amended by striking the subsections.

32 Sec. 19. Section 125.91, subsection 1, Code 2024, is amended
33 to read as follows:

34 1. The procedure prescribed by [this section](#) shall only
35 be used for a person with a substance use disorder due to

1 intoxication or substance-induced incapacitation who has
2 threatened, attempted, or inflicted physical self-harm or harm
3 on another, and is likely to inflict physical self-harm or harm
4 on another unless immediately detained, or who is incapacitated
5 by a chemical substance, if an application has not been filed
6 naming the person as the respondent pursuant to [section 125.75](#)
7 and the person cannot be ordered into immediate custody and
8 detained pursuant to [section 125.81](#).

9 Sec. 20. Section 125.93, Code 2024, is amended to read as
10 follows:

11 **125.93 Commitment records — confidentiality.**

12 Records of the identity, diagnosis, prognosis, or treatment
13 of a person which are maintained in connection with the
14 provision of substance use disorder treatment services are
15 confidential, consistent with ~~the requirements of section~~
16 ~~125.37, and with the~~ federal confidentiality regulations
17 authorized by ~~the federal Drug Abuse Office and Treatment Act,~~
18 ~~42 U.S.C. §290ee~~ and the federal Comprehensive Alcohol Abuse
19 and Alcoholism Prevention, Treatment and Rehabilitation Act, 42
20 U.S.C. §290dd-2. However, such records may be disclosed to an
21 employee of the department of corrections, if authorized by the
22 director of the department of corrections, or to an employee
23 of a judicial district department of correctional services, if
24 authorized by the director of the judicial district department
25 of correctional services.

26 Sec. 21. Section 135.11, subsection 11, Code 2024, is
27 amended to read as follows:

28 11. Administer chapters 125, [136A](#), [136C](#), [139A](#), [142](#),
29 [142A](#), [144](#), and [147A](#).

30 Sec. 22. Section 135C.2, subsection 5, unnumbered paragraph
31 1, Code 2024, is amended to read as follows:

32 The department shall establish a special classification
33 within the residential care facility category in order to
34 foster the development of residential care facilities which
35 serve persons with an intellectual disability, chronic mental

1 illness, a developmental disability, or brain injury, ~~as~~
2 ~~described under section 225C.26,~~ and which contain five or
3 fewer residents. A facility within the special classification
4 established pursuant to [this subsection](#) is exempt from the
5 requirements of [section 10A.713](#). The department shall adopt
6 rules which are consistent with rules previously developed for
7 the ~~waiver demonstration~~ waiver project pursuant to 1986 Iowa
8 Acts, ch. 1246, §206, and which include all of the following
9 provisions:

10 Sec. 23. Section 135C.6, subsection 1, Code 2024, is amended
11 to read as follows:

12 1. A person or governmental unit acting severally or
13 jointly with any other person or governmental unit shall not
14 establish or operate a health care facility in this state
15 without a license for the facility. A supported community
16 living service, as defined in [section 225C.21 249A.38A](#), is not
17 required to be licensed under [this chapter](#), but is subject to
18 approval under [section 225C.21 249A.38A](#) in order to receive
19 public funding.

20 Sec. 24. Section 135C.23, subsection 1, unnumbered
21 paragraph 1, Code 2024, is amended to read as follows:

22 Each resident shall be covered by a contract executed
23 by the resident, or the resident's legal representative,
24 and the health care facility at or prior to the time of the
25 resident's admission or prior thereto by the resident, or the
26 ~~legal representative, and the health care facility, except as~~
27 ~~otherwise provided by subsection 5 with respect to residents~~
28 ~~admitted at public expense to a county care facility operated~~
29 ~~under chapter 347B.~~ Each party to the contract shall be
30 entitled to a duplicate of the original thereof contract, and
31 the health care facility shall keep on file all contracts
32 which it has with residents and shall not destroy or otherwise
33 dispose of any such contract for at least one year after its
34 expiration. Each such contract shall expressly set forth:

35 Sec. 25. Section 135C.23, subsection 2, paragraph b, Code

1 2024, is amended to read as follows:

2 **b.** ~~This section~~ does not prohibit the admission of a
3 patient with a history of dangerous or disturbing behavior to
4 an intermediate care facility for persons with mental illness,
5 intermediate care facility for persons with an intellectual
6 disability, or nursing facility, ~~or county care facility~~ when
7 the intermediate care facility for persons with mental illness,
8 intermediate care facility for persons with an intellectual
9 disability, or nursing facility, ~~or county care facility~~ has a
10 program which has received prior approval from the department
11 to properly care for and manage the patient. An intermediate
12 care facility for persons with mental illness, intermediate
13 care facility for persons with an intellectual disability,
14 or nursing facility, ~~or county care facility~~ is required to
15 transfer or discharge a resident with dangerous or disturbing
16 behavior when the intermediate care facility for persons with
17 mental illness, intermediate care facility for persons with an
18 intellectual disability, or nursing facility, ~~or county care~~
19 ~~facility~~ cannot control the resident's dangerous or disturbing
20 behavior. The department, ~~in coordination with the state~~
21 ~~mental health and disability services commission created in~~
22 ~~section 225C.5~~, shall adopt rules pursuant to ~~chapter 17A~~ for
23 programs to be required in intermediate care facilities for
24 persons with mental illness, intermediate care facilities
25 for persons with an intellectual disability, and nursing
26 facilities, ~~and county care facilities~~ that admit patients
27 or have residents with histories of dangerous or disturbing
28 behavior.

29 Sec. 26. Section 135C.23, subsection 5, Code 2024, is
30 amended by striking the subsection.

31 Sec. 27. Section 135C.24, subsection 5, Code 2024, is
32 amended by striking the subsection.

33 Sec. 28. Section 135G.1, subsection 12, Code 2024, is
34 amended to read as follows:

35 12. a. *"Subacute mental health services"* means ~~the same~~

1 ~~as defined in section 225C.6~~ services that provide all of the
2 following:

3 (1) A comprehensive set of wraparound services for a
4 person who has had, or is at imminent risk of having, acute or
5 crisis mental health symptoms that do not permit the person to
6 remain in or threatens removal of the person from the person's
7 home and community, but who has been determined by a mental
8 health professional and a licensed health care professional,
9 subject to the professional's scope of practice, not to need
10 inpatient acute hospital services. For the purposes of this
11 subparagraph, "licensed health care professional" means a person
12 licensed under chapter 148, an advanced registered nurse
13 practitioner, or a physician assistant.

14 (2) Intensive, recovery-oriented treatment and monitoring
15 of a person. Treatment may be provided directly or remotely
16 by a licensed psychiatrist or an advanced registered nurse
17 practitioner.

18 (3) An outcome-focused, interdisciplinary approach designed
19 to return a person to living successfully in the community.

20 b. Subacute mental health services may include services
21 provided in a wide array of settings ranging from a person's
22 home to a specialized facility with restricted means of egress.

23 c. Subacute mental health services shall be limited to a
24 period not to exceed ten calendar days or another time period
25 determined in accordance with rules adopted by the department
26 for this purpose, whichever is longer.

27 Sec. 29. Section 142.1, Code 2024, is amended to read as
28 follows:

29 **142.1 Delivery of bodies.**

30 The body of every person ~~dying~~ who died in a public asylum,
31 hospital, ~~county care facility,~~ penitentiary, or reformatory
32 in this state, or found dead within the state, or ~~which~~ who
33 is to be buried at public expense in this state, except those
34 buried under the provisions of ~~chapter 144C~~ or ~~249~~, and which
35 is suitable for scientific purposes, shall be delivered to the

1 medical college of the state university, or some osteopathic
2 or chiropractic college or school located in this state, which
3 has been approved under the law regulating the practice of
4 osteopathic medicine or chiropractic; but no such body shall
5 be delivered to any such college or school if the deceased
6 person expressed a desire during the person's last illness
7 that the person's body should be buried or cremated, nor if
8 such is the desire of the person's relatives. Such bodies
9 shall be equitably distributed among said colleges and schools
10 according to their needs for teaching anatomy in accordance
11 with such rules as may be adopted by the department of health
12 and human services. The expense of transporting said bodies to
13 such college or school shall be paid by the college or school
14 receiving the same. If the deceased person has not expressed
15 a desire during the person's last illness that the person's
16 body should be buried or cremated and no person authorized to
17 control the deceased person's remains under [section 144C.5](#)
18 requests the person's body for burial or cremation, and if a
19 friend objects to the use of the deceased person's body for
20 scientific purposes, said deceased person's body shall be
21 ~~forthwith~~ delivered to such friend for burial or cremation at
22 no expense to the state or county. Unless such friend provides
23 for burial and burial expenses within five days, the body shall
24 be used for scientific purposes under [this chapter](#).

25 Sec. 30. Section 142.3, Code 2024, is amended to read as
26 follows:

27 **142.3 Notification of department.**

28 Every county medical examiner, funeral director or embalmer,
29 and the managing officer of every public asylum, hospital,
30 ~~county care facility,~~ penitentiary, or reformatory, as soon as
31 any dead body shall come into the person's custody which may be
32 used for scientific purposes as provided in [sections 142.1](#) and
33 [142.2](#), shall at once notify the nearest relative or friend of
34 the deceased, if known, and the department of health and human
35 services, and hold such body unburied for forty-eight hours.

1 Upon receipt of notification, the department shall issue verbal
2 or written instructions relative to the disposition to be made
3 of said body. Complete jurisdiction over said bodies is vested
4 exclusively in the department of health and human services. No
5 autopsy or post mortem, except as are legally ordered by county
6 medical examiners, shall be performed on any of said bodies
7 prior to their delivery to the medical schools.

8 Sec. 31. NEW SECTION. 217.17 State health improvement plan.

9 1. The department shall develop, implement, and administer
10 a state health improvement plan to identify health priorities,
11 goals, and measurable objectives, and outline strategies to
12 improve health statewide.

13 2. The state health improvement plan shall be developed
14 and updated in collaboration and in coordination with other
15 state departments, stakeholders, and statewide organizations
16 the department determines to be relevant.

17 3. The state health improvement plan may be updated by the
18 department at the department's discretion.

19 Sec. 32. NEW SECTION. 217.37 Recovery of payment —
20 assignment of liens — county attorney to enforce.

21 1. For purposes of this section, "assistance" means all of
22 the following:

23 a. A payment by the state for services rendered through
24 the behavioral health service system established under section
25 225A.3.

26 b. A payment by the state for aging and disability services
27 rendered in accordance with chapter 231.

28 2. The department shall have the authority to investigate if
29 a person is eligible to have assistance paid on the person's
30 behalf and whether payment of assistance was proper.

31 3. Notwithstanding any provision of law to the contrary,
32 assistance shall not be recoverable unless the department
33 finds that the assistance was paid for the benefit of a person
34 who was not entitled to have assistance paid on the person's
35 behalf.

1 4. Assistance paid for the benefit of a person who was
2 not entitled to have assistance paid on the person's behalf
3 shall be recoverable from the entity to which the assistance
4 was paid, from the person on whose behalf assistance was paid,
5 or from a third party who is liable for the person's debts or
6 support.

7 5. Upon the death of a person who was not entitled to
8 have assistance paid on the person's behalf, the department
9 shall have a lien equivalent in priority to liens described
10 in section 633.425, subsection 6, against the person's estate
11 for the portion of the assistance improperly paid which the
12 department had not recovered at the time of the person's death.

13 6. The department may waive all or a portion of improperly
14 paid assistance, or a lien created under subsection 5, if
15 the department finds that collection would result in undue
16 hardship.

17 7. The department shall adopt rules pursuant to chapter 17A
18 to implement and administer this section.

19 Sec. 33. Section 218.30, Code 2024, is amended to read as
20 follows:

21 **218.30 Investigation of other facilities.**

22 The director may investigate or cause the investigation of
23 charges of abuse, neglect, or mismanagement on the part of an
24 officer or employee of a private facility which is subject to
25 the director's supervision or control. ~~The director shall also~~
26 ~~investigate or cause the investigation of charges concerning~~
27 ~~county care facilities in which persons with mental illness are~~
28 ~~served.~~

29 Sec. 34. Section 218.78, subsection 1, Code 2024, is amended
30 to read as follows:

31 1. All institutional receipts of the department, including
32 funds received from client participation at the state resource
33 centers under [section 222.78](#) and ~~at the state mental health~~
34 ~~institutes under [section 230.20](#)~~, shall be deposited in the
35 general fund except for reimbursements for services provided

1 to another institution or state agency, for receipts deposited
2 in the revolving farm fund under [section 904.706](#), for deposits
3 into the medical assistance fund under [section 249A.11](#), and for
4 rentals charged to employees or others for room, apartment, or
5 house and meals, which shall be available to the institutions.

6 Sec. 35. Section 222.1, subsection 1, Code 2024, is amended
7 to read as follows:

8 1. [This chapter](#) addresses the public and private services
9 available in this state to meet the needs of persons with an
10 intellectual disability. ~~The responsibility of the mental
11 health and disability services regions formed by counties and
12 of the state for the costs and administration of publicly
13 funded services shall be as set out in [section 222.60](#) and other
14 pertinent sections of [this chapter](#).~~

15 Sec. 36. Section 222.2, Code 2024, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 01. *“Administrative services organization”*
18 means the same as defined in section 225A.1.

19 Sec. 37. Section 222.2, subsections 6 and 7, Code 2024, are
20 amended by striking the subsections.

21 Sec. 38. Section 222.12, subsection 2, Code 2024, is amended
22 by striking the subsection.

23 Sec. 39. Section 222.13, Code 2024, is amended to read as
24 follows:

25 **222.13 Voluntary admissions.**

26 1. If an adult person is believed to be a person with an
27 intellectual disability, the adult person or the adult person’s
28 guardian may apply to the department and the superintendent of
29 any state resource center for the voluntary admission of the
30 adult person either as an inpatient or an outpatient of the
31 resource center. ~~If the expenses of the person’s admission
32 or placement are payable in whole or in part by the person’s
33 county of residence, application for the admission shall be
34 made through the regional administrator. An application for
35 admission to a special unit of any adult person believed to be~~

1 ~~in need of any of the services provided by the special unit~~
2 ~~under [section 222.88](#) may be made in the same manner.~~ The
3 superintendent shall accept the application if a preadmission
4 diagnostic evaluation confirms or establishes the need for
5 admission, except that an application shall not be accepted if
6 the institution does not have adequate facilities available or
7 if the acceptance will result in an overcrowded condition.

8 2. If the resource center does not have an appropriate
9 program for the treatment of an adult or minor person with an
10 intellectual disability applying under [this section](#) or section
11 222.13A, ~~the regional administrator for the person's county~~
12 ~~of residence or the department, as applicable,~~ shall arrange
13 for the placement of the person in any public or private
14 facility within or ~~without~~ outside of the state, approved by
15 the director, which offers appropriate services for the person.
16 ~~If the expenses of the placement are payable in whole or in~~
17 ~~part by a county, the placement shall be made by the regional~~
18 ~~administrator for the county.~~

19 3. ~~If the expenses of an admission of an adult to a resource~~
20 ~~center or a special unit, or of the placement of the person~~
21 ~~in a public or private facility are payable in whole or in~~
22 ~~part by a mental health and disability services region, the~~
23 ~~regional administrator shall make a full investigation into~~
24 ~~the financial circumstances of the person and those liable for~~
25 ~~the person's support under [section 222.78](#) to determine whether~~
26 ~~or not any of them are able to pay the expenses arising out of~~
27 ~~the admission of the person to a resource center, special unit,~~
28 ~~or public or private facility. If the regional administrator~~
29 ~~finds that the person or those legally responsible for~~
30 ~~the person are presently unable to pay the expenses, the~~
31 ~~regional administrator shall pay the expenses. The regional~~
32 ~~administrator may review such a finding at any subsequent~~
33 ~~time while the person remains at the resource center, or is~~
34 ~~otherwise receiving care or treatment for which this chapter~~
35 ~~obligates the region to pay. If the regional administrator~~

1 ~~finds upon review that the person or those legally responsible~~
2 ~~for the person are presently able to pay the expenses, the~~
3 ~~finding shall apply only to the charges incurred during the~~
4 ~~period beginning on the date of the review and continuing~~
5 ~~thereafter, unless and until the regional administrator again~~
6 ~~changes such a finding. If the regional administrator finds~~
7 ~~that the person or those legally responsible for the person~~
8 ~~are able to pay the expenses, the regional administrator shall~~
9 ~~collect the charges to the extent required by [section 222.78](#),~~
10 ~~and the regional administrator shall be responsible for the~~
11 ~~payment of the remaining charges.~~

12 Sec. 40. Section 222.13A, subsections 3 and 4, Code 2024,
13 are amended to read as follows:

14 3. During the preadmission diagnostic evaluation, the
15 minor shall be informed both orally and in writing that the
16 minor has the right to object to the voluntary admission. ~~If~~
17 Notwithstanding section 222.33, if the preadmission diagnostic
18 evaluation determines that the voluntary admission is
19 appropriate but the minor objects to the admission, the minor
20 shall not be admitted to the state resource center unless the
21 court approves of the admission. A petition for approval of
22 the minor's admission may be submitted to the juvenile court by
23 the minor's parent, guardian, or custodian.

24 4. As soon as practicable after the filing of a petition for
25 approval of the voluntary admission, the court shall determine
26 whether the minor has an attorney to represent the minor in the
27 proceeding. If the minor does not have an attorney, the court
28 shall assign an attorney to the minor ~~an attorney~~. If the
29 minor is unable to pay for an attorney, the attorney shall be
30 compensated by ~~the mental health and disability services region~~
31 an administrative services organization at an hourly rate to be
32 established ~~by the regional administrator~~ in substantially the
33 same manner as provided in [section 815.7](#).

34 Sec. 41. Section 222.14, Code 2024, is amended to read as
35 follows:

1 **222.14 Care by ~~region~~ pending admission.**

2 If the institution is unable to receive a patient, the
3 superintendent shall notify ~~the regional administrator for the~~
4 ~~county of residence of the prospective patient~~ an administrative
5 services organization. Until such time as the patient is able
6 to be received by the institution, or when application has been
7 made for admission to a public or private facility as provided
8 in [section 222.13](#) and the application is pending, the care
9 of the patient shall be provided as arranged by the ~~regional~~
10 ~~administrator~~ administrative services organization.

11 Sec. 42. NEW SECTION. **222.33 State resource center —**
12 **admissions and discharge.**

13 1. The department shall make all final determinations
14 concerning whether a person may be admitted to a state resource
15 center.

16 2. If a patient is admitted to a state resource center
17 pursuant to section 222.13 or 222.13A, and the patient
18 wishes to be placed outside of the state resource center, the
19 discharge of the patient shall be made in accordance with
20 section 222.15.

21 Sec. 43. NEW SECTION. **222.35 State — payor of last resort.**

22 The department shall implement services and adopt rules
23 pursuant to chapter 17A in a manner that ensures that the state
24 is the payor of last resort, and that the department shall not
25 make any payments for services that have been provided until
26 the department has determined that the services provided are
27 not payable by a third-party source.

28 Sec. 44. Section 222.73, subsections 2 and 4, Code 2024, are
29 amended by striking the subsections.

30 Sec. 45. Section 222.77, Code 2024, is amended to read as
31 follows:

32 **222.77 Patients on leave.**

33 The cost of support of patients placed on convalescent leave
34 or removed as a habilitation measure from a resource center,
35 ~~or a special unit,~~ except when living in the home of a person

1 legally bound for the support of the patient, shall be paid by
2 ~~the county of residence or the state as provided in section~~
3 ~~222.60.~~

4 Sec. 46. Section 222.78, subsection 1, Code 2024, is amended
5 to read as follows:

6 1. The father and mother of any patient admitted to a
7 resource center ~~or to a special unit~~, as either an inpatient
8 or an outpatient, and any person, firm, or corporation bound
9 by contract made for support of the patient, are liable for
10 the support of the patient. The patient and those legally
11 bound for the support of the patient shall be liable to
12 ~~the county or state, as applicable,~~ for all sums advanced
13 ~~in accordance with the provisions of sections 222.60 and~~
14 222.77 relating to reasonable attorney fees and court costs for
15 the patient's admission to the resource center, and for the
16 treatment, training, instruction, care, habilitation, support,
17 transportation, or other expenditures made on behalf of the
18 patient pursuant to this chapter.

19 Sec. 47. Section 222.79, Code 2024, is amended to read as
20 follows:

21 **222.79 Certification statement presumed correct.**

22 In actions to enforce the liability imposed by section
23 222.78, the superintendent ~~or the county of residence, as~~
24 ~~applicable,~~ shall submit a certification statement stating
25 the sums charged, and the certification statement shall be
26 considered presumptively correct.

27 Sec. 48. Section 222.80, Code 2024, is amended to read as
28 follows:

29 **222.80 Liability to ~~county or state.~~**

30 A person admitted to a county institution ~~or home~~ or admitted
31 at ~~county or state~~ expense to a private hospital, sanitarium,
32 or other facility for treatment, training, instruction, care,
33 habilitation, and support as a patient with an intellectual
34 disability shall be liable to the ~~county or state, as~~
35 ~~applicable,~~ for the reasonable cost of the support as provided

1 in [section 222.78](#).

2 Sec. 49. Section 222.82, Code 2024, is amended to read as
3 follows:

4 **222.82 Collection of liabilities and claims.**

5 If liabilities and claims exist as provided in section
6 222.78 or any other provision of [this chapter](#), ~~the county of~~
7 ~~residence or the state, as applicable,~~ may proceed as provided
8 in [this section](#). ~~If the liabilities and claims are owed to~~
9 ~~a county of residence, the county's board of supervisors may~~
10 ~~direct the county attorney to proceed with the collection of~~
11 ~~the liabilities and claims as a part of the duties of the~~
12 ~~county attorney's office when the board of supervisors deems~~
13 ~~such action advisable. If the liabilities and claims are owed~~
14 ~~to the state, the state shall proceed with the collection.~~
15 ~~The board of supervisors or the state, as applicable, may~~
16 compromise any and all liabilities to the ~~county or~~ state
17 arising under [this chapter](#) when such compromise is deemed to be
18 in the best interests of the ~~county or~~ state. Any collections
19 and liens shall be limited in conformance to section 614.1,
20 subsection 4.

21 Sec. 50. Section 222.85, subsection 2, Code 2024, is amended
22 to read as follows:

23 2. Moneys paid to a resource center from any source other
24 than state appropriated funds and intended to pay all or a
25 portion of the cost of care of a patient, which cost would
26 otherwise be paid from state ~~or county~~ funds or from the
27 patient's own funds, shall not be deemed "funds belonging to a
28 patient" for the purposes of [this section](#).

29 Sec. 51. Section 222.86, Code 2024, is amended to read as
30 follows:

31 **222.86 Payment for care from fund.**

32 If a patient is not receiving medical assistance under
33 chapter 249A and the amount in the account of any patient
34 in the patients' personal deposit fund exceeds two hundred
35 dollars, the department may apply any amount of the excess to

1 reimburse the ~~county of residence or the~~ state for liability
2 incurred by the ~~county or~~ the state for the payment of care,
3 support, and maintenance of the patient, when billed by the
4 ~~county or state, as applicable.~~

5 Sec. 52. Section 222.92, subsection 1, Code 2024, is amended
6 to read as follows:

7 1. The department shall operate the state resource centers
8 on the basis of net appropriations from the general fund of
9 the state. The appropriation amounts shall be the net amounts
10 of state moneys projected to be needed for the state resource
11 centers for the fiscal year of the appropriations. The purpose
12 of utilizing net appropriations is to encourage the state
13 resource centers to operate with increased self-sufficiency, to
14 improve quality and efficiency, and to support collaborative
15 efforts between the state resource centers and ~~counties and~~
16 ~~other~~ providers of funding for the services available from
17 the state resource centers. The state resource centers shall
18 not be operated under the net appropriations in a manner that
19 results in a cost increase to the state or in cost shifting
20 between the state, the medical assistance program, ~~counties,~~ or
21 other sources of funding for the state resource centers.

22 Sec. 53. Section 222.92, subsection 3, paragraph a, Code
23 2024, is amended by striking the paragraph.

24 Sec. 54. Section 225.1, subsection 2, Code 2024, is amended
25 to read as follows:

26 2. For the purposes of [this chapter](#), unless the context
27 otherwise requires:

28 *a. ~~"Mental health and disability services region" means~~*
29 *a ~~mental health and disability services region approved in~~*
30 *~~accordance with [section 225C.56](#).~~ "Administrative services
31 organization" means the same as defined in section 225A.1.*

32 *b. ~~"Regional administrator" means the administrator of a~~*
33 *~~mental health and disability services region, as defined in~~*
34 *[section 225C.55](#).* "Department" means the department of health
35 and human services.

1 *c.* “Respondent” means the same as defined in [section 229.1](#).

2 Sec. 55. NEW SECTION. **225.4 State psychiatric hospital —**
3 **admissions.**

4 The department shall make all final determinations
5 concerning whether a person may be admitted to the state
6 psychiatric hospital.

7 Sec. 56. Section 225.11, Code 2024, is amended to read as
8 follows:

9 **225.11 Initiating commitment procedures.**

10 When a court finds upon completion of a hearing held pursuant
11 to [section 229.12](#) that the contention that a respondent is
12 seriously mentally impaired has been sustained by clear and
13 convincing evidence, and the application filed under section
14 229.6 also contends or the court otherwise concludes that it
15 would be appropriate to refer the respondent to the state
16 psychiatric hospital for a complete psychiatric evaluation and
17 appropriate treatment pursuant to [section 229.13](#), the judge
18 may order that a financial investigation be made in the manner
19 prescribed by [section 225.13](#). If the costs of a respondent’s
20 evaluation or treatment are payable in whole or in part by a
21 ~~county~~ an administrative services organization, an order under
22 this section shall be for referral of the respondent ~~through~~
23 ~~the regional administrator for the respondent’s county of~~
24 ~~residence~~ by an administrative services organization for an
25 evaluation and referral of the respondent to an appropriate
26 placement or service, which may include the state psychiatric
27 hospital for additional evaluation or treatment.

28 Sec. 57. Section 225.12, Code 2024, is amended to read as
29 follows:

30 **225.12 Voluntary public patient — physician’s or physician**
31 **assistant’s report.**

32 A physician or a physician assistant who meets the
33 qualifications set forth in the definition of a mental
34 health professional in [section 228.1](#) ~~filing information under~~
35 ~~[section 225.10](#)~~ shall include a written report to the regional

1 ~~administrator for the county of residence of the person named~~
2 ~~in the information, giving~~ shall submit a detailed history of
3 the case to an administrative services organization as will be
4 likely to aid in the observation, treatment, and hospital care
5 of the person and ~~describing the history in detail.~~

6 Sec. 58. Section 225.13, Code 2024, is amended to read as
7 follows:

8 **225.13 Financial condition.**

9 ~~The regional administrator for the county of residence of~~
10 ~~a person being admitted to the state psychiatric hospital is~~
11 Administrative services organizations shall be responsible for
12 investigating the financial condition of ~~the~~ a person and of
13 those legally responsible for the person's support.

14 Sec. 59. Section 225.15, Code 2024, is amended to read as
15 follows:

16 **225.15 Examination and treatment.**

17 ~~1.~~ When a respondent arrives at the state psychiatric
18 hospital, the admitting physician, or a physician assistant
19 who meets the qualifications set forth in the definition of a
20 mental health professional in [section 228.1](#), shall examine the
21 respondent and determine whether or not, in the physician's
22 or physician assistant's judgment, the respondent is a fit
23 subject for observation, treatment, and hospital care. If,
24 upon examination, the physician or physician assistant who
25 meets the qualifications set forth in the definition of a
26 mental health professional in [section 228.1](#) decides that the
27 respondent should be admitted to the hospital, the respondent
28 shall be provided a proper bed in the hospital. The physician
29 or physician assistant who meets the qualifications set forth
30 in the definition of a mental health professional in [section](#)
31 [228.1](#) who has charge of the respondent shall proceed with
32 observation, medical treatment, and hospital care as in the
33 physician's or physician assistant's judgment are proper and
34 necessary, in compliance with [sections 229.13](#), [229.14](#), this
35 section, and [section 229.16](#). After the respondent's admission,

1 the observation, medical treatment, and hospital care of the
2 respondent may be provided by a mental health professional,
3 as defined in [section 228.1](#), who is licensed as a physician,
4 advanced registered nurse practitioner, or physician assistant.

5 ~~2. A proper and competent nurse shall also be assigned to~~
6 ~~look after and care for the respondent during observation,~~
7 ~~treatment, and care. Observation, treatment, and hospital~~
8 ~~care under [this section](#) which are payable in whole or in part~~
9 ~~by a county shall only be provided as determined through~~
10 ~~the regional administrator for the respondent's county of~~
11 ~~residence.~~

12 Sec. 60. Section 225.16, subsection 1, Code 2024, is amended
13 to read as follows:

14 1. ~~If the regional administrator for a person's county of~~
15 ~~residence department finds from the physician's information~~
16 ~~or from the information of a physician assistant who~~
17 ~~meets the qualifications set forth in the definition of~~
18 ~~a mental health professional in [section 228.1](#) which was~~
19 ~~filed under the provisions of ~~[section 225.10](#)~~ [225.12](#) that it~~
20 ~~would be appropriate for the person to be admitted to the~~
21 ~~state psychiatric hospital, and the report of the regional~~
22 ~~administrator made pursuant to ~~[section 225.13](#)~~ shows the~~
23 ~~department finds that the person and those who are legally~~
24 ~~responsible for the person are not able to pay the expenses~~
25 ~~incurred at the hospital, or are able to pay only a part of~~
26 ~~the expenses, the person shall be considered to be a voluntary~~
27 ~~public patient and the regional administrator shall direct that~~
28 ~~the person shall be sent to the state psychiatric hospital at~~
29 ~~the state university of Iowa for observation, treatment, and~~
30 ~~hospital care.~~

31 Sec. 61. Section 225.17, subsection 2, Code 2024, is amended
32 to read as follows:

33 2. When the respondent arrives at the hospital, the
34 respondent shall receive the same treatment as is provided for
35 committed public patients in [section 225.15](#), in compliance

1 with **sections 229.13 through 229.16**. ~~However, observation,~~
2 ~~treatment, and hospital care under **this section** of a respondent~~
3 ~~whose expenses are payable in whole or in part by a county~~
4 ~~shall only be provided as determined through the regional~~
5 ~~administrator for the respondent's county of residence.~~

6 Sec. 62. Section 225.18, Code 2024, is amended to read as
7 follows:

8 **225.18 Attendants.**

9 ~~The regional administrator~~ An administrative services
10 organization may appoint an attendant to accompany the
11 committed public patient or the voluntary public patient
12 or the committed private patient from the place where the
13 patient may be to the state psychiatric hospital, or to
14 accompany the patient from the hospital to a place as may
15 be designated by the ~~regional administrator~~ administrative
16 services organization. If a patient is moved pursuant to this
17 section, at least one attendant shall be of the same gender as
18 the patient.

19 Sec. 63. Section 225.22, Code 2024, is amended to read as
20 follows:

21 **225.22 Liability of private patients — payment.**

22 Every committed private patient, if the patient has an
23 estate sufficient for that purpose, or if those legally
24 responsible for the patient's support are financially able,
25 shall be liable to the ~~county and~~ state for all expenses paid
26 by ~~them in~~ the state on behalf of such patient. All bills
27 for the care, nursing, observation, treatment, medicine, and
28 maintenance of such patients shall be paid by the director of
29 the department of administrative services in the same manner as
30 those of committed and voluntary public patients as provided in
31 this chapter, unless the patient or those legally responsible
32 for the patient make such settlement with the state psychiatric
33 hospital.

34 Sec. 64. Section 225.24, Code 2024, is amended to read as
35 follows:

1 **225.24 Collection of preliminary expense.**

2 Unless a committed private patient or those legally
3 responsible for the patient's support offer to settle the
4 amount of the claims, the ~~regional administrator for the~~
5 ~~person's county of residence~~ department shall collect, by
6 action if necessary, the amount of all claims for per diem and
7 expenses that have been approved by the ~~regional administrator~~
8 ~~for the county~~ an administrative services organization and
9 paid by the ~~regional administrator as provided under section~~
10 ~~225.21~~ administrative services organization. Any amount
11 collected shall be credited to the ~~mental health and disability~~
12 ~~services region combined account created~~ behavioral health fund
13 established in accordance with [section 225C.58](#) [225A.7](#).

14 Sec. 65. Section 225.27, Code 2024, is amended to read as
15 follows:

16 **225.27 Discharge — transfer.**

17 The state psychiatric hospital may, at any time, discharge
18 any patient as recovered, as improved, or as not likely to
19 be benefited by further treatment. If the patient being so
20 discharged was involuntarily hospitalized, the hospital shall
21 notify the committing judge or court of the discharge as
22 required by [section 229.14](#) or [section 229.16](#), ~~whichever is as~~
23 ~~applicable, and the applicable regional administrator~~. Upon
24 receiving the notification, the court shall issue an order
25 confirming the patient's discharge from the hospital or from
26 care and custody, as the case may be, and shall terminate the
27 proceedings pursuant to which the order was issued. The court
28 or judge shall, if necessary, appoint a person to accompany the
29 discharged patient from the state psychiatric hospital to such
30 place as the hospital or the court may designate, or authorize
31 the hospital to appoint such attendant.

32 Sec. 66. Section 226.1, subsection 4, Code 2024, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *Oa.* "Administrative services organization"
35 means the same as defined in section 225A.1.

1 Sec. 67. Section 226.1, subsection 4, paragraphs d and f,
2 Code 2024, are amended by striking the paragraphs.

3 Sec. 68. Section 226.8, subsection 2, Code 2024, is amended
4 to read as follows:

5 2. Charges for the care of any person with a diagnosis of
6 an intellectual disability admitted to a state mental health
7 institute shall be made by the institute in the manner provided
8 by **chapter 230**, but the liability of any other person to ~~any~~
9 ~~mental health and disability services region~~ the state for the
10 cost of care of such person with a diagnosis of an intellectual
11 disability shall be as prescribed by **section 222.78**.

12 Sec. 69. Section 226.32, Code 2024, is amended to read as
13 follows:

14 **226.32 Overcrowded conditions.**

15 The director shall order the discharge or removal from the
16 mental health institute of incurable and harmless patients
17 whenever it is necessary to make room for recent cases. ~~If~~
18 ~~a patient who is to be discharged entered the mental health~~
19 ~~institute voluntarily, the director shall notify the regional~~
20 ~~administrator for the county interested at least ten days in~~
21 ~~advance of the day of actual discharge.~~

22 Sec. 70. Section 226.34, subsection 2, paragraph d, Code
23 2024, is amended by striking the paragraph.

24 Sec. 71. Section 228.6, subsection 1, Code 2024, is amended
25 to read as follows:

26 1. A mental health professional or an employee of or
27 agent for a mental health facility may disclose mental health
28 information if and to the extent necessary, to meet the
29 requirements of **section 229.24, 229.25, 230.20, 230.21, 230.25,**
30 **230.26, 230A.108, 232.74, or 232.147**, or to meet the compulsory
31 reporting or disclosure requirements of other state or federal
32 law relating to the protection of human health and safety.

33 Sec. 72. Section 229.1, Code 2024, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 01. *"Administrative services organization"*

1 means the same as defined in section 225A.1.

2 Sec. 73. Section 229.1, subsections 11, 18, and 19, Code
3 2024, are amended by striking the subsections.

4 Sec. 74. Section 229.1B, Code 2024, is amended to read as
5 follows:

6 **229.1B ~~Regional administrator~~ Administrative services**
7 **organization.**

8 Notwithstanding any provision of [this chapter](#) to the
9 contrary, any person whose hospitalization expenses are
10 payable in whole or in part by ~~a mental health and disability~~
11 ~~services region~~ an administrative services organization
12 shall be subject to all administrative requirements of the
13 ~~regional administrator for the county~~ administrative services
14 organization.

15 Sec. 75. Section 229.2, subsection 1, paragraph b,
16 subparagraph (3), Code 2024, is amended to read as follows:

17 (3) As soon as is practicable after the filing of a
18 petition for juvenile court approval of the admission of the
19 minor, the juvenile court shall determine whether the minor
20 has an attorney to represent the minor in the hospitalization
21 proceeding, and if not, the court shall assign to the minor
22 an attorney. If the minor is financially unable to pay for
23 an attorney, the attorney shall be compensated by ~~the mental~~
24 ~~health and disability services region~~ an administrative
25 services organization at an hourly rate to be established
26 by the ~~regional administrator for the county in which the~~
27 ~~proceeding is held~~ administrative services organization in
28 substantially the same manner as provided in [section 815.7](#).

29 Sec. 76. Section 229.2, subsection 2, paragraph a, Code
30 2024, is amended to read as follows:

31 a. The chief medical officer of a public hospital shall
32 receive and may admit the person whose admission is sought,
33 subject in cases other than medical emergencies to availability
34 of suitable accommodations and to the provisions of ~~sections~~
35 section 229.41 and [229.42](#).

1 1, Code 2024, is amended to read as follows:

2 If the applicant requests that the respondent be taken into
3 immediate custody and the judge, upon reviewing the application
4 and accompanying documentation, finds probable cause to believe
5 that the respondent has a serious mental impairment and is
6 likely to injure the respondent or other persons if allowed
7 to remain at liberty, the judge may enter a written order
8 directing that the respondent be taken into immediate custody
9 by the sheriff or the sheriff's deputy and be detained until
10 the hospitalization hearing. The hospitalization hearing shall
11 be held no more than five days after the date of the order,
12 except that if the fifth day after the date of the order is
13 a Saturday, Sunday, or a holiday, the hearing may be held
14 on the next succeeding business day. If the expenses of a
15 respondent are payable in whole or in part by a ~~mental health~~
16 ~~and disability services region~~ an administrative services
17 organization, for a placement in accordance with paragraph "a",
18 the judge shall give notice of the placement to ~~the regional~~
19 ~~administrator for the county in which the court is located~~ an
20 administrative services organization, and for a placement in
21 accordance with paragraph "b" or "c", the judge shall order
22 the placement in a hospital or facility designated ~~through~~
23 ~~the regional administrator~~ by an administrative services
24 organization. The judge may order the respondent detained for
25 the period of time until the hearing is held, and no longer,
26 in accordance with paragraph "a", if possible, and if not then
27 in accordance with paragraph "b", or, only if neither of these
28 alternatives is available, in accordance with paragraph "c".
29 Detention may be in any of the following:

30 Sec. 80. Section 229.13, subsection 1, paragraph a, Code
31 2024, is amended to read as follows:

32 a. The court shall order a respondent whose expenses are
33 payable in whole or in part by a ~~mental health and disability~~
34 ~~services region~~ an administrative services organization
35 placed under the care of an appropriate hospital or facility

1 ~~designated through the regional administrator for the county~~
2 by an administrative services organization on an inpatient or
3 outpatient basis.

4 Sec. 81. Section 229.13, subsection 7, paragraph b, Code
5 2024, is amended to read as follows:

6 ~~b. A region~~ An administrative services organization shall
7 contract with mental health professionals to provide the
8 appropriate treatment including treatment by the use of oral
9 medicine or injectable antipsychotic medicine pursuant to this
10 section.

11 Sec. 82. Section 229.14, subsection 2, paragraph a, Code
12 2024, is amended to read as follows:

13 ~~a. For a respondent whose expenses are payable in whole~~
14 ~~or in part by a mental health and disability services region~~
15 an administrative services organization, placement as
16 ~~designated through the regional administrator for the county~~
17 by an administrative services organization in the care of an
18 appropriate hospital or facility on an inpatient or outpatient
19 basis, or other appropriate treatment, or in an appropriate
20 alternative placement.

21 Sec. 83. Section 229.14A, subsections 7 and 9, Code 2024,
22 are amended to read as follows:

23 7. If a respondent's expenses are payable in whole or in
24 part by ~~a mental health and disability services region through~~
25 ~~the regional administrator for the county~~ an administrative
26 services organization, notice of a placement hearing shall be
27 provided to the county attorney and ~~the regional administrator~~
28 an administrative services organization. At the hearing, the
29 county may present evidence regarding appropriate placement.

30 9. A placement made pursuant to an order entered under
31 section 229.13 or **229.14** or **this section** shall be considered to
32 be authorized ~~through the regional administrator for the county~~
33 by an administrative services organization.

34 Sec. 84. Section 229.15, subsection 4, Code 2024, is amended
35 to read as follows:

1 4. When a patient has been placed in an alternative facility
2 other than a hospital pursuant to a report issued under section
3 229.14, subsection 1, paragraph "d", a report on the patient's
4 condition and prognosis shall be made to the court which placed
5 the patient, at least once every six months, unless the court
6 authorizes annual reports. ~~If an evaluation of the patient is
7 performed pursuant to [section 227.2, subsection 4](#), a copy of
8 the evaluation report shall be submitted to the court within
9 fifteen days of the evaluation's completion. The court may in
10 its discretion waive the requirement of an additional report
11 between the annual evaluations. If the department exercises
12 the authority to remove residents or patients from a county
13 care facility or other county or private facility under section
14 227.6, the department shall promptly notify each court which
15 placed in that facility any resident or patient removed.~~

16 Sec. 85. Section 229.19, subsection 1, paragraphs a and b,
17 Code 2024, are amended to read as follows:

18 a. In each county the board of supervisors shall appoint
19 an individual who has demonstrated by prior activities an
20 informed concern for the welfare and rehabilitation of persons
21 with mental illness, and who is not an officer or employee of
22 the department, ~~an officer or employee of a region, an officer
23 or employee of a county performing duties for a region, or
24 an officer or employee of any agency or facility providing
25 care or treatment to persons with mental illness, to act as an
26 advocate representing the interests of patients involuntarily
27 hospitalized by the court, in any matter relating to the
28 patients' hospitalization or treatment under [section 229.14](#) or
29 229.15.~~

30 b. The committing court shall assign the advocate for the
31 county where the patient is located. A county ~~or region~~ may
32 seek reimbursement from ~~the patient's county of residence or
33 from the region in which the patient's county of residence is
34 located~~ an administrative services organization.

35 Sec. 86. Section 229.19, subsection 4, unnumbered paragraph

1 1, Code 2024, is amended to read as follows:

2 The ~~state mental health and disability services commission~~
3 ~~created in section 225C.5~~ department, in consultation with
4 advocates and county and judicial branch representatives, shall
5 adopt rules pursuant to [chapter 17A](#) relating to advocates that
6 include but are not limited to all of the following topics:

7 Sec. 87. Section 229.22, subsection 2, paragraph b, Code
8 2024, is amended to read as follows:

9 *b.* If the magistrate orders that the person be detained,
10 the magistrate shall, by the close of business on the next
11 working day, file a written order with the clerk in the county
12 where it is anticipated that an application may be filed
13 under [section 229.6](#). The order may be filed by facsimile if
14 necessary. A peace officer from the law enforcement agency
15 that took the person into custody, if no request was made
16 under paragraph "a", may inform the magistrate that an arrest
17 warrant has been issued for or charges are pending against the
18 person and request that any written order issued under this
19 paragraph require the facility or hospital to notify the law
20 enforcement agency about the discharge of the person prior to
21 discharge. The order shall state the circumstances under which
22 the person was taken into custody or otherwise brought to a
23 facility or hospital, and the grounds supporting the finding
24 of probable cause to believe that the person is seriously
25 mentally impaired and likely to injure the person's self or
26 others if not immediately detained. The order shall also
27 include any law enforcement agency notification requirements if
28 applicable. The order shall confirm the oral order authorizing
29 the person's detention including any order given to transport
30 the person to an appropriate facility or hospital. A peace
31 officer from the law enforcement agency that took the person
32 into custody may also request an order, separate from the
33 written order, requiring the facility or hospital to notify the
34 law enforcement agency about the discharge of the person prior
35 to discharge. The clerk shall provide a copy of the written

1 order or any separate order to the chief medical officer of
2 the facility or hospital to which the person was originally
3 taken, to any subsequent facility to which the person was
4 transported, and to any law enforcement department, ambulance
5 service, or transportation service under contract with a
6 ~~mental health and disability services region~~ an administrative
7 services organization that transported the person pursuant
8 to the magistrate's order. A transportation service that
9 contracts with a ~~mental health and disability services region~~
10 an administrative services organization for purposes of this
11 paragraph shall provide a secure transportation vehicle and
12 shall employ staff that has received or is receiving mental
13 health training.

14 Sec. 88. Section 229.24, subsection 3, unnumbered paragraph
15 1, Code 2024, is amended to read as follows:

16 If all or part of the costs associated with hospitalization
17 of an individual under [this chapter](#) are chargeable to a ~~county~~
18 ~~of residence~~ an administrative services organization, the
19 clerk of the district court shall provide to ~~the regional~~
20 ~~administrator for the county of residence and to the regional~~
21 ~~administrator for the county in which the hospitalization~~
22 ~~order is entered~~ an administrative services organization the
23 following information pertaining to the individual which would
24 be confidential under [subsection 1](#):

25 Sec. 89. Section 229.38, Code 2024, is amended to read as
26 follows:

27 **229.38 Cruelty or official misconduct.**

28 If any person having the care of a person with mental illness
29 who has voluntarily entered a hospital or other facility for
30 treatment or care, or who is responsible for psychiatric
31 examination care, treatment, and maintenance of any person
32 involuntarily hospitalized under [sections 229.6 through 229.15](#),
33 whether in a hospital or elsewhere, with or without proper
34 authority, shall treat such patient with unnecessary severity,
35 harshness, or cruelty, or in any way abuse the patient or if

1 any person unlawfully detains or deprives of liberty any person
2 with mental illness or any person who is alleged to have mental
3 illness, or if any officer required by the provisions of this
4 chapter and ~~chapters chapter 226 and 227~~, to perform any act
5 shall willfully refuse or neglect to perform the same, the
6 offending person shall, unless otherwise provided, be guilty of
7 a serious misdemeanor.

8 Sec. 90. Section 230.1, Code 2024, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 01. *“Administrative service organization”*
11 means the same as defined in section 225A.1.

12 Sec. 91. Section 230.1, subsections 4 and 5, Code 2024, are
13 amended by striking the subsections.

14 Sec. 92. Section 230.10, Code 2024, is amended to read as
15 follows:

16 **230.10 Payment of costs.**

17 All legal costs and expenses for the taking into custody,
18 care, investigation, and admission or commitment of a person to
19 a state mental health institute ~~under a finding that the person~~
20 ~~has residency in another county of this state~~ shall be charged
21 ~~against the regional administrator of the person’s county of~~
22 residence to an administrative services organization.

23 Sec. 93. Section 230.11, Code 2024, is amended to read as
24 follows:

25 **230.11 Recovery of costs from state.**

26 Costs and expenses for the taking into custody, care, and
27 investigation of a person who has been admitted or committed
28 to a state mental health institute, United States department
29 of veterans affairs hospital, or other agency of the United
30 States government, for persons with mental illness and
31 who has no residence in this state or whose residence is
32 unknown, including cost of commitment, if any, shall be paid
33 as approved by the department. The amount of the costs and
34 expenses approved by the department is appropriated to the
35 department from any moneys in the state treasury not otherwise

1 appropriated. ~~Payment shall be made by the department on~~
2 ~~itemized vouchers executed by the regional administrator of~~
3 ~~the person's county which has paid them, and approved by the~~
4 ~~department.~~

5 Sec. 94. Section 230.15, subsections 1 and 2, Code 2024, are
6 amended to read as follows:

7 1. A person with mental illness and a person legally liable
8 for the person's support remain liable for the support of
9 the person with mental illness as provided in [this section](#).
10 Persons legally liable for the support of a person with mental
11 illness include the spouse of the person, and any person
12 bound by contract for support of the person. ~~The regional~~
13 ~~administrator of the person's county of residence, subject to~~
14 ~~the direction of the region's governing board, shall enforce~~
15 ~~the obligation created in [this section](#) as to all sums advanced~~
16 ~~by the regional administrator.~~ The liability to the regional
17 administrator incurred by a person with mental illness or a
18 person legally liable for the person's support under this
19 section is limited to an amount equal to one hundred percent
20 of the cost of care and treatment of the person with mental
21 illness at a state mental health institute for one hundred
22 twenty days of hospitalization. This limit of liability may
23 be reached by payment of the cost of care and treatment of the
24 person with mental illness subsequent to a single admission
25 or multiple admissions to a state mental health institute ~~or,~~
26 ~~if the person is not discharged as cured, subsequent to a~~
27 ~~single transfer or multiple transfers to a county care facility~~
28 ~~pursuant to [section 227.11](#).~~ After reaching this limit of
29 liability, a person with mental illness or a person legally
30 liable for the person's support is liable to the regional
31 administrator state for the care and treatment of the person
32 with mental illness at a state mental health institute ~~or,~~
33 ~~if transferred but not discharged as cured, at a county care~~
34 ~~facility in an amount not in excess of to exceed the average~~
35 minimum cost of the maintenance of an individual who is

1 physically and mentally healthy residing in the individual's
2 own home, ~~which standard shall be as established and may be~~
3 ~~revised by the department by rule.~~ A lien imposed by section
4 230.25 shall not exceed the amount of the liability which may
5 be incurred under ~~this section~~ on account of a person with
6 mental illness.

7 2. A person with a substance use disorder is legally
8 liable for the total amount of the cost of providing care,
9 maintenance, and treatment for the person with a substance
10 use disorder while a voluntary or committed patient. When
11 a portion of the cost is paid by a county an administrative
12 services organization, the person with a substance use disorder
13 is legally liable to the county administrative services
14 organization for the amount paid. The person with a substance
15 use disorder shall assign any claim for reimbursement under any
16 contract of indemnity, by insurance or otherwise, providing
17 for the person's care, maintenance, and treatment in a state
18 mental health institute to the state. ~~Any payments received~~
19 ~~by the state from or on behalf of a person with a substance use~~
20 ~~disorder shall be in part credited to the county in proportion~~
21 ~~to the share of the costs paid by the county.~~

22 Sec. 95. NEW SECTION. 230.23 State — payor of last resort.

23 The department shall implement services and adopt rules
24 pursuant to chapter 17A in a manner that ensures that the state
25 is the payor of last resort, and that the department does not
26 make any payments for services that have been provided until
27 the department has determined that the services provided are
28 not payable by a third-party source.

29 Sec. 96. Section 230.30, Code 2024, is amended to read as
30 follows:

31 **230.30 Claim against estate.**

32 On the death of a person receiving or who has received
33 assistance under the provisions of ~~this chapter~~, and whom the
34 ~~board department~~ has previously found, ~~under section 230.25,~~
35 is able to pay, there shall be allowed against the estate of

1 such decedent a claim of the sixth class for that portion of
2 the total amount paid for that person's care which exceeds
3 the total amount of all claims of the first through the fifth
4 classes, inclusive, as defined in [section 633.425](#), which are
5 allowed against that estate.

6 Sec. 97. Section 232.78, subsection 5, unnumbered paragraph
7 1, Code 2024, is amended to read as follows:

8 The juvenile court, before or after the filing of a petition
9 under [this chapter](#), may enter an ex parte order authorizing
10 a physician or physician assistant or hospital to conduct an
11 outpatient physical examination or authorizing a physician or
12 physician assistant, a psychologist certified under section
13 154B.7, or a community mental health center accredited pursuant
14 to ~~chapter 230A~~ [section 225A.3](#) to conduct an outpatient mental
15 examination of a child if necessary to identify the nature,
16 extent, and cause of injuries to the child as required by
17 section 232.71B, provided all of the following apply:

18 Sec. 98. Section 232.83, subsection 2, unnumbered paragraph
19 1, Code 2024, is amended to read as follows:

20 Anyone authorized to conduct a preliminary investigation in
21 response to a complaint may apply for, or the court on its own
22 motion may enter, an ex parte order authorizing a physician
23 or physician assistant or hospital to conduct an outpatient
24 physical examination or authorizing a physician or physician
25 assistant, a psychologist certified under section 154B.7, or a
26 community mental health center accredited pursuant to ~~chapter~~
27 ~~230A~~ [section 225A.3](#) to conduct an outpatient mental examination
28 of a child if necessary to identify the nature, extent, and
29 causes of any injuries, emotional damage, or other such needs
30 of a child as specified in section 232.96A, subsection 3, 5, or
31 6, provided that all of the following apply:

32 Sec. 99. Section 235.7, subsection 2, Code 2024, is amended
33 to read as follows:

34 2. *Membership.* The department may authorize the governance
35 boards of decategorization of child welfare and juvenile

1 justice funding projects established under [section 232.188](#) to
2 appoint the transition committee membership and may utilize
3 the boundaries of decategorization projects to establish
4 the service areas for transition committees. The committee
5 membership may include but is not limited to department staff
6 involved with foster care, child welfare, and adult services,
7 juvenile court services staff, staff involved with county
8 general assistance or emergency relief under [chapter 251](#) or
9 ~~252, or a regional administrator of the county mental health~~
10 ~~and disability services region, as defined in section 225C.55,~~
11 ~~in the area,~~ school district and area education agency staff
12 involved with special education, and a child's court appointed
13 special advocate, guardian ad litem, service providers, and
14 other persons knowledgeable about the child.

15 Sec. 100. Section 235A.15, subsection 2, paragraph c,
16 subparagraphs (5) and (8), Code 2024, are amended by striking
17 the subparagraphs.

18 Sec. 101. Section 249A.4, subsection 15, Code 2024, is
19 amended by striking the subsection.

20 Sec. 102. Section 249A.12, subsection 4, Code 2024, is
21 amended by striking the subsection.

22 Sec. 103. NEW SECTION. **249A.38A Supported community living**
23 **services.**

24 1. As used in this section, "*supported community living*
25 *service*" means a service provided in a noninstitutional setting
26 to persons sixteen years of age and older with mental illness,
27 an intellectual disability, brain injury, or developmental
28 disabilities to meet the persons' daily living needs.

29 2. The department shall adopt rules pursuant to chapter 17A
30 establishing minimum standards for supported community living
31 services.

32 3. The department shall determine whether to grant, deny, or
33 revoke approval for any supported community living service.

34 4. Approved supported community living services may receive
35 funding from the state, federal and state social services block

1 grant funds, and other appropriate funding sources, consistent
2 with state legislation and federal regulations. The funding
3 may be provided on a per diem, per hour, or grant basis, as
4 appropriate.

5 Sec. 104. Section 249N.8, Code 2024, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **249N.8 Behavioral health services reports.**

8 The department shall annually submit a report to the
9 governor and the general assembly with details related to the
10 department's review of the funds administered by, and the
11 outcomes and effectiveness of, the behavioral health services
12 provided by, the behavioral health service system established
13 in section 225A.3.

14 Sec. 105. Section 252.24, subsections 1 and 3, Code 2024,
15 are amended to read as follows:

16 1. The county of residence, as defined in section ~~225C.61~~
17 331.190, shall be liable to the county granting assistance for
18 all reasonable charges and expenses incurred in the assistance
19 and care of a poor person.

20 3. ~~This section~~ shall apply to assistance or maintenance
21 provided by a county through the county's mental health
22 and disability services behavioral health service system
23 ~~implemented under chapter 225C~~ established in section 225A.3.

24 Sec. 106. Section 256.25, subsections 2 and 3, Code 2024,
25 are amended to read as follows:

26 2. A school district, which may collaborate and partner
27 with one or more school districts, area education agencies,
28 accredited nonpublic schools, nonprofit agencies, and
29 institutions that provide children's mental health services,
30 ~~located in mental health and disability services regions~~
31 ~~providing children's behavioral health services in accordance~~
32 ~~with chapter 225C, subchapter VII~~ operating within the state's
33 behavioral health service system under chapter 225A, may apply
34 for a grant under this program to establish a therapeutic
35 classroom in the school district in accordance with this

1 section.

2 3. The department shall develop a grant application
3 and selection and evaluation criteria. Selection criteria
4 shall include a method for prioritizing grant applications
5 submitted by school districts. First priority shall be
6 given to applications submitted by school districts that
7 submitted an application pursuant to [this section](#) for the
8 ~~previous~~ immediately preceding fiscal year. Second priority
9 shall be given to applications submitted by school districts
10 that, pursuant to [subsection 2](#), are collaborating and
11 partnering with one or more school districts, area education
12 agencies, accredited nonpublic schools, nonprofit agencies,
13 or institutions that provide mental health services for
14 children. Third priority shall be given to applications
15 submitted by school districts located in ~~mental health and~~
16 ~~disability services regions~~ behavioral health districts as
17 defined in section 225A.1, and that are providing behavioral
18 health services for children in accordance with chapter ~~225C~~,
19 ~~subchapter VII~~ 225A. Grant awards shall be distributed as
20 equitably as possible among small, medium, and large school
21 districts. For purposes of [this subsection](#), a small school
22 district is a district with an actual enrollment of fewer than
23 six hundred pupils; a medium school district is a district
24 with an actual enrollment that is at least six hundred pupils,
25 but less than two thousand five hundred pupils; and a large
26 school district is a district with an actual enrollment of two
27 thousand five hundred or more pupils.

28 Sec. 107. Section 321.189, subsection 10, Code 2024, is
29 amended to read as follows:

30 10. *Autism spectrum disorder status.* A licensee who has
31 autism spectrum disorder, as defined in [section 514C.28](#), may
32 request that the license be marked to reflect the licensee's
33 autism spectrum disorder status on the face of the license
34 when the licensee applies for the issuance or renewal of a
35 license. The department may adopt rules pursuant to chapter

1 17A establishing criteria under which a license may be marked,
2 including requiring the licensee to submit medical proof of the
3 licensee's autism spectrum disorder status. When a driver's
4 license is so marked, the licensee's autism spectrum disorder
5 status shall be noted in the electronic database used by
6 the department and law enforcement to access registration,
7 titling, and driver's license information. The department, in
8 consultation with the ~~mental health and disability services~~
9 ~~commission~~ department of health and human services, shall
10 develop educational media to raise awareness of a licensee's
11 ability to request the license be marked to reflect the
12 licensee's autism spectrum disorder status.

13 Sec. 108. Section 321.190, subsection 1, paragraph b,
14 subparagraph (6), Code 2024, is amended to read as follows:

15 (6) An applicant for a nonoperator's identification
16 card who has autism spectrum disorder, as defined in section
17 514C.28, may request that the card be marked to reflect
18 the applicant's autism spectrum disorder status on the face
19 of the card when the applicant applies for the issuance or
20 renewal of a card. The department may adopt rules pursuant to
21 chapter 17A establishing criteria under which a card may be
22 marked, including requiring the applicant to submit medical
23 proof of the applicant's autism spectrum disorder status.
24 The department, in consultation with the ~~mental health and~~
25 ~~disability services commission~~ department of health and human
26 services, shall develop educational media to raise awareness of
27 an applicant's ability to request the card be marked to reflect
28 the applicant's autism spectrum disorder status.

29 Sec. 109. Section 321J.25, subsection 1, paragraph b, Code
30 2024, is amended to read as follows:

31 *b.* "Program" means a substance use disorder awareness
32 program, licensed under chapter 125, and provided under a
33 contract entered into between the provider and the department
34 of health and human services under chapter 125 or an
35 administrative services organization as defined in section

1 225A.1.

2 Sec. 110. Section 321J.25, subsection 2, unnumbered
3 paragraph 1, Code 2024, is amended to read as follows:

4 A substance use disorder awareness program is established
5 in each of the regions established by the director of health
6 and human services pursuant to ~~section 125.12~~ behavioral
7 health district designated pursuant to section 225A.4. The
8 program shall consist of an insight class and a substance
9 use disorder evaluation, which shall be attended by the
10 participant, to discuss issues related to the potential
11 consequences of substance use disorder. The parent or parents
12 of the participant shall also be encouraged to participate
13 in the program. The program provider shall consult with the
14 participant or the parents of the participant in the program
15 to determine the timing and appropriate level of participation
16 for the participant and any participation by the participant's
17 parents. The program may also include a supervised educational
18 tour by the participant to any or all of the following:

19 Sec. 111. Section 331.321, subsection 1, paragraph e, Code
20 2024, is amended by striking the paragraph.

21 Sec. 112. Section 331.323, subsection 1, paragraph a,
22 subparagraph (7), Code 2024, is amended by striking the
23 subparagraph.

24 Sec. 113. Section 331.381, subsections 4 and 5, Code 2024,
25 are amended to read as follows:

26 4. Comply with chapter 222, ~~including but not limited to~~
27 sections 222.13, 222.14, 222.59 through 222.70, 222.73 through
28 222.75, and 222.77 through 222.82, in regard to the care of
29 persons with an intellectual disability.

30 5. Comply with chapters ~~227, 229~~ 229 and 230, ~~including but not~~
31 ~~limited to sections 227.11, 227.14, 229.42, 230.25, 230.27, and~~
32 230.35, in regard to the care of persons with mental illness.

33 Sec. 114. Section 331.382, subsection 1, paragraphs e, f,
34 and g, Code 2024, are amended by striking the paragraphs.

35 Sec. 115. Section 331.382, subsection 3, Code 2024, is

1 amended by striking the subsection.

2 Sec. 116. Section 331.432, subsection 3, Code 2024, is
3 amended by striking the subsection.

4 Sec. 117. Section 331.502, subsection 10, Code 2024, is
5 amended by striking the subsection.

6 Sec. 118. Section 331.502, subsection 12, Code 2024, is
7 amended to read as follows:

8 12. Carry out duties relating to the hospitalization and
9 support of persons with mental illness as provided in sections
10 ~~229.42, 230.3, 230.11, and 230.15, 230.21, 230.22, 230.25, and~~
11 ~~230.26.~~

12 Sec. 119. Section 331.552, subsection 13, Code 2024, is
13 amended by striking the subsection.

14 Sec. 120. Section 331.756, subsections 25, 38, and 41, Code
15 2024, are amended by striking the subsections.

16 Sec. 121. Section 331.910, subsection 2, Code 2024, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. *Oa.* "Administrative services organization"
19 means the same as defined in section 225A.1.

20 Sec. 122. Section 331.910, subsection 2, paragraph d, Code
21 2024, is amended by striking the paragraph.

22 Sec. 123. Section 331.910, subsection 3, paragraphs a and c,
23 Code 2024, are amended to read as follows:

24 *a.* ~~A region~~ An administrative services organization may
25 contract with a receiving agency in a bordering state to secure
26 substance use disorder or mental health care and treatment
27 under this subsection for persons who receive substance use
28 disorder or mental health care and treatment pursuant to
29 section 125.33, 125.91, 229.2, or 229.22~~through a region.~~

30 *c.* ~~A region~~ An administrative services organization may
31 contract with a sending agency in a bordering state to provide
32 care and treatment under this subsection for residents of
33 the bordering state in approved substance use disorder and
34 mental health care and treatment hospitals, centers, and
35 facilities in this state, except that care and treatment shall

1 not be provided for residents of the bordering state who are
2 involved in criminal proceedings substantially similar to the
3 involvement described in paragraph "b".

4 Sec. 124. Section 347.16, subsection 3, Code 2024, is
5 amended to read as follows:

6 3. Care and treatment may be furnished in a county public
7 hospital to any sick or injured person who has residence
8 outside the county which maintains the hospital, subject to
9 such policies and rules as the board of hospital trustees
10 may adopt. If care and treatment is provided under this
11 subsection to a person who is indigent, the person's county of
12 residence, as defined in [section 225C.61 331.190](#), shall pay to
13 the board of hospital trustees the fair and reasonable cost of
14 the care and treatment provided by the county public hospital
15 unless the cost of the indigent person's care and treatment is
16 otherwise provided for. If care and treatment is provided to
17 an indigent person under [this subsection](#), the county public
18 hospital furnishing the care and treatment shall immediately
19 notify, by regular mail, the auditor of the county of residence
20 of the indigent person of the provision of care and treatment
21 to the indigent person including care and treatment provided
22 ~~by a county through the county's mental health and disability~~
23 ~~services system implemented under chapter 225C~~ behavioral
24 health service system established in section 225A.3.

25 Sec. 125. Section 423.3, subsection 18, paragraph d, Code
26 2024, is amended to read as follows:

27 d. Community mental health centers accredited by the
28 department of health and human services pursuant to ~~chapter~~
29 ~~225C~~ section 225A.3.

30 Sec. 126. Section 426B.1, subsection 2, Code 2024, is
31 amended to read as follows:

32 2. Moneys shall be distributed from the property tax relief
33 fund to the ~~mental health and disability services regional~~
34 ~~service system for mental health and disability services,~~
35 behavioral health fund established in section 225A.7 in

1 accordance with the appropriations made to the fund and other
2 statutory requirements.

3 Sec. 127. Section 437A.8, subsection 4, paragraph d, Code
4 2024, is amended to read as follows:

5 *d.* (1) Notwithstanding paragraph "a", a taxpayer who owns
6 or leases a new electric power generating plant and who has
7 no other operating property in the state of Iowa except for
8 operating property directly serving the new electric power
9 generating plant as described in [section 437A.16](#) shall pay
10 the replacement generation tax associated with the allocation
11 of the local amount to the county treasurer of the county in
12 which the local amount is located and shall remit the remaining
13 replacement generation tax, if any, to the director according
14 to paragraph "a" for remittance of the tax to county treasurers.
15 The director shall notify each taxpayer on or before August 31
16 following a tax year of its remaining replacement generation
17 tax to be remitted to the director. All remaining replacement
18 generation tax revenues received by the director shall be
19 deposited in the property tax relief fund created in section
20 ~~426B.1, and shall be distributed as provided in section 426B.2.~~

21 (2) If a taxpayer has paid an amount of replacement tax,
22 penalty, or interest which was deposited into the property tax
23 relief fund and which was not due, all of the provisions of
24 section 437A.14, subsection 1, paragraph "b", shall apply with
25 regard to any claim for refund or credit filed by the taxpayer.
26 The director shall have sole discretion as to whether the
27 erroneous payment will be refunded to the taxpayer or credited
28 against any replacement tax due, or to become due, from the
29 taxpayer that would be subject to deposit in the property tax
30 relief fund.

31 Sec. 128. Section 437A.15, subsection 3, paragraph f, Code
32 2024, is amended to read as follows:

33 *f.* Notwithstanding the provisions of [this section](#), if
34 a taxpayer is a municipal utility or a municipal owner of
35 an electric power facility financed under the provisions

1 of [chapter 28F](#) or [476A](#), the assessed value, other than the
2 local amount, of a new electric power generating plant shall
3 be allocated to each taxing district in which the municipal
4 utility or municipal owner is serving customers and has
5 electric meters in operation in the ratio that the number of
6 operating electric meters of the municipal utility or municipal
7 owner located in the taxing district bears to the total number
8 of operating electric meters of the municipal utility or
9 municipal owner in the state as of January 1 of the tax year.
10 If the municipal utility or municipal owner of an electric
11 power facility financed under the provisions of [chapter 28F](#)
12 or [476A](#) has a new electric power generating plant but the
13 municipal utility or municipal owner has no operating electric
14 meters in this state, the municipal utility or municipal owner
15 shall pay the replacement generation tax associated with the
16 new electric power generating plant allocation of the local
17 amount to the county treasurer of the county in which the local
18 amount is located and shall remit the remaining replacement
19 generation tax, if any, to the director at the times contained
20 in [section 437A.8, subsection 4](#), for remittance of the tax to
21 the county treasurers. All remaining replacement generation
22 tax revenues received by the director shall be deposited in the
23 ~~property tax relief~~ behavioral health fund ~~created~~ established
24 in ~~section 426B.1, and shall be distributed as provided in~~
25 ~~section 426B.2~~ 225A.7.

26 Sec. 129. Section 483A.24, subsection 7, Code 2024, is
27 amended to read as follows:

28 7. A license shall not be required of minor pupils of the
29 Iowa school for the deaf or of minor residents of other state
30 institutions under the control of the department of health
31 and human services. In addition, a person who is on active
32 duty with the armed forces of the United States, on authorized
33 leave from a duty station located outside of this state, and
34 a resident of the state of Iowa shall not be required to
35 have a license to hunt or fish in this state. The military

1 person shall carry the person's leave papers and a copy of
2 the person's current earnings statement showing a deduction
3 for Iowa income taxes while hunting or fishing. In lieu of
4 carrying the person's earnings statement, the military person
5 may also claim residency if the person is registered to vote
6 in this state. If a deer or wild turkey is taken, the military
7 person shall immediately contact a state conservation officer
8 to obtain an appropriate tag to transport the animal. A
9 license shall not be required of ~~residents of county care~~
10 ~~facilities or~~ any person who is receiving supplementary
11 assistance under [chapter 249](#).

12 Sec. 130. Section 602.8102, subsection 39, Code 2024, is
13 amended to read as follows:

14 39. Refer persons applying for voluntary admission to a
15 community mental health center accredited by the department
16 of health and human services under section 225A.3, for a
17 preliminary diagnostic evaluation ~~as provided in section~~
18 ~~225C.16, subsection 2~~.

19 Sec. 131. Section 714.8, subsection 12, Code 2024, is
20 amended to read as follows:

21 12. Knowingly transfers or assigns a legal or equitable
22 interest in property, as defined in [section 702.14](#), for less
23 than fair consideration, with the intent to obtain public
24 assistance under [chapters 16, 35B, and 35D](#), and ~~347B~~, or Title
25 VI, subtitles 2 through 6, or accepts a transfer of or an
26 assignment of a legal or equitable interest in property, as
27 defined in [section 702.14](#), for less than fair consideration,
28 with the intent of enabling the party transferring the property
29 to obtain public assistance under [chapters 16, 35B, and 35D](#),
30 and ~~347B~~, or [Title VI, subtitles 2 through 6](#). A transfer or
31 assignment of property for less than fair consideration within
32 one year prior to an application for public assistance benefits
33 shall be evidence of intent to transfer or assign the property
34 in order to obtain public assistance for which a person is
35 not eligible by reason of the amount of the person's assets.

1 If a person is found guilty of a fraudulent practice in the
2 transfer or assignment of property under [this subsection](#) the
3 maximum sentence shall be the penalty established for a serious
4 misdemeanor and [sections 714.9, 714.10, and 714.11](#) shall not
5 apply.

6 Sec. 132. Section 812.6, subsection 1, Code 2024, is amended
7 to read as follows:

8 1. If the court finds the defendant does not pose a danger
9 to the public peace and safety, is otherwise qualified for
10 pretrial release, and is willing to cooperate with treatment,
11 the court shall order, as a condition of pretrial release,
12 that the defendant obtain mental health treatment designed to
13 restore the defendant to competency. The costs of treatment
14 pursuant to this subsection shall be paid by ~~the mental~~
15 ~~health and disability services region for the county of the~~
16 ~~defendant's residency pursuant to chapter 225C regardless of~~
17 ~~whether the defendant meets financial eligibility requirements~~
18 ~~under section 225C.62 or 225C.66~~ an administrative services
19 organization designated pursuant to section 225A.4.

20 Sec. 133. Section 904.201, subsection 8, Code 2024, is
21 amended to read as follows:

22 8. [Chapter 230](#) governs the determination of costs and
23 charges for the care and treatment of persons with mental
24 illness admitted to the forensic psychiatric hospital,
25 ~~except that charges for the care and treatment of any person~~
26 ~~transferred to the forensic psychiatric hospital from an adult~~
27 ~~correctional institution or from a state training school shall~~
28 ~~be paid entirely from state funds. Charges for all other~~
29 ~~persons at the forensic psychiatric hospital shall be billed to~~
30 ~~the respective counties at the same ratio as for patients at~~
31 ~~state mental health institutes under section 230.20.~~

32 Sec. 134. REPEAL. Chapters 142A, 225C, 227, 230A, and 347B,
33 Code 2024, are repealed.

34 Sec. 135. REPEAL. Sections 125.1, 125.3, 125.7, 125.9,
35 125.10, 125.12, 125.25, 125.32A, 125.34, 125.37, 125.38,

1 institutional care, and a comprehensive array of long-term
2 living and community support services adequate to sustain ~~older~~
3 people in their communities and, whenever possible, in their
4 homes, including support for caregivers.

5 ~~6.~~ f. Pursuit of meaningful activity within the widest
6 range of civic, cultural, educational, recreational, and
7 employment opportunities.

8 ~~7.~~ g. Suitable community transportation systems to assist
9 in the attainment of independent movement.

10 ~~8.~~ h. Freedom, independence, and the free exercise of
11 individual initiative in planning and managing their own lives.

12 ~~9.~~ i. Freedom from abuse, neglect, and exploitation.

13 2. The general assembly declares that the state of Iowa
14 recognizes a brain injury as a disability, and each agency and
15 subdivision of this state shall recognize a brain injury as a
16 distinct disability.

17 3. It is the policy of this state that each state agency
18 shall make reasonable efforts to identify those persons with
19 brain injuries among the persons served by the state agency.

20 Sec. 139. Section 231.4, subsection 1, Code 2024, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. Oc. "Brain injury" means the same as defined
23 in section 135.22.

24 Sec. 140. Section 231.4, subsection 1, paragraph d, Code
25 2024, is amended to read as follows:

26 ~~d. "Commission" means the commission on aging.~~ "Council"
27 means the council on health and human services created in
28 section 217.2.

29 Sec. 141. Section 231.14, Code 2024, is amended to read as
30 follows:

31 **231.14 Commission Council duties and authority.**

32 ~~1. The commission is the policymaking body of the sole state~~
33 ~~agency responsible for administration of the federal Act. The~~
34 commission council shall do all of the following:

35 ~~a. 1. Approve~~ Make recommendations to the department

1 regarding approval of the state plan on aging developed under
2 section 231.31 and area plans on aging, developed under section
3 231.33.

4 ~~b.~~ 2. ~~Adopt~~ Recommend policies to coordinate state
5 activities related to the purposes of this chapter.

6 ~~c.~~ 3. Serve as an effective and visible advocate for older
7 individuals and individuals with disabilities by establishing
8 recommending policies for ~~reviewing and commenting upon~~
9 ~~all state plans, budgets, and policies~~ which affect older
10 individuals and for ~~providing technical assistance to any~~
11 ~~agency, organization, association, or individual representing~~
12 ~~the needs of older individuals~~ with disabilities.

13 ~~d.~~ ~~Divide the state into distinct planning and service~~
14 ~~areas after considering the geographical distribution of~~
15 ~~older individuals in the state, the incidence of the need~~
16 ~~for supportive services, nutrition services, multipurpose~~
17 ~~senior centers, and legal services, the distribution of older~~
18 ~~individuals who have low incomes residing in such areas, the~~
19 ~~distribution of resources available to provide such services~~
20 ~~or centers, the boundaries of existing areas within the~~
21 ~~state which are drawn for the planning or administration of~~
22 ~~supportive services programs, the location of units of general~~
23 ~~purpose, local government within the state, and any other~~
24 ~~relevant factors.~~

25 ~~e.~~ ~~Designate for each planning and service area a public or~~
26 ~~private nonprofit agency or organization as the area agency on~~
27 ~~aging for that area. The commission may revoke the designation~~
28 ~~of an area agency on aging pursuant to~~ section 231.32.

29 ~~f.~~ 4. ~~Adopt policies to assure~~ Make recommendations to
30 ensure that the department will take into account the views
31 of older individuals and individuals with disabilities in the
32 development of policy.

33 ~~g.~~ ~~Adopt a method for the distribution of federal~~
34 ~~Act and state funds taking into account, to the maximum~~
35 ~~extent feasible, the best available data on the geographic~~

1 ~~distribution of older individuals in the state, and publish the~~
2 ~~method for review and comment.~~

3 ~~h.~~ 5. Adopt Recommend policies and measures to assure
4 ensure that preference will be given to providing services to
5 older individuals and individuals with disabilities with the
6 greatest economic or social needs, with particular attention to
7 low-income minority ~~elder~~ individuals, ~~elder~~ individuals with
8 limited English proficiency, and ~~elder~~ individuals residing in
9 rural areas.

10 ~~i.~~ 6. Adopt Recommend policies to administer state programs
11 authorized by this chapter.

12 ~~j.~~ 7. Adopt Recommend policies and ~~administrative rules~~
13 ~~pursuant to chapter 17A~~ that support the capabilities of the
14 area agencies on aging and the aging and disabilities resource
15 centers to serve older individuals and ~~persons~~ individuals
16 with disabilities experiencing Alzheimer's disease or related
17 dementias.

18 ~~2. The commission shall adopt administrative rules pursuant~~
19 ~~to chapter 17A to administer the duties specified in this~~
20 ~~chapter and in all other chapters under the department's~~
21 ~~jurisdiction.~~

22 Sec. 142. Section 231.21, Code 2024, is amended to read as
23 follows:

24 **231.21 Administration of chapter — department of health and**
25 **human services.**

26 The department of health and human services shall administer
27 this chapter under the policy direction of the commission
28 on aging consider the recommendations of the council when
29 administering this chapter.

30 Sec. 143. Section 231.23, Code 2024, is amended to read as
31 follows:

32 **231.23 Department — duties and authority.**

33 The department shall:

34 1. ~~Develop and administer a~~ Administer the state plan on
35 aging developed pursuant to section 231.31.

1 2. ~~Assist the commission in the review and approval of~~
2 Review and approve area plans developed under section 231.33.

3 3. ~~Pursuant to commission policy, coordinate~~ Coordinate
4 state activities related to the purposes of ~~this chapter and~~
5 ~~all other chapters under the department's jurisdiction.~~
6 State activities shall include, at a minimum, home and
7 community-based services such as employment support, community
8 living, and service coordination.

9 4. Advocate for older individuals and individuals with
10 disabilities by reviewing and commenting upon all state plans,
11 budgets, laws, rules, ~~regulations,~~ and policies which affect
12 older individuals or individuals with disabilities and by
13 providing technical assistance to any agency, organization,
14 association, or individual representing the needs of older
15 individuals or individuals with disabilities.

16 5. ~~Assist the commission in dividing~~ Divide the state into
17 distinct planning and service areas after considering the
18 geographical distribution of older individuals and individuals
19 with disabilities in the state, the incidence of the need
20 for supportive services, nutrition services, multipurpose
21 senior centers, and legal services, the distribution of older
22 individuals and individuals with disabilities with low income
23 residing in such areas, the distribution of resources available
24 to provide such services or centers, the boundaries of existing
25 areas within the state which are drawn for the planning or
26 administration of supportive services programs, the location of
27 units of general purpose, local government within the state,
28 and any other relevant factors.

29 6. ~~Assist the commission in designating~~ Designate for each
30 area a public or private nonprofit agency or organization as
31 the area agency on aging for that area. The department may
32 revoke the designation of an area agency on aging pursuant to
33 section 231.32.

34 7. ~~Pursuant to commission policy, take~~ Take into account the
35 views of older Iowans and Iowans with disabilities.

1 ~~disabilities eighteen years of age and older~~, family
2 caregivers, and veterans as defined by the department in the
3 most current version of the department's reporting manual and
4 pursuant to the federal Act and regulations.

5 3. ~~The aging~~ Aging and disability resource center centers.
6 Sec. 145. Section 231.23A, Code 2024, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 7A. Services and supports available to
9 individuals with disabilities including but not limited to
10 individuals with mental illness, an intellectual disability or
11 other developmental disability, or a brain injury.

12 Sec. 146. Section 231.31, Code 2024, is amended to read as
13 follows:

14 **231.31 State plan on aging.**

15 The department shall develop, ~~and submit to the commission~~
16 ~~on aging for approval~~, a multiyear state plan on aging.
17 The state plan on aging shall meet all applicable federal
18 requirements.

19 Sec. 147. Section 231.32, Code 2024, is amended to read as
20 follows:

21 **231.32 Criteria for designation of area agencies on aging.**

22 1. The ~~commission~~ department shall designate an area
23 agency on aging for each planning and service area. The
24 ~~commission shall continue the designation~~ shall continue until
25 an area agency on aging's designation is removed for cause as
26 determined by the ~~commission~~ department, until the time of
27 renewal or the annual update of an area plan, until the agency
28 voluntarily withdraws as an area agency on aging, or until a
29 change in the designation of planning and service areas or area
30 agencies on aging is required by state or federal law. In that
31 event, the ~~commission~~ department shall proceed in accordance
32 with **subsections 2, 3, and 4**. Designated area agencies on
33 aging shall comply with the requirements of the federal Act.

34 2. The ~~commission~~ department shall designate an area
35 agency on aging to serve each planning and service area, after

1 consideration of the views offered by units of general purpose
2 local government. An area agency on aging may be:

3 *a.* An established office of aging which is operating within
4 a planning and service area designated by the ~~commission~~
5 department.

6 *b.* Any office or agency of a unit of general purpose local
7 government, which is designated to function only for the
8 purpose of serving as an area agency on aging by the chief
9 elected official of such unit.

10 *c.* Any office or agency designated by the appropriate
11 chief elected officials of any combination of units of
12 general purpose local government to act only on behalf of such
13 combination for such purpose.

14 *d.* Any public or nonprofit private agency in a planning and
15 service area or any separate organizational unit within such
16 agency which is under the supervision or direction for this
17 purpose of the department and which can and will engage only in
18 the planning or provision of a broad range of long-term living
19 and community support services or nutrition services within the
20 planning and service area.

21 3. When the ~~commission~~ department designates a new area
22 agency on aging, the ~~commission~~ department shall give the right
23 of first refusal to a unit of general purpose local government
24 if:

25 *a.* Such unit can meet the requirements of [subsection 1](#).

26 *b.* The boundaries of such a unit and the boundaries of the
27 area are reasonably contiguous.

28 4. Each area agency on aging shall provide assurance,
29 determined adequate by the ~~commission~~ department, that the
30 area agency on aging has the ability to develop an area plan
31 and to carry out, directly or through contractual or other
32 arrangements, a program in accordance with the plan within the
33 planning and service area. In designating an area agency on
34 aging within the planning and service area, the ~~commission~~
35 department shall give preference to an established office of

1 aging, unless the ~~commission~~ department finds that no such
2 office within the planning and service area has the capacity to
3 carry out the area plan.

4 5. Upon designation, an area agency on aging shall be
5 considered an instrumentality of the state and shall adhere to
6 all state and federal mandates applicable to an instrumentality
7 of the state.

8 Sec. 148. Section 231.33, subsections 1 and 13, Code 2024,
9 are amended to read as follows:

10 1. Develop and administer an area plan ~~on aging~~ approved by
11 the ~~commission~~ department.

12 13. Submit all fiscal and performance reports in accordance
13 with the policies of the ~~commission~~ department.

14 Sec. 149. NEW SECTION. 231.35 Procedures related to
15 expenditure of state and federal funds.

16 1. The department shall establish and enforce procedures
17 relating to expenditure of state and federal funds by area
18 agencies on aging that require compliance with both state and
19 federal laws, rules, and regulations, including but not limited
20 to all of the following:

21 a. Requiring that expenditures are incurred only for goods
22 or services received or performed prior to the end of the
23 fiscal period designated for use of the funds.

24 b. Prohibiting prepayment for goods or services not received
25 or performed prior to the end of the fiscal period designated
26 for use of the funds.

27 c. Prohibiting prepayment for goods or services not defined
28 specifically by good or service, time period, or recipient.

29 d. Prohibiting the establishment of accounts from which
30 future goods or services which are not defined specifically by
31 good or service, time period, or recipient, may be purchased.

32 2. The procedures shall provide that if any funds are
33 expended in a manner that is not in compliance with the
34 procedures and applicable federal and state laws, rules, and
35 regulations, and are subsequently subject to repayment, the

1 area agency on aging expending such funds in contravention of
2 such procedures, laws, rules and regulations, not the state,
3 shall be liable for such repayment.

4 Sec. 150. Section 231.56, Code 2024, is amended to read as
5 follows:

6 **231.56 Services and programs.**

7 The department shall administer long-term living and
8 community support services and programs that allow older
9 individuals and individuals with disabilities to secure and
10 maintain maximum independence and dignity in a home environment
11 that provides for self-care with appropriate supportive
12 services, assist in removing individual and social barriers
13 to economic and personal independence for older individuals
14 and individuals with disabilities, and provide a continuum of
15 care for older individuals and individuals with disabilities.
16 Funds appropriated for this purpose shall be allocated based
17 on ~~administrative~~ rules adopted by the ~~commission~~ department
18 pursuant to chapter 17A. The department shall ~~require such~~
19 ~~records as needed~~ adopt rules pursuant to chapter 17A that
20 allow the department to collect information as necessary from
21 long-term living and community support services, program
22 providers, and patients to administer **this section**.

23 Sec. 151. Section 231.57, Code 2024, is amended to read as
24 follows:

25 **231.57 Coordination of advocacy.**

26 The department shall administer a program for the
27 coordination of information and assistance provided within
28 the state to assist older individuals and individuals with
29 disabilities, and their caregivers, in obtaining and protecting
30 their rights and benefits. State and local agencies providing
31 information and assistance to older individuals and individuals
32 with disabilities, and their caregivers, in seeking their
33 rights and benefits shall cooperate with the department in
34 administering this program.

35 Sec. 152. Section 231.58, Code 2024, is amended to read as

1 follows:

2 **231.58 Long-term living coordination.**

3 The director may convene meetings, as necessary, of the
4 director and the director of inspections, appeals, and
5 licensing, to assist in the coordination of policy, service
6 delivery, and long-range planning relating to the long-term
7 living system and older Iowans and Iowans with disabilities
8 in the state. The group may consult with individuals,
9 institutions, and entities with expertise in the area of the
10 long-term living system and older Iowans and Iowans with
11 disabilities, as necessary, to facilitate the group's efforts.

12 Sec. 153. Section 231.64, Code 2024, is amended to read as
13 follows:

14 **231.64 Aging and disability resource center centers.**

15 1. ~~The aging and disability resource center shall be~~
16 ~~administered by the department consistent with the federal Act.~~
17 The department shall designate ~~area agencies on aging and~~
18 disability resource centers to establish, in consultation with
19 other stakeholders including organizations representing the
20 disability community, a coordinated local aging and disability
21 service system for providing. In addition to services required
22 by the department by rules adopted pursuant to chapter 17A,
23 aging and disability resource centers shall provide for all of
24 the following:

25 a. Comprehensive information, referral, and assistance
26 regarding the full range of available public and private
27 long-term living and community support services, options,
28 service providers, and resources within a community, including
29 information on the availability of integrated long-term care.

30 b. Options counseling to assist individuals in assessing
31 their existing or anticipated long-term care needs and
32 developing and implementing a plan for long-term living and
33 community support services designed to meet their specific
34 needs and circumstances. The plan for long-term living
35 and community support services may include support with

1 person-centered care transitions to assist consumers and family
2 caregivers with transitions between home and care settings.

3 c. Consumer access to the range of publicly-supported
4 long-term living and community support services for which
5 consumers may be eligible, by serving as a convenient point
6 of entry for such services. ~~The aging~~ Aging and disability
7 resource center centers shall offer information online and
8 be available via a toll-free telephone number, electronic
9 communications, and in person.

10 2. The following entities shall be eligible to be designated
11 as an aging and disability resource center by the department:

12 a. An area agency on aging established on or before June 30,
13 2024.

14 b. A public or private nonprofit agency, or any separate
15 organizational unit within the public or private nonprofit
16 agency, that has the capabilities to engage in the planning or
17 provision of aging and disability services only as directed by
18 the department.

19 ~~2.~~ 3. ~~The aging~~ Aging and disability resource center
20 centers shall assist older individuals, ~~persons~~ individuals
21 with disabilities ~~age eighteen or older~~, family caregivers,
22 and people who inquire about or request assistance on behalf
23 of members of these groups, as they seek long-term living and
24 community support services.

25 4. The department shall adopt rules pursuant to chapter 17A
26 to implement this section.

27 Sec. 154. **NEW SECTION. 231.75 Scope.**

28 The service quality standards and rights in this subchapter
29 VII shall apply to any person with an intellectual disability,
30 a developmental disability, brain injury, or chronic mental
31 illness who receives services which are funded in whole or in
32 part by public funds, or services which are permitted under
33 Iowa law.

34 Sec. 155. **NEW SECTION. 231.76 Service quality standards.**

35 As the state participates more fully in funding services

1 and other support for persons with an intellectual disability,
2 developmental disability, brain injury, or chronic mental
3 illness, it is the intent of the general assembly that the
4 state shall seek to attain the following quality standards in
5 the provision of services and other supports:

6 1. Provide comprehensive evaluation and diagnosis adapted
7 to the cultural background, primary language, and ethnic origin
8 of a person.

9 2. Provide an individual treatment, habilitation, and
10 program services plan.

11 3. Provide treatment, habilitation, and program services
12 that are individualized, flexible, cost-effective, and produce
13 results.

14 4. Provide periodic review of an individual's treatment,
15 habilitation, and program services plan.

16 5. Provide for the least restrictive environment, and
17 age-appropriate services.

18 6. Provide appropriate training and employment
19 opportunities so that a person's ability to contribute to, and
20 participate in, the community is maximized.

21 7. Provide an ongoing process to determine the degree of
22 access to, and the effectiveness of, the services and other
23 supports in achieving the disability service outcomes and
24 indicators identified by the department.

25 Sec. 156. NEW SECTION. 231.77 Rights.

26 All of the following rights shall apply to a person with an
27 intellectual disability, a developmental disability, a brain
28 injury, or a chronic mental illness:

29 1. *Wage protection.* A person engaged in a work program
30 shall be paid wages commensurate with the going rate for
31 comparable work and productivity.

32 2. *Insurance protection.* Pursuant to section 507B.4,
33 subsection 3, paragraph "g", a person or designated group
34 of persons shall not be unfairly discriminated against for
35 purposes of insurance coverage.

1 3. *Citizenship.* A person retains the right to citizenship
2 in accordance with the laws of the state.

3 4. *Participation in planning activities.* A person has
4 the right to participate in the formulation of an individual
5 treatment, habilitation, and program plan developed for the
6 person.

7 Sec. 157. NEW SECTION. **231.78 Compliance.**

8 1. A person's sole remedy for a violation of a rule adopted
9 by the department to implement sections 231.75 through 231.77
10 shall be to initiate a proceeding with the department by
11 request pursuant to chapter 17A.

12 a. Any decision of the department shall be in accordance
13 with due process of law. A person or party who is aggrieved or
14 adversely affected by the department's action may seek judicial
15 review pursuant to section 17A.19. A person or party who is
16 aggrieved or adversely affected by a final judgment of the
17 district court may appeal under section 17A.20.

18 b. Either the department or a party in interest may apply
19 to the Iowa district court for an order to enforce a final
20 decision of the department.

21 2. Any rules adopted by the department to implement sections
22 231.76 and 231.77 shall not create any right, entitlement,
23 property or liberty right or interest, or private cause of
24 action for damages against the state or a political subdivision
25 of the state, or for which the state or a political subdivision
26 of the state would be responsible.

27 3. Notwithstanding subsection 1, any violation of section
28 231.77, subsection 2, shall be subject to enforcement by the
29 commissioner of insurance pursuant to chapter 507B.

30 Sec. 158. NEW SECTION. **231.79 Appeals process.**

31 The department shall establish an appeals process by which a
32 person or the person's representative may appeal a decision of
33 the department concerning the provision or denial of aging or
34 disability services to the person.

35 Sec. 159. Section 231E.3, Code 2024, is amended to read as

1 follows:

2 **231E.3 Definitions.**

3 As used in [this chapter](#), unless the context otherwise
4 requires:

- 5 1. "*Client*" means an individual for whom a representative
6 payee is appointed.
- 7 ~~2. "*Commission*" means the commission on aging.~~
- 8 ~~3.~~ 2. "*Conservator*" means conservator as defined in section
9 633.3.
- 10 ~~4.~~ 3. "*Court*" means court as defined in [section 633.3](#).
- 11 ~~5.~~ 4. "*Department*" means the department of health and human
12 services.
- 13 ~~6.~~ 5. "*Director*" means the director of health and human
14 services.
- 15 ~~7.~~ 6. "*Guardian*" means guardian as defined in section
16 633.3.
- 17 ~~8.~~ 7. "*Incompetent*" means incompetent as defined in section
18 633.3.
- 19 ~~9.~~ 8. "*Local office*" means a local office of public
20 guardian.
- 21 ~~10.~~ 9. "*Local public guardian*" means an individual under
22 contract with the department to act as a guardian, conservator,
23 or representative payee.
- 24 ~~11.~~ 10. "*Public guardian*" means the state public guardian
25 or a local public guardian.
- 26 ~~12.~~ 11. "*Public guardianship services*" means guardianship,
27 conservatorship, or representative payee services provided by
28 the state public guardian or a local public guardian.
- 29 ~~13.~~ 12. "*Representative payee*" means an individual
30 appointed by a government entity to receive funds on behalf of
31 a client pursuant to federal regulation.
- 32 ~~14.~~ 13. "*State agency*" means any executive department,
33 commission, board, institution, division, bureau, office,
34 agency, or other executive entity of state government.
- 35 ~~15.~~ 14. "*State office*" means the state office of public

1 guardian.

2 ~~16.~~ 15. "*State public guardian*" means the administrator of
3 the state office of public guardian.

4 ~~17.~~ 16. "*Ward*" means the individual for whom a guardianship
5 or conservatorship is established.

6 Sec. 160. REPEAL. Sections 231.11, 231.12, and 231.13, Code
7 2024, are repealed.

8 Sec. 161. CODE EDITOR DIRECTIVE. The Code editor is
9 directed to do all of the following:

10 1. Entitle Code chapter 231 "Department of Health and Human
11 Services — Aging and Disability Services".

12 2. Designate sections 231.75 through 231.79, as enacted in
13 this division of this Act, as subchapter VII entitled "Bill
14 of Rights and Service Quality Standards for Persons with an
15 Intellectual Disability, Developmental Disability, Brain
16 Injury, or Chronic Mental Illness".

17 3. Correct internal references in the Code and in any
18 enacted legislation as necessary due to the enactment of this
19 division of this Act.

20 Sec. 162. EFFECTIVE DATE. The following take effect July
21 1, 2025:

22 1. The parts of the sections of this division of this Act
23 amending the following:

24 a. Section 231.3.

25 b. Section 231.4, subsection 1.

26 c. Section 231.23, subsections 4 and 7.

27 d. Section 231.23A, subsection 1.

28 e. Sections 231.56, 231.57, and 231.58.

29 f. Section 231.64, subsection 2.

30 2. The parts of the sections of this division of this Act
31 enacting the following: sections 231.23A, subsection 7A,
32 231.75, 231.76, 231.77, 231.78, and 231.79.

33 DIVISION IV

34 TRANSITION PROVISIONS

35 Sec. 163. DEPARTMENT OF HEALTH AND HUMAN SERVICES —

1 TRANSITION OF MENTAL HEALTH SERVICES, ADDICTIVE DISORDER
2 SERVICES, AND DISABILITY SERVICES.

3 1. For purposes of this division:

4 a. "Administrative services organization" means the same
5 as defined in section 225A.1, as enacted in division I of this
6 Act.

7 b. "Behavioral health district" means the same as defined in
8 section 225A.1, as enacted in division I of this Act.

9 c. "Department" means the department of health and human
10 services.

11 d. "District behavioral health service system plan" means
12 the same as defined in section 225A.1, as enacted in division
13 I of this Act.

14 e. "Mental health and disability services region" means the
15 same as defined in section 225C.2, subsection 9.

16 f. "State behavioral health service system" means the state
17 behavioral health service system as established in section
18 225A.3, as enacted in division I of this Act.

19 g. "State behavioral health service system plan" means the
20 same as defined in section 225A.1, as enacted in division I of
21 this Act.

22 h. "Transition period" means the period beginning on the
23 date of enactment of this division of this Act and concluding
24 on June 30, 2025.

25 2. There is created a behavioral health service system under
26 the control of the department. For the fiscal year beginning
27 July 1, 2025, and each succeeding fiscal year, the behavioral
28 health service system shall be responsible for implementing and
29 maintaining a statewide system of prevention, education, early
30 intervention, treatment, recovery support, and crisis services
31 related to mental health and addictive disorders, including
32 but not limited to substance use, tobacco use, and problem
33 gambling. For the fiscal year beginning July 1, 2025, and each
34 succeeding fiscal year, the department's division of aging
35 and disability services shall be responsible for disability

1 services.

2 3. During the transition period, the department may
3 exercise all policymaking functions and regulatory powers
4 established in division I of this Act, as necessary to
5 establish the state behavioral health service system.

6 4. To ensure the state behavioral health service system
7 and the division of aging and disability services are able to
8 operate as intended at the conclusion of the transition period,
9 the department shall perform all the following duties:

10 a. Make contracts as necessary to set up services and
11 administrative functions.

12 b. Adopt rules as necessary to establish and administer the
13 state's behavioral health service system.

14 c. Establish policies as necessary to ensure efficient
15 implementation and operation of the behavioral health service
16 system.

17 d. Prepare forms necessary for the implementation and
18 administration of behavioral health services.

19 e. Prepare a state behavioral health service system plan for
20 the state behavioral health service system.

21 f. Designate behavioral health districts on or before
22 August 1, 2024. The behavioral health district designation
23 process shall include an opportunity for the public to
24 review and to comment on proposed behavioral health district
25 boundaries.

26 g. Designate an administrative services organization for
27 each behavioral health district on or before December 31, 2024.

28 h. Review and approve district behavioral health service
29 system plans for services related to the behavioral health
30 service system.

31 i. Issue all necessary licenses and certifications.

32 j. Establish contractual rights, privileges, and
33 responsibilities as necessary to establish and implement the
34 state behavioral health service system.

35 k. Develop and implement a plan to ensure that persons

1 currently receiving disability services or early intervention,
2 treatment, recovery support, or crisis services related
3 to mental health or addictive disorders, including but not
4 limited to alcohol use, substance use, tobacco use, and problem
5 gambling, have an uninterrupted continuum of care.

6 1. Establish a central data repository as described in
7 section 225A.6, as enacted in division I of this Act.

8 m. Collaborate with the department of revenue for
9 enforcement of tobacco laws, regulations, and ordinances and
10 engage in tobacco control activities.

11 n. Submit a report to the general assembly no later
12 than January 13, 2025, that details the administrative and
13 operational costs for the establishment, implementation, and
14 administration of the state behavioral health service system.

15 5. If the department determines that a federal waiver or
16 authorization is necessary to administer any provision of this
17 division of this Act or to effectuate the state behavioral
18 health service system by the conclusion of the transition
19 period, the department shall timely request the federal waiver
20 or authorization. Notwithstanding any other effective date to
21 the contrary, a provision the department determines requires a
22 federal waiver or authorization shall be effective only upon
23 receipt of federal approval for the waiver or authorization.

24 6. a. On or before July 1, 2024, the department shall
25 publish on the department's internet site an initial transition
26 plan for establishing the state behavioral health service
27 system. The transition plan shall describe, at a minimum, all
28 of the following:

29 (1) All tasks that require completion before July 1, 2025.
30 The description of tasks shall include a description of how the
31 department will solicit comments from stakeholders, including
32 employees of the department, persons served by the department,
33 partners of the department, members of the public, and members
34 of the general assembly, and a detailed timeline for the
35 completion of the tasks described.

1 (2) The proposed organizational structure of the state
2 behavioral health service system.

3 (3) The transition of service delivery sites from locations
4 where people currently receive behavioral health services to
5 where the people will receive behavioral health services under
6 the state behavioral health service system.

7 (4) Procedures for the transfer and reconciliation of
8 budgeting and funding between the mental health and disability
9 services regions and the department.

10 (5) A description of how responsibilities for disability
11 services programs will be transferred from current program
12 administrators to the department's division of aging and
13 disability services by the end of the transition period.

14 (6) Any additional known tasks that may require completion
15 after the transition on July 1, 2025.

16 b. The transition plan published under paragraph "a" shall:

17 (1) Be updated no less than quarterly during the transition
18 period with the current status of completing the tasks
19 identified in paragraph "a", subparagraph (1).

20 (2) Describe how information regarding any changes in
21 service delivery will be provided to persons receiving services
22 from the mental health and disability services regions or
23 current behavioral health care providers contracted with the
24 department.

25 (3) Describe how the transition is being funded, including
26 how expenses associated with the transition will be managed.

27 7. a. Before the end of the transition period, the
28 governing board of each mental health and disability services
29 region that maintains a combined account pursuant to section
30 225C.58, subsection 1, shall transfer all unencumbered and
31 unobligated moneys remaining in the combined account to the
32 treasurer of state for deposit into the behavioral health fund
33 as established in section 225A.7 as enacted in division I of
34 this Act.

35 b. Before the end of the transition period, each county

1 which maintains a county mental health and disability services
2 fund pursuant to section 225C.58, subsection 1, shall transfer
3 all unencumbered and unobligated moneys remaining in the mental
4 health and disability services fund to the treasurer of state
5 for deposit into the behavioral health fund as established in
6 section 225A.7 as enacted in division I of this Act.

7 c. Moneys in the behavioral health fund as established
8 in section 225A.7 as enacted in division I of this Act are
9 appropriated to the department for the purposes established in
10 section 225A.7 as enacted in division I of this Act, and as
11 otherwise necessary to effectuate this division of this Act.

12 8. a. All debts, claims, or other liabilities owed to a
13 county, a mental health and disability services region, or
14 the state due to services rendered pursuant to chapter 125,
15 222, 225, 225C, 226, 227, 229, 230, or 230A, Code 2024, at the
16 conclusion of the transition period shall remain due and owing
17 after the transition period concludes.

18 b. After the transition period concludes, each county
19 auditor shall collect outstanding debts, claims, or other
20 liabilities owed to the county for services rendered pursuant
21 to chapter 125, 222, 225, 225C, 226, 227, 229, 230, or 230A,
22 Code 2024, before the transition period concluded. The county
23 attorney may bring a judicial action as necessary to collect
24 the outstanding debts, claims, or other liabilities.

25 9. With input from appropriate stakeholders, the department
26 shall identify each contract that will be impacted by mental
27 health and disability services being transferred to the state
28 behavioral health service system, or by responsibilities
29 being transferred to the department's division of aging and
30 disabilities, pursuant to this Act. On or before June 30,
31 2025, a party to a contract identified by the department
32 under this subsection shall exercise the option, if available
33 pursuant to the terms of the contract, to terminate the
34 contract in accordance with the terms of the contract which
35 provide for termination. Contracts that do not provide for

1 termination shall not be renewed or extended at the end of the
2 current contract term.

3 10. A mental health and disability services region, a
4 regional administrator as defined in section 225C.55, and
5 any subdivision of the state shall not enter into, renew, or
6 extend any contract for services related to mental health and
7 disability services or addictive disorder services beyond June
8 30, 2025.

9 Sec. 164. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
10 TRANSITION FUNDING.

11 1. Notwithstanding any provision of law to the contrary,
12 there is appropriated from the region incentive fund of the
13 mental health and disability services regional service fund
14 created in section 225C.7A, subsection 8, to the department of
15 health and human services for the fiscal year beginning July
16 1, 2024, and ending June 30, 2025, the following amount, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 For the establishment of a central data repository as
20 described in section 225A.6, subsection 1, as enacted in
21 division I of this Act:

22 \$ 645,179

23 2. There is appropriated from the region incentive fund
24 of the mental health and disability services regional service
25 fund created in section 225C.7A, to the department of health
26 and human services for the fiscal year beginning July 1, 2024,
27 and ending June 30, 2025, the following amount, or so much
28 thereof as is necessary, to be used to support the statewide
29 988 suicide and crisis line:

30 \$ 3,000,000

31 3. There is appropriated from the region incentive fund of
32 the mental health and disability services regional service fund
33 created in section 225C.7A, to the department of health and
34 human services for the fiscal year beginning July 1, 2024, and
35 ending June 30, 2025, the following amount, or so much thereof

1 as is necessary, to be used to implement the provisions of this
2 division of this Act:

3 \$ 1,000,000

4 4. Notwithstanding section 8.33, moneys appropriated in
5 this section that remain unencumbered or unobligated at the
6 close of the fiscal year shall not revert to the credit of
7 the region incentive fund of the mental health and disability
8 services regional service fund, but shall be credited to the
9 behavioral health fund created in section 225A.7, as enacted in
10 division I of this Act, and are appropriated to the department
11 of health and human services for expenditure for the purposes
12 of the behavioral health fund.

13 Sec. 165. EMERGENCY RULES. The department of health and
14 human services may adopt emergency rules under section 17A.4,
15 subsection 3, and section 17A.5, subsection 2, paragraph "b",
16 to implement the provisions of this division of this Act and
17 the rules shall be effective immediately upon filing unless
18 a later date is specified in the rules. Any rules adopted
19 in accordance with this section shall also be published as a
20 notice of intended action as provided in section 17A.4.

21 Sec. 166. EFFECTIVE DATE. This division of this Act, being
22 deemed of immediate importance, takes effect upon enactment.

23 DIVISION V

24 ELIMINATION OF SPECIAL INTELLECTUAL DISABILITY UNITS

25 Sec. 167. Section 222.1, subsection 3, Code 2024, is amended
26 by striking the subsection.

27 Sec. 168. Section 222.2, subsection 8, Code 2024, is amended
28 by striking the subsection.

29 Sec. 169. Section 222.5, Code 2024, is amended to read as
30 follows:

31 **222.5 Preadmission diagnostic evaluation.**

32 A person shall not be eligible for admission to a resource
33 center ~~or a special unit~~ until a preadmission diagnostic
34 evaluation has been made by a resource center ~~or a special unit~~
35 which confirms or establishes the need for admission.

1 Sec. 170. Section 222.7, unnumbered paragraph 1, Code 2024,
2 is amended to read as follows:

3 The department may transfer patients from one state resource
4 center to the other and may at any time transfer patients from
5 the resource centers to the hospitals for persons with mental
6 illness, ~~or transfer patients in the resource centers to a~~
7 ~~special unit or vice versa.~~ The department may also transfer
8 patients from a hospital for persons with mental illness to a
9 resource center if consent is given or obtained as follows:

10 Sec. 171. Section 222.8, Code 2024, is amended to read as
11 follows:

12 **222.8 Communications by patients.**

13 Persons admitted to the resource centers ~~or a special~~
14 ~~unit~~ shall have all reasonable opportunity and facility for
15 communication with their friends. Such persons shall be
16 permitted to write and send letters, provided the letters
17 contain nothing of an offensive character. Letters written by
18 any patient to the director or to any state or county official
19 shall be forwarded unopened.

20 Sec. 172. Section 222.9, Code 2024, is amended to read as
21 follows:

22 **222.9 Unauthorized departures.**

23 If any person with an intellectual disability shall depart
24 without proper authorization from a resource center ~~or a~~
25 ~~special unit~~, it shall be the duty of the superintendent
26 and the superintendent's assistants and all peace officers
27 of any county in which such patient may be found to take
28 and detain the patient without a warrant or order and to
29 immediately report such detention to the superintendent who
30 shall immediately provide for the return of such patient to the
31 resource center ~~or special unit~~.

32 Sec. 173. Section 222.12, subsection 1, Code 2024, is
33 amended to read as follows:

34 1. Upon the death of a patient of a resource center ~~or~~
35 ~~special unit~~, a preliminary investigation of the death shall be

1 conducted as required by [section 218.64](#) by the county medical
2 examiner as provided in [section 331.802](#). Such a preliminary
3 investigation shall also be conducted in the event of a sudden
4 or mysterious death of a patient in a private institution
5 for persons with an intellectual disability. The chief
6 administrative officer of any private institution may request
7 an investigation of the death of any patient by the county
8 medical examiner.

9 Sec. 174. Section 222.73, subsections 1, 3, and 5, Code
10 2024, are amended to read as follows:

11 1. The superintendent of each resource center ~~and special~~
12 ~~unit~~ shall compute by February 1 the average daily patient
13 charge and outpatient treatment charges for which each county
14 will be billed for services provided to patients chargeable to
15 the county during the fiscal year beginning the following July
16 1. The department shall certify the amount of the charges and
17 notify the counties of the billing charges.

18 a. The superintendent shall compute the average daily
19 patient charge for a resource center ~~or special unit~~ for
20 services provided in the following fiscal year, in accordance
21 with generally accepted accounting procedures, by totaling
22 the expenditures of the resource center ~~or special unit~~ for
23 the immediately preceding calendar year, by adjusting the
24 expenditures by a percentage not to exceed the percentage
25 increase in the consumer price index for all urban consumers
26 for the immediately preceding calendar year, and by dividing
27 the adjusted expenditures by the total inpatient days of
28 service provided during the immediately preceding calendar
29 year.

30 b. The department shall compute the outpatient treatment
31 charges, in accordance with generally accepted accounting
32 procedures, on the basis of the actual cost of the outpatient
33 treatment provided during the immediately preceding calendar
34 year.

35 ~~3.~~ 2. The superintendent shall compute in January the

1 actual per-patient-per-day cost for each resource center ~~or~~
2 ~~special unit~~ for the immediately preceding calendar year, in
3 accordance with generally accepted accounting procedures, by
4 totaling the actual expenditures of the resource center ~~or~~
5 ~~special unit~~ for the calendar year and by dividing the total
6 actual expenditures by the total inpatient days of service
7 provided during the calendar year.

8 ~~5.~~ 3. A superintendent of a resource center ~~or special~~
9 ~~unit~~ may request that the director enter into a contract with
10 a person for the resource center ~~or special unit~~ to provide
11 consultation or treatment services or for fulfilling other
12 purposes which are consistent with the purposes stated in
13 section 222.1. The contract provisions shall include charges
14 which reflect the actual cost of providing the services. Any
15 income from a contract authorized under **this subsection** may
16 be retained by the resource center ~~or special unit~~ to defray
17 the costs of providing the services or fulfilling the other
18 purposes. Except for a contract voluntarily entered into by a
19 county under **this subsection**, the costs or income associated
20 with a contract authorized under **this subsection** shall not
21 be considered in computing charges and per diem costs in
22 accordance with the provisions of subsections ~~1 through 4~~ and
23 2.

24 Sec. 175. Section 222.83, Code 2024, is amended to read as
25 follows:

26 **222.83 Nonresident patients.**

27 The estates of all nonresident patients who are provided
28 treatment, training, instruction, care, habilitation, and
29 support in or by a resource center ~~or a special unit~~, and all
30 persons legally bound for the support of such persons, shall be
31 liable to the state for the reasonable value of such services.
32 The certificate of the superintendent of the resource center
33 ~~or special unit~~ in which any nonresident is or has been a
34 patient, showing the amounts drawn from the state treasury or
35 due therefrom as provided by law on account of such nonresident

1 patient, shall be presumptive evidence of the reasonable value
2 of such services furnished such patient by the resource center
3 ~~or special unit.~~

4 Sec. 176. Section 222.84, Code 2024, is amended to read as
5 follows:

6 **222.84 Patients' personal deposit fund.**

7 There is established at each resource center ~~and special~~
8 ~~unit~~ a patients' personal deposit fund. ~~In the case of a~~
9 ~~special unit, the director may direct that the patients'~~
10 ~~personal deposit fund be maintained and administered as a part~~
11 ~~of the fund established, pursuant to sections 226.43 through~~
12 ~~226.46, by the state mental health institute where the special~~
13 ~~unit is located.~~

14 Sec. 177. Section 222.85, subsection 1, Code 2024, is
15 amended to read as follows:

16 1. Any funds coming into the possession of the
17 superintendent or any employee of a resource center ~~or special~~
18 ~~unit~~ belonging to any patient in that institution shall be
19 deposited in the name of the patient in the patients' personal
20 deposit fund, except that if a guardian of the property has
21 been appointed for the person, the guardian shall have the
22 right to demand and receive such funds. Funds belonging to a
23 patient deposited in the patients' personal deposit fund may
24 be used for the purchase of personal incidentals, desires, and
25 comforts for the patient.

26 Sec. 178. Section 222.87, Code 2024, is amended to read as
27 follows:

28 **222.87 Deposit in bank.**

29 The department shall deposit the patients' personal deposit
30 fund in a commercial account of a bank of reputable standing.
31 When deposits in the commercial account exceed average monthly
32 withdrawals, the department may deposit the excess at interest.
33 The savings account shall be in the name of the patients'
34 personal deposit fund and interest paid on the account may be
35 used for recreational purposes for the patients at the resource

1 center ~~or special unit~~.

2 Sec. 179. REPEAL. Sections 222.88, 222.89, 222.90, and
3 222.91, Code 2024, are repealed.

4 Sec. 180. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 DIVISION VI

7 COUNTY OF RESIDENCE DETERMINATIONS

8 Sec. 181. NEW SECTION. 331.190 County of residence —
9 dispute resolution.

10 1. "*County of residence*" means the county in this state
11 in which, at the time a person applies for or receives
12 services, the person is living and has established an ongoing
13 presence with the declared, good faith intention of living
14 for a permanent or indefinite period of time. The county
15 of residence of a homeless person is the county in which
16 the homeless person usually sleeps. A person maintains
17 residency in the county or state in which the person last
18 resided during the time period that the person is present in
19 a different county or state receiving services in a hospital,
20 a correctional facility, a halfway house for community-based
21 corrections or substance use disorder treatment, a nursing
22 facility, an intermediate care facility for persons with an
23 intellectual disability, a residential care facility, or for
24 the purpose of attending a college or university.

25 2. a. The dispute resolution process in this subsection
26 shall apply to county of residence disputes. The dispute
27 resolution process shall not be applicable to any of the
28 following:

29 (1) Disputes involving persons committed to a state
30 facility pursuant to chapter 812.

31 (2) Disputes involving Iowa rule of criminal procedure
32 2.22(8)(b), commitment for evaluation.

33 (3) Disputes involving chapter 12 of Iowa court rules, rules
34 for involuntary hospitalization of mentally ill persons.

35 b. If a county objects to a billing for services or a

1 residency determination and asserts that either the person
2 has residency in a different county or the person is not a
3 resident of this state, the person's county of residence
4 shall be determined as provided in this subsection. If the
5 county asserts that the person has residency in a different
6 county in this state, the county shall notify that county in
7 writing within one hundred twenty calendar days of receiving
8 the billing for services or of the county of residence
9 determination.

10 c. The county that receives the notification under paragraph
11 "b" shall respond in writing to the county that provided the
12 notification within forty-five calendar days of receiving the
13 notification. If the parties cannot agree as to the person's
14 county of residence within ninety calendar days of the date of
15 notification, on motion of either of the parties, the matter
16 shall be referred to the administrative hearings division of
17 the department of inspections, appeals, and licensing for
18 a contested case proceeding under chapter 17A, before an
19 administrative law judge assigned in accordance with section
20 10A.801, to determine the person's county of residence.

21 d. (1) Notwithstanding section 17A.15, the administrative
22 law judge's determination of a person's county of residence
23 shall be considered final agency action. Judicial review of
24 the determination may be sought in accordance with section
25 17A.19.

26 (2) If following the determination of a person's county of
27 residence under this subsection additional evidence becomes
28 available that merits a change in the determination of the
29 person's county of residence, the affected parties may change
30 the determination of county of residence by mutual agreement.
31 Otherwise, a party may move that the matter be reconsidered
32 by the county, or by an administrative law judge assigned in
33 accordance with section 10A.801.

34 e. Unless a petition is filed for judicial review, the
35 administrative law judge's determination of the person's county

1 of residence shall result in one of the following:

2 (1) If a county is determined to be the person's county
3 of residence, that county shall pay any amounts due and shall
4 reimburse the other county for any amounts paid for services
5 provided to the person by the other county prior to the county
6 of residence determination.

7 (2) If it is determined that the person is not a resident of
8 this state, neither the state nor either county shall be liable
9 for payment of amounts due for services provided to the person
10 prior to the determination of the person's county of residence.

11 *f.* (1) The party that does not prevail in a contested
12 case proceeding or a subsequent judicial review pursuant to
13 this subsection shall be liable for costs associated with
14 the proceeding or judicial review, including reimbursement
15 of the administrative hearings division of the department of
16 inspections, appeals, and licensing's actual costs associated
17 with the administrative proceeding, court costs, and reasonable
18 attorney fees.

19 (2) A payment or reimbursement pursuant to this subsection
20 shall be remitted within forty-five calendar days of the
21 date the county of residence determination is issued by the
22 administrative law judge or the date the court files an order
23 determining the person's county of residence, whichever is
24 later. After forty-five calendar days, the prevailing party
25 may add a penalty of up to one percent per month to any amounts
26 due.

27 Sec. 182. Section 35D.9, Code 2024, is amended to read as
28 follows:

29 **35D.9 County of residence upon discharge.**

30 A member of the home does not acquire residency in the county
31 in which the home is located unless the member is voluntarily
32 or involuntarily discharged from the home and the member
33 meets county of residence requirements. For purposes of this
34 section, "*county of residence*" means the same as defined in
35 section ~~225C.61~~ 331.190.

1 Sec. 183. Section 232.141, subsections 7 and 8, Code 2024,
2 are amended to read as follows:

3 7. A county charged with the costs and expenses under
4 subsections 2 and 3 may recover the costs and expenses from the
5 child's custodial parent's county of residence, as defined in
6 section ~~225C.61~~ 331.190, by filing verified claims which are
7 payable as are other claims against the county. A detailed
8 statement of the facts upon which a claim is based shall
9 accompany the claim.

10 8. **This subsection** applies only to placements in a juvenile
11 shelter care home which is publicly owned, operated as a county
12 or multicounty shelter care home, organized under a chapter
13 28E agreement, or operated by a private juvenile shelter care
14 home. If the actual and allowable costs of a child's shelter
15 care placement exceed the amount the department is authorized
16 to pay, the unpaid costs may be recovered from the child's
17 custodial parent's county of residence. However, the maximum
18 amount of the unpaid costs which may be recovered under this
19 subsection is limited to the difference between the amount
20 the department is authorized to pay and the statewide average
21 of the actual and allowable rates as reasonably determined
22 by the department annually. A home may only be reimbursed
23 for the lesser of the home's actual and allowable costs or
24 the statewide average of the actual and allowable rates as
25 determined by the department in effect on the date the costs
26 were paid. The unpaid costs are payable pursuant to filing of
27 verified claims against the child's custodial parent's county
28 of residence. A detailed statement of the facts upon which a
29 claim is based shall accompany the claim. Any dispute between
30 counties arising from ~~filings of claims~~ filed pursuant to this
31 subsection shall be settled in the manner provided to determine
32 residency county of residence in ~~section 225C.61~~ 331.190.

33 Sec. 184. EFFECTIVE DATE. This division of this Act takes
34 effect July 1, 2025.

35

DIVISION VII

