

S-5160

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 d. Administrative costs associated with services described
22 under this subsection. For purposes of administrative costs,
23 the department shall not use more than five percent of the
24 moneys in the behavioral health fund at the beginning of each
25 fiscal year, excluding the total sum of any moneys deposited
26 into the fund from the federal community mental health service
27 block grant, 42 U.S.C. §300x et seq., and the federal substance
28 abuse prevention and treatment block grant, 42 U.S.C. §300x-21
29 et seq.

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

34 4. For the fiscal year beginning July 1, 2026, and each
35 succeeding fiscal year, there is transferred from the general

1 fund of the state to the behavioral health fund an amount equal
2 to the state's population for the fiscal year multiplied by
3 the sum of the dollar amount used to calculate the transfer
4 from the general fund to the behavioral health fund for the
5 immediately preceding fiscal year, plus the state growth factor
6 for the fiscal year for which the transfer is being made.

7 5. For each fiscal year, an administrative services
8 organization shall not spend on administrative costs an amount
9 more than seven percent of the total amount distributed to the
10 administrative services organization through this section and
11 all other appropriations for the same fiscal year.

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

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

19 8. Notwithstanding section 8.33, moneys appropriated in
20 this section that remain unencumbered or unobligated at the
21 close of the fiscal year shall not revert but shall remain
22 available for expenditure for the purposes designated.

23 **Sec. 8. NEW SECTION. 225A.8 Addictive disorders prevention**
24 **— prohibitions.**

25 1. For purposes of this section, "*entity*" means a
26 manufacturer, distributor, wholesaler, retailer, or
27 distributing agent, or an agent of a manufacturer, distributor,
28 wholesaler, retailer, or distributing agent as those terms are
29 defined in section 453A.1.

30 2. To promote comprehensive tobacco use prevention and
31 control initiatives outlined in the state behavioral health
32 service system plan, an entity shall not perform any of the
33 following acts:

- 34 a. Give away cigarettes or tobacco products.
- 35 b. Provide free articles, products, commodities, gifts, or

1 concessions in any exchange for the purchase of cigarettes or
2 tobacco products.

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

6 Sec. 9. NEW SECTION. **225A.9 Application for services —**
7 **minors.**

8 A minor who is twelve years of age or older shall have
9 the legal capacity to act and give consent to the provision
10 of tobacco cessation coaching services pursuant to a tobacco
11 cessation telephone and internet-based program approved by
12 the department through the behavioral health service system
13 established in section 225A.3. Consent shall not be subject to
14 later disaffirmance by reason of such minority. The consent of
15 another person, including but not limited to the consent of a
16 spouse, parent, custodian, or guardian, shall not be necessary.

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

19 1. Designate sections 225A.1 through 225A.9, as enacted
20 in this division of this Act, as Code chapter 225A entitled
21 "Department of Health and Human Services — Behavioral Health
22 Service System".

23 2. Correct internal references in the Code and in any
24 enacted legislation as necessary due to the enactment of this
25 division of this Act.

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

28 DIVISION II

29 BEHAVIORAL HEALTH SERVICE SYSTEM — CONFORMING CHANGES

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

32 *b.* The financial condition and transactions of ~~community~~
33 ~~mental health centers organized under [chapter 230A](#)~~, substance
34 use disorder programs ~~organized~~ licensed under [chapter 125](#), and
35 community action agencies organized under [chapter 216A](#) shall

1 be audited at least once each year.

2 Sec. 13. Section 97B.1A, subsection 8, paragraph a,
3 subparagraph (13), Code 2024, is amended by striking the
4 subparagraph.

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

7 5. After any transfer provided for in subsection 3 is made,
8 the department shall transfer into a special revenue account
9 in the general fund of the state, a sum of money at least equal
10 to seven percent of the gross amount of sales made by the
11 department from the beer and liquor control fund on a monthly
12 basis but not less than nine million dollars annually. Of
13 the amounts transferred, ~~two~~ three million dollars, ~~plus an~~
14 ~~additional amount determined by the general assembly, shall be~~
15 ~~appropriated to the department of health and human services for~~
16 ~~use by the staff who administer the comprehensive substance use~~
17 ~~disorder program under chapter 125 for substance use disorder~~
18 ~~treatment and prevention programs~~ shall be transferred to the
19 behavioral health fund established under section 225A.7. Any
20 amounts received in excess of the amounts ~~appropriated to the~~
21 ~~department of health and human services for use by the staff~~
22 ~~who administer the comprehensive substance use disorder program~~
23 ~~under chapter 125~~ transferred to the behavioral health fund
24 shall be considered part of the general fund balance.

25 Sec. 15. Section 123.17, subsection 8, Code 2024, is amended
26 by striking the subsection.

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

29 9. After any transfers provided for in subsections 3, 5,
30 6, and 7, ~~and 8~~ are made, and before any other transfer to the
31 general fund, the department shall transfer to the economic
32 development authority from the beer and liquor control fund the
33 lesser of two hundred fifty thousand dollars or one percent of
34 the gross sales of native distilled spirits by all class "A"
35 native distilled spirits license holders made by the department

1 for the purposes of promoting Iowa wine, beer, and spirits.

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

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

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

8 1. The procedure prescribed by [this section](#) shall only
9 be used for a person with a substance use disorder due to
10 intoxication or substance-induced incapacitation who has
11 threatened, attempted, or inflicted physical self-harm or harm
12 on another, and is likely to inflict physical self-harm or harm
13 on another unless immediately detained, or who is incapacitated
14 by a chemical substance, if an application has not been filed
15 naming the person as the respondent pursuant to [section 125.75](#)
16 and the person cannot be ordered into immediate custody and
17 detained pursuant to [section 125.81](#).

18 Sec. 20. Section 125.93, Code 2024, is amended to read as
19 follows:

20 **125.93 Commitment records — confidentiality.**

21 Records of the identity, diagnosis, prognosis, or treatment
22 of a person which are maintained in connection with the
23 provision of substance use disorder treatment services are
24 confidential, consistent with ~~the requirements of section~~
25 ~~125.37, and with the federal confidentiality regulations~~
26 ~~authorized by the federal Drug Abuse Office and Treatment Act,~~
27 ~~42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse~~
28 ~~and Alcoholism Prevention, Treatment and Rehabilitation Act, 42~~
29 ~~U.S.C. §290dd-2. However, such records may be disclosed to an~~
30 ~~employee of the department of corrections, if authorized by the~~
31 ~~director of the department of corrections, or to an employee~~
32 ~~of a judicial district department of correctional services, if~~
33 ~~authorized by the director of the judicial district department~~
34 ~~of correctional services.~~

35 Sec. 21. Section 135.11, subsection 11, Code 2024, is

1 amended to read as follows:

2 11. Administer chapters 125, 136A, 136C, 139A, 142, ~~142A,~~
3 144, and 147A.

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

6 The department shall establish a special classification
7 within the residential care facility category in order to
8 foster the development of residential care facilities which
9 serve persons with an intellectual disability, chronic mental
10 illness, a developmental disability, or brain injury, ~~as~~
11 ~~described under section 225C.26,~~ and which contain five or
12 fewer residents. A facility within the special classification
13 established pursuant to [this subsection](#) is exempt from the
14 requirements of [section 10A.713](#). The department shall adopt
15 rules which are consistent with rules previously developed for
16 the ~~waiver demonstration~~ waiver project pursuant to 1986 Iowa
17 Acts, ch. 1246, §206, and which include all of the following
18 provisions:

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

21 1. A person or governmental unit acting severally or
22 jointly with any other person or governmental unit shall not
23 establish or operate a health care facility in this state
24 without a license for the facility. A supported community
25 living service, as defined in ~~section 225C.21~~ [249A.38A](#), is not
26 required to be licensed under [this chapter](#), but is subject to
27 approval under ~~section 225C.21~~ [249A.38A](#) in order to receive
28 public funding.

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

31 Each resident shall be covered by a contract executed
32 by the resident, or the resident's legal representative,
33 and the health care facility at or prior to the time of the
34 resident's admission or prior thereto by the resident, or the
35 ~~legal representative, and the health care facility, except as~~

1 otherwise provided by ~~subsection 5~~ with respect to residents
2 admitted at public expense to a county care facility operated
3 under ~~chapter 347B~~. Each party to the contract shall be
4 entitled to a duplicate of the original thereof contract, and
5 the health care facility shall keep on file all contracts
6 which it has with residents and shall not destroy or otherwise
7 dispose of any such contract for at least one year after its
8 expiration. Each such contract shall expressly set forth:

9 Sec. 25. Section 135C.23, subsection 2, paragraph b, Code
10 2024, is amended to read as follows:

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

1 or have residents with histories of dangerous or disturbing
2 behavior.

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

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

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

9 12. a. *"Subacute mental health services"* means ~~the same~~
10 ~~as defined in [section 225C.6](#)~~ services that provide all of the
11 following:

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

23 (2) Intensive, recovery-oriented treatment and monitoring
24 of a person. Treatment may be provided directly or remotely
25 by a licensed psychiatrist or an advanced registered nurse
26 practitioner.

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

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

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

1 Sec. 29. Section 142.1, Code 2024, is amended to read as
2 follows:

3 **142.1 Delivery of bodies.**

4 The body of every person ~~dying~~ who died in a public asylum,
5 hospital, ~~county care facility,~~ penitentiary, or reformatory
6 in this state, or found dead within the state, or ~~which~~ who
7 is to be buried at public expense in this state, except those
8 buried under the provisions of [chapter 144C](#) or [249](#), and which
9 is suitable for scientific purposes, shall be delivered to the
10 medical college of the state university, or some osteopathic
11 or chiropractic college or school located in this state, which
12 has been approved under the law regulating the practice of
13 osteopathic medicine or chiropractic; but no such body shall
14 be delivered to any such college or school if the deceased
15 person expressed a desire during the person's last illness
16 that the person's body should be buried or cremated, nor if
17 such is the desire of the person's relatives. Such bodies
18 shall be equitably distributed among said colleges and schools
19 according to their needs for teaching anatomy in accordance
20 with such rules as may be adopted by the department of health
21 and human services. The expense of transporting said bodies to
22 such college or school shall be paid by the college or school
23 receiving the same. If the deceased person has not expressed
24 a desire during the person's last illness that the person's
25 body should be buried or cremated and no person authorized to
26 control the deceased person's remains under [section 144C.5](#)
27 requests the person's body for burial or cremation, and if a
28 friend objects to the use of the deceased person's body for
29 scientific purposes, said deceased person's body shall be
30 ~~forthwith~~ delivered to such friend for burial or cremation at
31 no expense to the state or county. Unless such friend provides
32 for burial and burial expenses within five days, the body shall
33 be used for scientific purposes under [this chapter](#).

34 Sec. 30. Section 142.3, Code 2024, is amended to read as
35 follows:

1 **142.3 Notification of department.**

2 Every county medical examiner, funeral director or embalmer,
3 and the managing officer of every public asylum, hospital,
4 ~~county care facility~~, penitentiary, or reformatory, as soon as
5 any dead body shall come into the person's custody which may be
6 used for scientific purposes as provided in **sections 142.1** and
7 **142.2**, shall at once notify the nearest relative or friend of
8 the deceased, if known, and the department of health and human
9 services, and hold such body unburied for forty-eight hours.
10 Upon receipt of notification, the department shall issue verbal
11 or written instructions relative to the disposition to be made
12 of said body. Complete jurisdiction over said bodies is vested
13 exclusively in the department of health and human services. No
14 autopsy or post mortem, except as are legally ordered by county
15 medical examiners, shall be performed on any of said bodies
16 prior to their delivery to the medical schools.

17 Sec. 31. NEW SECTION. **217.17 State health improvement plan.**

18 1. The department shall develop, implement, and administer
19 a state health improvement plan to identify health priorities,
20 goals, and measurable objectives, and outline strategies to
21 improve health statewide.

22 2. The state health improvement plan shall be developed
23 and updated in collaboration and in coordination with other
24 state departments, stakeholders, and statewide organizations
25 the department determines to be relevant.

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

28 Sec. 32. NEW SECTION. **217.37 Recovery of payment —**
29 **assignment of liens — county attorney to enforce.**

30 1. For purposes of this section, "assistance" means all of
31 the following:

32 a. A payment by the state for services rendered through
33 the behavioral health service system established under section
34 225A.3.

35 b. A payment by the state for aging and disability services

1 rendered in accordance with chapter 231.

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

5 3. Notwithstanding any provision of law to the contrary,
6 assistance shall not be recoverable unless the department
7 finds that the assistance was paid for the benefit of a person
8 who was not entitled to have assistance paid on the person's
9 behalf.

10 4. Assistance paid for the benefit of a person who was
11 not entitled to have assistance paid on the person's behalf
12 shall be recoverable from the entity to which the assistance
13 was paid, from the person on whose behalf assistance was paid,
14 or from a third party who is liable for the person's debts or
15 support.

16 5. Upon the death of a person who was not entitled to
17 have assistance paid on the person's behalf, the department
18 shall have a lien equivalent in priority to liens described
19 in section 633.425, subsection 6, against the person's estate
20 for the portion of the assistance improperly paid which the
21 department had not recovered at the time of the person's death.

22 6. The department may waive all or a portion of improperly
23 paid assistance, or a lien created under subsection 5, if
24 the department finds that collection would result in undue
25 hardship.

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

28 Sec. 33. Section 218.30, Code 2024, is amended to read as
29 follows:

30 **218.30 Investigation of other facilities.**

31 The director may investigate or cause the investigation of
32 charges of abuse, neglect, or mismanagement on the part of an
33 officer or employee of a private facility which is subject to
34 the director's supervision or control. ~~The director shall also~~
35 ~~investigate or cause the investigation of charges concerning~~

1 ~~county care facilities in which persons with mental illness are~~
2 ~~served.~~

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

5 1. All institutional receipts of the department, including
6 funds received from client participation at the state resource
7 centers under [section 222.78](#) and ~~at the state mental health~~
8 ~~institutes under [section 230.20](#)~~, shall be deposited in the
9 general fund except for reimbursements for services provided
10 to another institution or state agency, for receipts deposited
11 in the revolving farm fund under [section 904.706](#), for deposits
12 into the medical assistance fund under [section 249A.11](#), and for
13 rentals charged to employees or others for room, apartment, or
14 house and meals, which shall be available to the institutions.

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

17 1. [This chapter](#) addresses the public and private services
18 available in this state to meet the needs of persons with an
19 intellectual disability. ~~The responsibility of the mental~~
20 ~~health and disability services regions formed by counties and~~
21 ~~of the state for the costs and administration of publicly~~
22 ~~funded services shall be as set out in [section 222.60](#) and other~~
23 ~~pertinent sections of [this chapter](#).~~

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

26 NEW SUBSECTION. 01. *"Administrative services organization"*
27 means the same as defined in section 225A.1.

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

30 Sec. 38. Section 222.12, subsection 2, Code 2024, is amended
31 by striking the subsection.

32 Sec. 39. Section 222.13, Code 2024, is amended to read as
33 follows:

34 **222.13 Voluntary admissions.**

35 1. If an adult person is believed to be a person with an

1 intellectual disability, the adult person or the adult person's
2 guardian may apply to the department and the superintendent of
3 any state resource center for the voluntary admission of the
4 adult person either as an inpatient or an outpatient of the
5 resource center. ~~If the expenses of the person's admission
6 or placement are payable in whole or in part by the person's
7 county of residence, application for the admission shall be
8 made through the regional administrator. An application for
9 admission to a special unit of any adult person believed to be
10 in need of any of the services provided by the special unit
11 under [section 222.88](#) may be made in the same manner. The
12 superintendent shall accept the application if a preadmission
13 diagnostic evaluation confirms or establishes the need for
14 admission, except that an application shall not be accepted if
15 the institution does not have adequate facilities available or
16 if the acceptance will result in an overcrowded condition.~~

17 2. If the resource center does not have an appropriate
18 program for the treatment of an adult or minor person with an
19 intellectual disability applying under [this section](#) or section
20 222.13A, ~~the regional administrator for the person's county
21 of residence or the department, as applicable, shall arrange
22 for the placement of the person in any public or private
23 facility within or without outside of the state, approved by
24 the director, which offers appropriate services for the person.
25 If the expenses of the placement are payable in whole or in
26 part by a county, the placement shall be made by the regional
27 administrator for the county.~~

28 3. ~~If the expenses of an admission of an adult to a resource
29 center or a special unit, or of the placement of the person
30 in a public or private facility are payable in whole or in
31 part by a mental health and disability services region, the
32 regional administrator shall make a full investigation into
33 the financial circumstances of the person and those liable for
34 the person's support under [section 222.78](#) to determine whether
35 or not any of them are able to pay the expenses arising out of~~

~~1 the admission of the person to a resource center, special unit,
2 or public or private facility. If the regional administrator
3 finds that the person or those legally responsible for
4 the person are presently unable to pay the expenses, the
5 regional administrator shall pay the expenses. The regional
6 administrator may review such a finding at any subsequent
7 time while the person remains at the resource center, or is
8 otherwise receiving care or treatment for which this chapter
9 obligates the region to pay. If the regional administrator
10 finds upon review that the person or those legally responsible
11 for the person are presently able to pay the expenses, the
12 finding shall apply only to the charges incurred during the
13 period beginning on the date of the review and continuing
14 thereafter, unless and until the regional administrator again
15 changes such a finding. If the regional administrator finds
16 that the person or those legally responsible for the person
17 are able to pay the expenses, the regional administrator shall
18 collect the charges to the extent required by [section 222.78](#),
19 and the regional administrator shall be responsible for the
20 payment of the remaining charges.~~

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

23 3. During the preadmission diagnostic evaluation, the
24 minor shall be informed both orally and in writing that the
25 minor has the right to object to the voluntary admission. ~~If~~
26 Notwithstanding section 222.33, if the preadmission diagnostic
27 evaluation determines that the voluntary admission is
28 appropriate but the minor objects to the admission, the minor
29 shall not be admitted to the state resource center unless the
30 court approves of the admission. A petition for approval of
31 the minor's admission may be submitted to the juvenile court by
32 the minor's parent, guardian, or custodian.

33 4. As soon as practicable after the filing of a petition for
34 approval of the voluntary admission, the court shall determine
35 whether the minor has an attorney to represent the minor in the

1 proceeding. If the minor does not have an attorney, the court
2 shall assign an attorney to the minor ~~an attorney~~. If the
3 minor is unable to pay for an attorney, the attorney shall be
4 compensated by ~~the mental health and disability services region~~
5 an administrative services organization at an hourly rate to be
6 established ~~by the regional administrator~~ in substantially the
7 same manner as provided in [section 815.7](#).

8 Sec. 41. Section 222.14, Code 2024, is amended to read as
9 follows:

10 **222.14 Care by ~~region~~ pending admission.**

11 If the institution is unable to receive a patient, the
12 superintendent shall notify ~~the regional administrator~~
13 ~~for the county of residence of the prospective patient~~ an
14 administrative services organization. Until such time as the
15 patient is able to be received by the institution, or when
16 application has been made for admission to a public or private
17 facility as provided in [section 222.13](#) and the application
18 is pending, the care of the patient shall be provided as
19 arranged by the ~~regional administrator~~ administrative services
20 organization.

21 Sec. 42. NEW SECTION. **222.33 State resource center —**
22 **admissions and discharge.**

23 1. The department shall make all final determinations
24 concerning whether a person may be admitted to a state resource
25 center.

26 2. If a patient is admitted to a state resource center
27 pursuant to section 222.13 or 222.13A, and the patient
28 wishes to be placed outside of the state resource center, the
29 discharge of the patient shall be made in accordance with
30 section 222.15.

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

32 The department shall implement services and adopt rules
33 pursuant to chapter 17A in a manner that ensures that the state
34 is the payor of last resort, and that the department shall not
35 make any payments for services that have been provided until

1 the department has determined that the services provided are
2 not payable by a third-party source.

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

5 Sec. 45. Section 222.77, Code 2024, is amended to read as
6 follows:

7 **222.77 Patients on leave.**

8 The cost of support of patients placed on convalescent leave
9 or removed as a habilitation measure from a resource center,
10 ~~or a special unit,~~ except when living in the home of a person
11 legally bound for the support of the patient, shall be paid by
12 ~~the county of residence or the state as provided in section~~
13 ~~222.60.~~

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

16 1. The father and mother of any patient admitted to a
17 resource center ~~or to a special unit,~~ as either an inpatient
18 or an outpatient, and any person, firm, or corporation bound
19 by contract made for support of the patient, are liable for
20 the support of the patient. The patient and those legally
21 bound for the support of the patient shall be liable to the
22 ~~county or state, as applicable,~~ for all sums advanced in
23 ~~accordance with the provisions of [sections 222.60](#) and 222.77~~
24 relating to reasonable attorney fees and court costs for
25 the patient's admission to the resource center, and for the
26 treatment, training, instruction, care, habilitation, support,
27 transportation, or other expenditures made on behalf of the
28 patient pursuant to this chapter.

29 Sec. 47. Section 222.79, Code 2024, is amended to read as
30 follows:

31 **222.79 Certification statement presumed correct.**

32 In actions to enforce the liability imposed by section
33 222.78, the superintendent ~~or the county of residence, as~~
34 ~~applicable,~~ shall submit a certification statement stating
35 the sums charged, and the certification statement shall be

1 considered presumptively correct.

2 Sec. 48. Section 222.80, Code 2024, is amended to read as
3 follows:

4 **222.80 Liability to ~~county or~~ state.**

5 A person admitted to a county institution ~~or home~~ or admitted
6 at ~~county or~~ state expense to a private hospital, sanitarium,
7 or other facility for treatment, training, instruction, care,
8 habilitation, and support as a patient with an intellectual
9 disability shall be liable to the ~~county or~~ state, ~~as~~
10 ~~applicable,~~ for the reasonable cost of the support as provided
11 in [section 222.78](#).

12 Sec. 49. Section 222.82, Code 2024, is amended to read as
13 follows:

14 **222.82 Collection of liabilities and claims.**

15 If liabilities and claims exist as provided in section
16 222.78 or any other provision of [this chapter](#), ~~the county of~~
17 ~~residence or the state, as applicable,~~ may proceed as provided
18 in [this section](#). ~~If the liabilities and claims are owed to~~
19 ~~a county of residence, the county's board of supervisors may~~
20 ~~direct the county attorney to proceed with the collection of~~
21 ~~the liabilities and claims as a part of the duties of the~~
22 ~~county attorney's office when the board of supervisors deems~~
23 ~~such action advisable. If the liabilities and claims are owed~~
24 ~~to the state, the state shall proceed with the collection.~~
25 ~~The board of supervisors or the state, as applicable,~~ may
26 compromise any and all liabilities to the ~~county or~~ state
27 arising under [this chapter](#) when such compromise is deemed to be
28 in the best interests of the ~~county or~~ state. Any collections
29 and liens shall be limited in conformance to section 614.1,
30 subsection 4.

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

33 2. Moneys paid to a resource center from any source other
34 than state appropriated funds and intended to pay all or a
35 portion of the cost of care of a patient, which cost would

1 otherwise be paid from state ~~or county~~ funds or from the
2 patient's own funds, shall not be deemed "funds belonging to a
3 patient" for the purposes of [this section](#).

4 Sec. 51. Section 222.86, Code 2024, is amended to read as
5 follows:

6 **222.86 Payment for care from fund.**

7 If a patient is not receiving medical assistance under
8 chapter 249A and the amount in the account of any patient
9 in the patients' personal deposit fund exceeds two hundred
10 dollars, the department may apply any amount of the excess to
11 reimburse the ~~county of residence or the state~~ for liability
12 incurred by ~~the county or the state~~ for the payment of care,
13 support, and maintenance of the patient, when billed by the
14 ~~county or state, as applicable.~~

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

17 1. The department shall operate the state resource centers
18 on the basis of net appropriations from the general fund of
19 the state. The appropriation amounts shall be the net amounts
20 of state moneys projected to be needed for the state resource
21 centers for the fiscal year of the appropriations. The purpose
22 of utilizing net appropriations is to encourage the state
23 resource centers to operate with increased self-sufficiency, to
24 improve quality and efficiency, and to support collaborative
25 efforts between the state resource centers and ~~counties and~~
26 ~~other~~ providers of funding for the services available from
27 the state resource centers. The state resource centers shall
28 not be operated under the net appropriations in a manner that
29 results in a cost increase to the state or in cost shifting
30 between the state, the medical assistance program, ~~counties,~~ or
31 other sources of funding for the state resource centers.

32 Sec. 53. Section 222.92, subsection 3, paragraph a, Code
33 2024, is amended by striking the paragraph.

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

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

3 ~~a. "Mental health and disability services region" means~~
4 ~~a mental health and disability services region approved in~~
5 ~~accordance with [section 225C.56](#).~~ "Administrative services
6 organization" means the same as defined in section 225A.1.

7 ~~b. "Regional administrator" means the administrator of a~~
8 ~~mental health and disability services region, as defined in~~
9 ~~[section 225C.55](#).~~ "Department" means the department of health
10 and human services.

11 ~~c. "Respondent" means the same as defined in [section 229.1](#).~~

12 Sec. 55. NEW SECTION. **225.4 State psychiatric hospital —**
13 **admissions.**

14 The department shall make all final determinations
15 concerning whether a person may be admitted to the state
16 psychiatric hospital.

17 Sec. 56. Section 225.11, Code 2024, is amended to read as
18 follows:

19 **225.11 Initiating commitment procedures.**

20 When a court finds upon completion of a hearing held pursuant
21 to [section 229.12](#) that the contention that a respondent is
22 seriously mentally impaired has been sustained by clear and
23 convincing evidence, and the application filed under section
24 229.6 also contends or the court otherwise concludes that it
25 would be appropriate to refer the respondent to the state
26 psychiatric hospital for a complete psychiatric evaluation and
27 appropriate treatment pursuant to [section 229.13](#), the judge
28 may order that a financial investigation be made in the manner
29 prescribed by [section 225.13](#). If the costs of a respondent's
30 evaluation or treatment are payable in whole or in part by a
31 ~~county~~ an administrative services organization, an order under
32 this section shall be for referral of the respondent ~~through~~
33 ~~the regional administrator for the respondent's county of~~
34 ~~residence~~ by an administrative services organization for an
35 evaluation and referral of the respondent to an appropriate

1 placement or service, which may include the state psychiatric
2 hospital for additional evaluation or treatment.

3 Sec. 57. Section 225.12, Code 2024, is amended to read as
4 follows:

5 **225.12 Voluntary public patient — physician’s or physician
6 assistant’s report.**

7 A physician or a physician assistant who meets the
8 qualifications set forth in the definition of a mental health
9 professional in [section 228.1](#) ~~filing information under~~
10 ~~section 225.10~~ shall include a written report to the regional
11 administrator for the county of residence of the person named
12 in the information, giving shall submit a detailed history of
13 the case to an administrative services organization as will be
14 likely to aid in the observation, treatment, and hospital care
15 of the person and ~~describing the history in detail.~~

16 Sec. 58. Section 225.13, Code 2024, is amended to read as
17 follows:

18 **225.13 Financial condition.**

19 ~~The regional administrator for the county of residence of~~
20 ~~a person being admitted to the state psychiatric hospital is~~
21 Administrative services organizations shall be responsible for
22 investigating the financial condition of ~~the~~ a person and of
23 those legally responsible for the person’s support.

24 Sec. 59. Section 225.15, Code 2024, is amended to read as
25 follows:

26 **225.15 Examination and treatment.**

27 ~~±~~ When a respondent arrives at the state psychiatric
28 hospital, the admitting physician, or a physician assistant
29 who meets the qualifications set forth in the definition of a
30 mental health professional in [section 228.1](#), shall examine the
31 respondent and determine whether or not, in the physician’s
32 or physician assistant’s judgment, the respondent is a fit
33 subject for observation, treatment, and hospital care. If,
34 upon examination, the physician or physician assistant who
35 meets the qualifications set forth in the definition of a

1 mental health professional in [section 228.1](#) decides that the
2 respondent should be admitted to the hospital, the respondent
3 shall be provided a proper bed in the hospital. The physician
4 or physician assistant who meets the qualifications set forth
5 in the definition of a mental health professional in [section](#)
6 [228.1](#) who has charge of the respondent shall proceed with
7 observation, medical treatment, and hospital care as in the
8 physician's or physician assistant's judgment are proper and
9 necessary, in compliance with [sections 229.13, 229.14](#), this
10 section, and [section 229.16](#). After the respondent's admission,
11 the observation, medical treatment, and hospital care of the
12 respondent may be provided by a mental health professional,
13 as defined in [section 228.1](#), who is licensed as a physician,
14 advanced registered nurse practitioner, or physician assistant.

15 ~~2. A proper and competent nurse shall also be assigned to~~
16 ~~look after and care for the respondent during observation,~~
17 ~~treatment, and care. Observation, treatment, and hospital~~
18 ~~care under [this section](#) which are payable in whole or in part~~
19 ~~by a county shall only be provided as determined through~~
20 ~~the regional administrator for the respondent's county of~~
21 ~~residence.~~

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

24 1. If the ~~regional administrator for a person's county of~~
25 ~~residence~~ department finds from the physician's information
26 or from the information of a physician assistant who
27 meets the qualifications set forth in the definition of
28 a mental health professional in [section 228.1](#) which was
29 filed under the provisions of ~~[section 225.10](#)~~ [225.12](#) that it
30 would be appropriate for the person to be admitted to the
31 state psychiatric hospital, and ~~the report of the regional~~
32 ~~administrator made pursuant to [section 225.13](#)~~ shows the
33 department finds that the person and those who are legally
34 responsible for the person are not able to pay the expenses
35 incurred at the hospital, or are able to pay only a part of

1 the expenses, the person shall be considered to be a voluntary
2 public patient and ~~the regional administrator shall direct that~~
3 ~~the person~~ shall be sent to the state psychiatric hospital at
4 ~~the state university of Iowa~~ for observation, treatment, and
5 hospital care.

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

8 2. When the respondent arrives at the hospital, the
9 respondent shall receive the same treatment as is provided for
10 committed public patients in [section 225.15](#), in compliance
11 with [sections 229.13 through 229.16](#). ~~However, observation,~~
12 ~~treatment, and hospital care under [this section](#) of a respondent~~
13 ~~whose expenses are payable in whole or in part by a county~~
14 ~~shall only be provided as determined through the regional~~
15 ~~administrator for the respondent's county of residence.~~

16 Sec. 62. Section 225.18, Code 2024, is amended to read as
17 follows:

18 **225.18 Attendants.**

19 ~~The regional administrator~~ An administrative services
20 organization may appoint an attendant to accompany the
21 committed public patient or the voluntary public patient
22 or the committed private patient from the place where the
23 patient may be to the state psychiatric hospital, or to
24 accompany the patient from the hospital to a place as may
25 be designated by the ~~regional administrator~~ administrative
26 services organization. If a patient is moved pursuant to this
27 section, at least one attendant shall be of the same gender as
28 the patient.

29 Sec. 63. Section 225.22, Code 2024, is amended to read as
30 follows:

31 **225.22 Liability of private patients — payment.**

32 Every committed private patient, if the patient has an
33 estate sufficient for that purpose, or if those legally
34 responsible for the patient's support are financially able,
35 shall be liable to the ~~county and~~ state for all expenses paid

1 by ~~them~~ in the state on behalf of such patient. All bills
2 for the care, nursing, observation, treatment, medicine, and
3 maintenance of such patients shall be paid by the director of
4 the department of administrative services in the same manner as
5 those of committed and voluntary public patients as provided in
6 this chapter, unless the patient or those legally responsible
7 for the patient make such settlement with the state psychiatric
8 hospital.

9 Sec. 64. Section 225.24, Code 2024, is amended to read as
10 follows:

11 **225.24 Collection of preliminary expense.**

12 Unless a committed private patient or those legally
13 responsible for the patient's support offer to settle the
14 amount of the claims, the ~~regional administrator for the~~
15 ~~person's county of residence~~ department shall collect, by
16 action if necessary, the amount of all claims for per diem and
17 expenses that have been approved by ~~the regional administrator~~
18 ~~for the county~~ an administrative services organization and
19 paid by the ~~regional administrator as provided under section~~
20 ~~225.21~~ administrative services organization. Any amount
21 collected shall be credited to the ~~mental health and disability~~
22 ~~services region combined account created~~ behavioral health fund
23 established in accordance with [section 225C.58](#) [225A.7](#).

24 Sec. 65. Section 225.27, Code 2024, is amended to read as
25 follows:

26 **225.27 Discharge — transfer.**

27 The state psychiatric hospital may, at any time, discharge
28 any patient as recovered, as improved, or as not likely to
29 be benefited by further treatment. If the patient being so
30 discharged was involuntarily hospitalized, the hospital shall
31 notify the committing judge or court of the discharge as
32 required by [section 229.14](#) or [section 229.16](#), ~~whichever is as~~
33 ~~applicable, and the applicable regional administrator~~. Upon
34 receiving the notification, the court shall issue an order
35 confirming the patient's discharge from the hospital or from

1 care and custody, as the case may be, and shall terminate the
2 proceedings pursuant to which the order was issued. The court
3 or judge shall, if necessary, appoint a person to accompany the
4 discharged patient from the state psychiatric hospital to such
5 place as the hospital or the court may designate, or authorize
6 the hospital to appoint such attendant.

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

9 NEW PARAGRAPH. *0a. "Administrative services organization"*
10 means the same as defined in section 225A.1.

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

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

15 2. Charges for the care of any person with a diagnosis of
16 an intellectual disability admitted to a state mental health
17 institute shall be made by the institute in the manner provided
18 by [chapter 230](#), but the liability of any other person to any
19 ~~mental health and disability services region~~ the state for the
20 cost of care of such person with a diagnosis of an intellectual
21 disability shall be as prescribed by [section 222.78](#).

22 Sec. 69. Section 226.32, Code 2024, is amended to read as
23 follows:

24 **226.32 Overcrowded conditions.**

25 The director shall order the discharge or removal from the
26 mental health institute of incurable and harmless patients
27 whenever it is necessary to make room for recent cases. If
28 ~~a patient who is to be discharged entered the mental health~~
29 ~~institute voluntarily, the director shall notify the regional~~
30 ~~administrator for the county interested at least ten days in~~
31 ~~advance of the day of actual discharge.~~

32 Sec. 70. Section 226.34, subsection 2, paragraph d, Code
33 2024, is amended by striking the paragraph.

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

1 1. A mental health professional or an employee of or
2 agent for a mental health facility may disclose mental health
3 information if and to the extent necessary, to meet the
4 requirements of [section 229.24](#), [229.25](#), ~~[230.20](#)~~, ~~[230.21](#)~~, ~~[230.25](#)~~,
5 ~~[230.26](#)~~, [230A.108](#), [232.74](#), or [232.147](#), or to meet the compulsory
6 reporting or disclosure requirements of other state or federal
7 law relating to the protection of human health and safety.

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

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

12 Sec. 73. Section 229.1, subsections 11, 18, and 19, Code
13 2024, are amended by striking the subsections.

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

16 **~~229.1B Regional administrator~~ Administrative services**
17 **organization.**

18 Notwithstanding any provision of [this chapter](#) to the
19 contrary, any person whose hospitalization expenses are
20 payable in whole or in part by a ~~mental health and disability~~
21 ~~services region~~ an administrative services organization
22 shall be subject to all administrative requirements of the
23 ~~regional administrator for the county~~ administrative services
24 organization.

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

27 (3) As soon as is practicable after the filing of a
28 petition for juvenile court approval of the admission of the
29 minor, the juvenile court shall determine whether the minor
30 has an attorney to represent the minor in the hospitalization
31 proceeding, and if not, the court shall assign to the minor
32 an attorney. If the minor is financially unable to pay for
33 an attorney, the attorney shall be compensated by ~~the mental~~
34 ~~health and disability services region~~ an administrative
35 services organization at an hourly rate to be established

1 by the ~~regional administrator for the county in which the~~
2 ~~proceeding is held~~ administrative services organization in
3 substantially the same manner as provided in [section 815.7](#).

4 Sec. 76. Section 229.2, subsection 2, paragraph a, Code
5 2024, is amended to read as follows:

6 a. The chief medical officer of a public hospital shall
7 receive and may admit the person whose admission is sought,
8 subject in cases other than medical emergencies to availability
9 of suitable accommodations and to the provisions of ~~sections~~
10 section 229.41 and 229.42.

11 Sec. 77. Section 229.8, subsection 1, Code 2024, is amended
12 to read as follows:

13 1. Determine whether the respondent has an attorney
14 who is able and willing to represent the respondent in the
15 hospitalization proceeding, and if not, whether the respondent
16 is financially able to employ an attorney and capable of
17 meaningfully assisting in selecting one. In accordance with
18 those determinations, the court shall if necessary allow the
19 respondent to select, or shall assign to the respondent, an
20 attorney. If the respondent is financially unable to pay an
21 attorney, the attorney shall be compensated by ~~the mental~~
22 ~~health and disability services region~~ an administrative
23 services organization at an hourly rate to be established
24 by the ~~regional administrator for the county in which the~~
25 ~~proceeding is held~~ administrative services organization in
26 substantially the same manner as provided in [section 815.7](#).

27 Sec. 78. Section 229.10, subsection 1, paragraph a, Code
28 2024, is amended to read as follows:

29 a. An examination of the respondent shall be conducted by
30 one or more licensed physicians or mental health professionals,
31 as required by the court's order, within a reasonable time.
32 If the respondent is detained pursuant to section 229.11,
33 subsection 1, paragraph "b", the examination shall be conducted
34 within twenty-four hours. If the respondent is detained
35 pursuant to [section 229.11, subsection 1, paragraph "a"](#) or

1 "c", the examination shall be conducted within forty-eight
2 hours. If the respondent so desires, the respondent shall be
3 entitled to a separate examination by a licensed physician or
4 mental health professional of the respondent's own choice. The
5 reasonable cost of the examinations shall, if the respondent
6 lacks sufficient funds to pay the cost, be paid by ~~the regional~~
7 ~~administrator from mental health and disability services region~~
8 ~~funds~~ an administrative services organization upon order of the
9 court.

10 Sec. 79. Section 229.11, subsection 1, unnumbered paragraph
11 1, Code 2024, is amended to read as follows:

12 If the applicant requests that the respondent be taken into
13 immediate custody and the judge, upon reviewing the application
14 and accompanying documentation, finds probable cause to believe
15 that the respondent has a serious mental impairment and is
16 likely to injure the respondent or other persons if allowed
17 to remain at liberty, the judge may enter a written order
18 directing that the respondent be taken into immediate custody
19 by the sheriff or the sheriff's deputy and be detained until
20 the hospitalization hearing. The hospitalization hearing shall
21 be held no more than five days after the date of the order,
22 except that if the fifth day after the date of the order is
23 a Saturday, Sunday, or a holiday, the hearing may be held
24 on the next succeeding business day. If the expenses of a
25 respondent are payable in whole or in part by a ~~mental health~~
26 ~~and disability services region~~ an administrative services
27 organization, for a placement in accordance with paragraph "a",
28 the judge shall give notice of the placement to ~~the regional~~
29 ~~administrator for the county in which the court is located~~ an
30 administrative services organization, and for a placement in
31 accordance with paragraph "b" or "c", the judge shall order
32 the placement in a hospital or facility designated ~~through~~
33 ~~the regional administrator~~ by an administrative services
34 organization. The judge may order the respondent detained for
35 the period of time until the hearing is held, and no longer,

1 in accordance with paragraph "a", if possible, and if not then
2 in accordance with paragraph "b", or, only if neither of these
3 alternatives is available, in accordance with paragraph "c".

4 Detention may be in any of the following:

5 Sec. 80. Section 229.13, subsection 1, paragraph a, Code
6 2024, is amended to read as follows:

7 a. The court shall order a respondent whose expenses are
8 payable in whole or in part by ~~a mental health and disability~~
9 ~~services region~~ an administrative services organization
10 placed under the care of an appropriate hospital or facility
11 ~~designated through the regional administrator for the county~~
12 by an administrative services organization on an inpatient or
13 outpatient basis.

14 Sec. 81. Section 229.13, subsection 7, paragraph b, Code
15 2024, is amended to read as follows:

16 b. ~~A region~~ An administrative services organization shall
17 contract with mental health professionals to provide the
18 appropriate treatment including treatment by the use of oral
19 medicine or injectable antipsychotic medicine pursuant to this
20 section.

21 Sec. 82. Section 229.14, subsection 2, paragraph a, Code
22 2024, is amended to read as follows:

23 a. For a respondent whose expenses are payable in whole
24 or in part by ~~a mental health and disability services region~~
25 an administrative services organization, placement as
26 ~~designated through the regional administrator for the county~~
27 by an administrative services organization in the care of an
28 appropriate hospital or facility on an inpatient or outpatient
29 basis, or other appropriate treatment, or in an appropriate
30 alternative placement.

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

33 7. If a respondent's expenses are payable in whole or in
34 part by ~~a mental health and disability services region through~~
35 ~~the regional administrator for the county~~ an administrative

1 services organization, notice of a placement hearing shall be
2 provided to the county attorney and ~~the regional administrator~~
3 an administrative services organization. At the hearing, the
4 county may present evidence regarding appropriate placement.

5 9. A placement made pursuant to an order entered under
6 section 229.13 or ~~229.14~~ or ~~this section~~ shall be considered to
7 be authorized ~~through the regional administrator for the county~~
8 by an administrative services organization.

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

11 4. When a patient has been placed in an alternative facility
12 other than a hospital pursuant to a report issued under section
13 229.14, subsection 1, paragraph "d", a report on the patient's
14 condition and prognosis shall be made to the court which placed
15 the patient, at least once every six months, unless the court
16 authorizes annual reports. ~~If an evaluation of the patient is~~
17 ~~performed pursuant to section 227.2, subsection 4, a copy of~~
18 ~~the evaluation report shall be submitted to the court within~~
19 ~~fifteen days of the evaluation's completion. The court may in~~
20 ~~its discretion waive the requirement of an additional report~~
21 ~~between the annual evaluations. If the department exercises~~
22 ~~the authority to remove residents or patients from a county~~
23 ~~care facility or other county or private facility under section~~
24 ~~227.6, the department shall promptly notify each court which~~
25 ~~placed in that facility any resident or patient removed.~~

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

28 a. In each county the board of supervisors shall appoint
29 an individual who has demonstrated by prior activities an
30 informed concern for the welfare and rehabilitation of persons
31 with mental illness, and who is not an officer or employee of
32 the department, ~~an officer or employee of a region, an officer~~
33 ~~or employee of a county performing duties for a region, or~~
34 an officer or employee of any agency or facility providing
35 care or treatment to persons with mental illness, to act as an

1 advocate representing the interests of patients involuntarily
2 hospitalized by the court, in any matter relating to the
3 patients' hospitalization or treatment under [section 229.14](#) or
4 229.15.

5 *b.* The committing court shall assign the advocate for the
6 county where the patient is located. A county ~~or region~~ may
7 seek reimbursement from ~~the patient's county of residence or~~
8 ~~from the region in which the patient's county of residence is~~
9 ~~located~~ an administrative services organization.

10 Sec. 86. Section 229.19, subsection 4, unnumbered paragraph
11 1, Code 2024, is amended to read as follows:

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

17 Sec. 87. Section 229.22, subsection 2, paragraph b, Code
18 2024, is amended to read as follows:

19 *b.* If the magistrate orders that the person be detained,
20 the magistrate shall, by the close of business on the next
21 working day, file a written order with the clerk in the county
22 where it is anticipated that an application may be filed
23 under [section 229.6](#). The order may be filed by facsimile if
24 necessary. A peace officer from the law enforcement agency
25 that took the person into custody, if no request was made
26 under paragraph "a", may inform the magistrate that an arrest
27 warrant has been issued for or charges are pending against the
28 person and request that any written order issued under this
29 paragraph require the facility or hospital to notify the law
30 enforcement agency about the discharge of the person prior to
31 discharge. The order shall state the circumstances under which
32 the person was taken into custody or otherwise brought to a
33 facility or hospital, and the grounds supporting the finding
34 of probable cause to believe that the person is seriously
35 mentally impaired and likely to injure the person's self or

1 others if not immediately detained. The order shall also
2 include any law enforcement agency notification requirements if
3 applicable. The order shall confirm the oral order authorizing
4 the person's detention including any order given to transport
5 the person to an appropriate facility or hospital. A peace
6 officer from the law enforcement agency that took the person
7 into custody may also request an order, separate from the
8 written order, requiring the facility or hospital to notify the
9 law enforcement agency about the discharge of the person prior
10 to discharge. The clerk shall provide a copy of the written
11 order or any separate order to the chief medical officer of
12 the facility or hospital to which the person was originally
13 taken, to any subsequent facility to which the person was
14 transported, and to any law enforcement department, ambulance
15 service, or transportation service under contract with a
16 ~~mental health and disability services region~~ an administrative
17 services organization that transported the person pursuant
18 to the magistrate's order. A transportation service that
19 contracts with a ~~mental health and disability services region~~
20 an administrative services organization for purposes of this
21 paragraph shall provide a secure transportation vehicle and
22 shall employ staff that has received or is receiving mental
23 health training.

24 Sec. 88. Section 229.24, subsection 3, unnumbered paragraph
25 1, Code 2024, is amended to read as follows:

26 If all or part of the costs associated with hospitalization
27 of an individual under [this chapter](#) are chargeable to a ~~county~~
28 ~~of residence~~ an administrative services organization, the
29 clerk of the district court shall provide to ~~the regional~~
30 ~~administrator for the county of residence and to the regional~~
31 ~~administrator for the county in which the hospitalization~~
32 ~~order is entered~~ an administrative services organization the
33 following information pertaining to the individual which would
34 be confidential under [subsection 1](#):

35 Sec. 89. Section 229.38, Code 2024, is amended to read as

1 follows:

2 **229.38 Cruelty or official misconduct.**

3 If any person having the care of a person with mental illness
4 who has voluntarily entered a hospital or other facility for
5 treatment or care, or who is responsible for psychiatric
6 examination care, treatment, and maintenance of any person
7 involuntarily hospitalized under [sections 229.6 through 229.15](#),
8 whether in a hospital or elsewhere, with or without proper
9 authority, shall treat such patient with unnecessary severity,
10 harshness, or cruelty, or in any way abuse the patient or if
11 any person unlawfully detains or deprives of liberty any person
12 with mental illness or any person who is alleged to have mental
13 illness, or if any officer required by the provisions of this
14 chapter and ~~chapters~~ [chapter 226](#) and ~~227~~, to perform any act
15 shall willfully refuse or neglect to perform the same, the
16 offending person shall, unless otherwise provided, be guilty of
17 a serious misdemeanor.

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

20 NEW SUBSECTION. 01. *"Administrative service organization"*
21 means the same as defined in section 225A.1.

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

24 Sec. 92. Section 230.10, Code 2024, is amended to read as
25 follows:

26 **230.10 Payment of costs.**

27 All legal costs and expenses for the taking into custody,
28 care, investigation, and admission or commitment of a person to
29 a state mental health institute ~~under a finding that the person~~
30 ~~has residency in another county of this state~~ shall be charged
31 ~~against the regional administrator of the person's county of~~
32 residence to an administrative services organization.

33 Sec. 93. Section 230.11, Code 2024, is amended to read as
34 follows:

35 **230.11 Recovery of costs from state.**

1 Costs and expenses for the taking into custody, care, and
2 investigation of a person who has been admitted or committed
3 to a state mental health institute, United States department
4 of veterans affairs hospital, or other agency of the United
5 States government, for persons with mental illness and
6 who has no residence in this state or whose residence is
7 unknown, including cost of commitment, if any, shall be paid
8 as approved by the department. The amount of the costs and
9 expenses approved by the department is appropriated to the
10 department from any moneys in the state treasury not otherwise
11 appropriated. ~~Payment shall be made by the department on~~
12 ~~itemized vouchers executed by the regional administrator of~~
13 ~~the person's county which has paid them, and approved by the~~
14 ~~department.~~

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

17 1. A person with mental illness and a person legally liable
18 for the person's support remain liable for the support of
19 the person with mental illness as provided in [this section](#).
20 Persons legally liable for the support of a person with mental
21 illness include the spouse of the person, and any person
22 bound by contract for support of the person. ~~The regional~~
23 ~~administrator of the person's county of residence, subject to~~
24 ~~the direction of the region's governing board, shall enforce~~
25 ~~the obligation created in [this section](#) as to all sums advanced~~
26 ~~by the regional administrator. The liability to the regional~~
27 ~~administrator incurred by a person with mental illness or a~~
28 person legally liable for the person's support under this
29 section is limited to an amount equal to one hundred percent
30 of the cost of care and treatment of the person with mental
31 illness at a state mental health institute for one hundred
32 twenty days of hospitalization. This limit of liability may
33 be reached by payment of the cost of care and treatment of the
34 person with mental illness subsequent to a single admission
35 or multiple admissions to a state mental health institute ~~or,~~

1 ~~if the person is not discharged as cured, subsequent to a~~
2 ~~single transfer or multiple transfers to a county care facility~~
3 ~~pursuant to section 227.11. After reaching this limit of~~
4 ~~liability, a person with mental illness or a person legally~~
5 ~~liable for the person's support is liable to the regional~~
6 ~~administrator state for the care and treatment of the person~~
7 ~~with mental illness at a state mental health institute or,~~
8 ~~if transferred but not discharged as cured, at a county care~~
9 ~~facility in an amount not in excess of to exceed the average~~
10 ~~minimum cost of the maintenance of an individual who is~~
11 ~~physically and mentally healthy residing in the individual's~~
12 ~~own home, which standard shall be as established and may be~~
13 ~~revised by the department by rule. A lien imposed by section~~
14 ~~230.25 shall not exceed the amount of the liability which may~~
15 ~~be incurred under this section on account of a person with~~
16 ~~mental illness.~~

17 2. A person with a substance use disorder is legally
18 liable for the total amount of the cost of providing care,
19 maintenance, and treatment for the person with a substance
20 use disorder while a voluntary or committed patient. When
21 a portion of the cost is paid by a county an administrative
22 services organization, the person with a substance use disorder
23 is legally liable to the county administrative services
24 organization for the amount paid. The person with a substance
25 use disorder shall assign any claim for reimbursement under any
26 contract of indemnity, by insurance or otherwise, providing
27 for the person's care, maintenance, and treatment in a state
28 mental health institute to the state. ~~Any payments received~~
29 ~~by the state from or on behalf of a person with a substance use~~
30 ~~disorder shall be in part credited to the county in proportion~~
31 ~~to the share of the costs paid by the county.~~

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

33 The department shall implement services and adopt rules
34 pursuant to chapter 17A in a manner that ensures that the state
35 is the payor of last resort, and that the department does not

1 make any payments for services that have been provided until
2 the department has determined that the services provided are
3 not payable by a third-party source.

4 Sec. 96. Section 230.30, Code 2024, is amended to read as
5 follows:

6 **230.30 Claim against estate.**

7 On the death of a person receiving or who has received
8 assistance under the provisions of [this chapter](#), and whom the
9 ~~board department~~ has previously found, ~~under [section 230.25](#),~~
10 is able to pay, there shall be allowed against the estate of
11 such decedent a claim of the sixth class for that portion of
12 the total amount paid for that person's care which exceeds
13 the total amount of all claims of the first through the fifth
14 classes, inclusive, as defined in [section 633.425](#), which are
15 allowed against that estate.

16 Sec. 97. Section 232.78, subsection 5, unnumbered paragraph
17 1, Code 2024, is amended to read as follows:

18 The juvenile court, before or after the filing of a petition
19 under [this chapter](#), may enter an ex parte order authorizing
20 a physician or physician assistant or hospital to conduct an
21 outpatient physical examination or authorizing a physician or
22 physician assistant, a psychologist certified under section
23 154B.7, or a community mental health center accredited pursuant
24 to ~~chapter 230A~~ [section 225A.3](#) to conduct an outpatient mental
25 examination of a child if necessary to identify the nature,
26 extent, and cause of injuries to the child as required by
27 section 232.71B, provided all of the following apply:

28 Sec. 98. Section 232.83, subsection 2, unnumbered paragraph
29 1, Code 2024, is amended to read as follows:

30 Anyone authorized to conduct a preliminary investigation in
31 response to a complaint may apply for, or the court on its own
32 motion may enter, an ex parte order authorizing a physician
33 or physician assistant or hospital to conduct an outpatient
34 physical examination or authorizing a physician or physician
35 assistant, a psychologist certified under section 154B.7, or a

1 community mental health center accredited pursuant to ~~chapter~~
2 ~~230A~~ section 225A.3 to conduct an outpatient mental examination
3 of a child if necessary to identify the nature, extent, and
4 causes of any injuries, emotional damage, or other such needs
5 of a child as specified in section 232.96A, subsection 3, 5, or
6 6, provided that all of the following apply:

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

9 2. *Membership.* The department may authorize the governance
10 boards of decategorization of child welfare and juvenile
11 justice funding projects established under section 232.188 to
12 appoint the transition committee membership and may utilize
13 the boundaries of decategorization projects to establish
14 the service areas for transition committees. The committee
15 membership may include but is not limited to department staff
16 involved with foster care, child welfare, and adult services,
17 juvenile court services staff, staff involved with county
18 general assistance or emergency relief under chapter 251 or
19 ~~252, or a regional administrator of the county mental health~~
20 ~~and disability services region, as defined in section 225C.55,~~
21 ~~in the area,~~ school district and area education agency staff
22 involved with special education, and a child's court appointed
23 special advocate, guardian ad litem, service providers, and
24 other persons knowledgeable about the child.

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

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

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

32 Sec. 103. NEW SECTION. **249A.38A Supported community living**
33 **services.**

34 1. As used in this section, "*supported community living*
35 *service*" means a service provided in a noninstitutional setting

1 to persons sixteen years of age and older with mental illness,
2 an intellectual disability, brain injury, or developmental
3 disabilities to meet the persons' daily living needs.

4 2. The department shall adopt rules pursuant to chapter 17A
5 establishing minimum standards for supported community living
6 services.

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

9 4. Approved supported community living services may receive
10 funding from the state, federal and state social services block
11 grant funds, and other appropriate funding sources, consistent
12 with state legislation and federal regulations. The funding
13 may be provided on a per diem, per hour, or grant basis, as
14 appropriate.

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

17 **249N.8 Behavioral health services reports.**

18 The department shall annually submit a report to the
19 governor and the general assembly with details related to the
20 department's review of the funds administered by, and the
21 outcomes and effectiveness of, the behavioral health services
22 provided by, the behavioral health service system established
23 in section 225A.3.

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

26 1. The county of residence, as defined in section ~~225C.61~~
27 331.190, shall be liable to the county granting assistance for
28 all reasonable charges and expenses incurred in the assistance
29 and care of a poor person.

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

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

1 2. A school district, which may collaborate and partner
2 with one or more school districts, area education agencies,
3 accredited nonpublic schools, nonprofit agencies, and
4 institutions that provide children's mental health services,
5 ~~located in mental health and disability services regions~~
6 ~~providing children's behavioral health services in accordance~~
7 ~~with chapter 225C, subchapter VII operating within the state's~~
8 behavioral health service system under chapter 225A, may apply
9 for a grant under this program to establish a therapeutic
10 classroom in the school district in accordance with this
11 section.

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

1 school district is a district with an actual enrollment of two
2 thousand five hundred or more pupils.

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

5 10. *Autism spectrum disorder status.* A licensee who has
6 autism spectrum disorder, as defined in [section 514C.28](#), may
7 request that the license be marked to reflect the licensee's
8 autism spectrum disorder status on the face of the license
9 when the licensee applies for the issuance or renewal of a
10 license. The department may adopt rules pursuant to chapter
11 17A establishing criteria under which a license may be marked,
12 including requiring the licensee to submit medical proof of the
13 licensee's autism spectrum disorder status. When a driver's
14 license is so marked, the licensee's autism spectrum disorder
15 status shall be noted in the electronic database used by
16 the department and law enforcement to access registration,
17 titling, and driver's license information. The department, in
18 consultation with the ~~mental health and disability services~~
19 ~~commission~~ department of health and human services, shall
20 develop educational media to raise awareness of a licensee's
21 ability to request the license be marked to reflect the
22 licensee's autism spectrum disorder status.

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

25 (6) An applicant for a nonoperator's identification
26 card who has autism spectrum disorder, as defined in section
27 514C.28, may request that the card be marked to reflect
28 the applicant's autism spectrum disorder status on the face
29 of the card when the applicant applies for the issuance or
30 renewal of a card. The department may adopt rules pursuant to
31 chapter 17A establishing criteria under which a card may be
32 marked, including requiring the applicant to submit medical
33 proof of the applicant's autism spectrum disorder status.
34 The department, in consultation with the ~~mental health and~~
35 ~~disability services commission~~ department of health and human

1 services, shall develop educational media to raise awareness of
2 an applicant's ability to request the card be marked to reflect
3 the applicant's autism spectrum disorder status.

4 Sec. 109. Section 321J.25, subsection 1, paragraph b, Code
5 2024, is amended to read as follows:

6 *b.* "*Program*" means a substance use disorder awareness
7 program, licensed under chapter 125, and provided under a
8 contract entered into between the provider and the department
9 of health and human services ~~under chapter 125 or an~~
10 administrative services organization as defined in section
11 225A.1.

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

14 A substance use disorder awareness program is established
15 in each ~~of the regions established by the director of health~~
16 ~~and human services pursuant to [section 125.12](#)~~ behavioral
17 health district designated pursuant to section 225A.4. The
18 program shall consist of an insight class and a substance
19 use disorder evaluation, which shall be attended by the
20 participant, to discuss issues related to the potential
21 consequences of substance use disorder. The parent or parents
22 of the participant shall also be encouraged to participate
23 in the program. The program provider shall consult with the
24 participant or the parents of the participant in the program
25 to determine the timing and appropriate level of participation
26 for the participant and any participation by the participant's
27 parents. The program may also include a supervised educational
28 tour by the participant to any or all of the following:

29 Sec. 111. Section 331.321, subsection 1, paragraph e, Code
30 2024, is amended by striking the paragraph.

31 Sec. 112. Section 331.323, subsection 1, paragraph a,
32 subparagraph (7), Code 2024, is amended by striking the
33 subparagraph.

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

1 4. Comply with ~~chapter 222, including but not limited to~~
2 ~~sections 222.13, 222.14, 222.59 through 222.70, 222.73 through~~
3 ~~222.75, and 222.77 through 222.82,~~ in regard to the care of
4 persons with an intellectual disability.

5 5. Comply with chapters ~~227, 229 and 230, including but not~~
6 ~~limited to sections 227.11, 227.14, 229.42, 230.25, 230.27, and~~
7 ~~230.35,~~ in regard to the care of persons with mental illness.

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

10 Sec. 115. Section 331.382, subsection 3, Code 2024, is
11 amended by striking the subsection.

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

14 Sec. 117. Section 331.502, subsection 10, Code 2024, is
15 amended by striking the subsection.

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

18 12. Carry out duties relating to the hospitalization and
19 support of persons with mental illness as provided in sections
20 ~~229.42, 230.3, 230.11, and 230.15, 230.21, 230.22, 230.25, and~~
21 ~~230.26.~~

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

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

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

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

30 Sec. 122. Section 331.910, subsection 2, paragraph d, Code
31 2024, is amended by striking the paragraph.

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

34 *a.* ~~A region~~ An administrative services organization may
35 contract with a receiving agency in a bordering state to secure

1 substance use disorder or mental health care and treatment
2 under [this subsection](#) for persons who receive substance use
3 disorder or mental health care and treatment pursuant to
4 section 125.33, [125.91](#), [229.2](#), or [229.22](#) ~~through a region.~~

5 ~~c. A region~~ An administrative services organization may
6 contract with a sending agency in a bordering state to provide
7 care and treatment under [this subsection](#) for residents of
8 the bordering state in approved substance use disorder and
9 mental health care and treatment hospitals, centers, and
10 facilities in this state, except that care and treatment shall
11 not be provided for residents of the bordering state who are
12 involved in criminal proceedings substantially similar to the
13 involvement described in paragraph "b".

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

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

35 Sec. 125. Section 423.3, subsection 18, paragraph d, Code

1 2024, is amended to read as follows:

2 *d.* Community mental health centers accredited by the
3 department of health and human services pursuant to ~~chapter~~
4 ~~225C~~ section 225A.3.

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

7 2. Moneys shall be distributed from the property tax relief
8 fund to the ~~mental health and disability services regional~~
9 ~~service system for mental health and disability services,~~
10 behavioral health fund established in section 225A.7 in
11 accordance with the appropriations made to the fund and other
12 statutory requirements.

13 Sec. 127. Section 437A.8, subsection 4, paragraph d, Code
14 2024, is amended to read as follows:

15 *d.* (1) Notwithstanding paragraph *"a"*, a taxpayer who owns
16 or leases a new electric power generating plant and who has
17 no other operating property in the state of Iowa except for
18 operating property directly serving the new electric power
19 generating plant as described in [section 437A.16](#) shall pay
20 the replacement generation tax associated with the allocation
21 of the local amount to the county treasurer of the county in
22 which the local amount is located and shall remit the remaining
23 replacement generation tax, if any, to the director according
24 to paragraph *"a"* for remittance of the tax to county treasurers.
25 The director shall notify each taxpayer on or before August 31
26 following a tax year of its remaining replacement generation
27 tax to be remitted to the director. All remaining replacement
28 generation tax revenues received by the director shall be
29 deposited in the property tax relief fund created in section
30 ~~426B.1, and shall be distributed as provided in section 426B.2.~~

31 (2) If a taxpayer has paid an amount of replacement tax,
32 penalty, or interest which was deposited into the property tax
33 relief fund and which was not due, all of the provisions of
34 section 437A.14, subsection 1, paragraph *"b"*, shall apply with
35 regard to any claim for refund or credit filed by the taxpayer.

1 The director shall have sole discretion as to whether the
2 erroneous payment will be refunded to the taxpayer or credited
3 against any replacement tax due, or to become due, from the
4 taxpayer that would be subject to deposit in the property tax
5 relief fund.

6 Sec. 128. Section 437A.15, subsection 3, paragraph f, Code
7 2024, is amended to read as follows:

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

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

3 7. A license shall not be required of minor pupils of the
4 Iowa school for the deaf or of minor residents of other state
5 institutions under the control of the department of health
6 and human services. In addition, a person who is on active
7 duty with the armed forces of the United States, on authorized
8 leave from a duty station located outside of this state, and
9 a resident of the state of Iowa shall not be required to
10 have a license to hunt or fish in this state. The military
11 person shall carry the person's leave papers and a copy of
12 the person's current earnings statement showing a deduction
13 for Iowa income taxes while hunting or fishing. In lieu of
14 carrying the person's earnings statement, the military person
15 may also claim residency if the person is registered to vote
16 in this state. If a deer or wild turkey is taken, the military
17 person shall immediately contact a state conservation officer
18 to obtain an appropriate tag to transport the animal. A
19 license shall not be required of ~~residents of county care~~
20 ~~facilities or~~ any person who is receiving supplementary
21 assistance under [chapter 249](#).

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

24 39. Refer persons applying for voluntary admission to a
25 community mental health center accredited by the department
26 of health and human services under section 225A.3, for a
27 preliminary diagnostic evaluation ~~as provided in section~~
28 ~~225C.16, subsection 2~~.

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

31 12. Knowingly transfers or assigns a legal or equitable
32 interest in property, as defined in [section 702.14](#), for less
33 than fair consideration, with the intent to obtain public
34 assistance under [chapters 16](#), [35B](#), [and 35D](#), ~~and 347B~~, or Title
35 VI, subtitles 2 through 6, or accepts a transfer of or an

1 assignment of a legal or equitable interest in property, as
2 defined in [section 702.14](#), for less than fair consideration,
3 with the intent of enabling the party transferring the property
4 to obtain public assistance under [chapters 16, 35B, and 35D](#),
5 ~~and 347B~~, or [Title VI, subtitles 2 through 6](#). A transfer or
6 assignment of property for less than fair consideration within
7 one year prior to an application for public assistance benefits
8 shall be evidence of intent to transfer or assign the property
9 in order to obtain public assistance for which a person is
10 not eligible by reason of the amount of the person's assets.
11 If a person is found guilty of a fraudulent practice in the
12 transfer or assignment of property under [this subsection](#) the
13 maximum sentence shall be the penalty established for a serious
14 misdemeanor and [sections 714.9, 714.10, and 714.11](#) shall not
15 apply.

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

18 1. If the court finds the defendant does not pose a danger
19 to the public peace and safety, is otherwise qualified for
20 pretrial release, and is willing to cooperate with treatment,
21 the court shall order, as a condition of pretrial release,
22 that the defendant obtain mental health treatment designed to
23 restore the defendant to competency. The costs of treatment
24 pursuant to this subsection shall be paid by ~~the mental~~
25 ~~health and disability services region for the county of the~~
26 ~~defendant's residency pursuant to chapter 225C regardless of~~
27 ~~whether the defendant meets financial eligibility requirements~~
28 ~~under section 225C.62 or 225C.66~~ an administrative services
29 organization designated pursuant to section 225A.4.

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

32 8. [Chapter 230](#) governs the determination of costs and
33 charges for the care and treatment of persons with mental
34 illness admitted to the forensic psychiatric hospital,
35 ~~except that charges for the care and treatment of any person~~

1 ~~transferred to the forensic psychiatric hospital from an adult~~
2 ~~correctional institution or from a state training school shall~~
3 ~~be paid entirely from state funds. Charges for all other~~
4 ~~persons at the forensic psychiatric hospital shall be billed to~~
5 ~~the respective counties at the same ratio as for patients at~~
6 ~~state mental health institutes under section 230.20.~~

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

9 Sec. 135. REPEAL. Sections 125.1, 125.3, 125.7, 125.9,
10 125.10, 125.12, 125.25, 125.32A, 125.34, 125.37, 125.38,
11 125.39, 125.40, 125.41, 125.42, 125.43, 125.43A, 125.46,
12 125.48, 125.54, 125.55, 125.58, 125.59, 125.60, 135B.18,
13 218.99, 222.59, 222.60, 222.61, 222.62, 222.63, 222.64, 222.65,
14 222.66, 222.67, 222.68, 222.69, 222.70, 222.74, 222.75, 225.10,
15 225.19, 225.21, 226.45, 229.42, 230.1A, 230.2, 230.3, 230.4,
16 230.5, 230.6, 230.9, 230.12, 230.16, 230.17, 230.18, 230.19,
17 230.20, 230.21, 230.22, 230.25, 230.26, 230.27, 426B.2, 426B.4,
18 and 426B.5, Code 2024, are repealed.

19 Sec. 136. CODE EDITOR DIRECTIVE. The Code editor is
20 directed to correct internal references in the Code and in any
21 enacted legislation as necessary due to the enactment of this
22 division of this Act.

23 Sec. 137. EFFECTIVE DATE. This division of this Act takes
24 effect July 1, 2025.

25 DIVISION III

26 AGING AND DISABILITY

27 Sec. 138. Section 231.3, Code 2024, is amended to read as
28 follows:

29 **231.3 State policy and objectives.**

30 1. The general assembly declares that it is the policy of
31 the state to work toward attainment of the following objectives
32 for Iowa's older individuals and individuals with disabilities:

33 ~~1-~~ a. An adequate income.

34 ~~2-~~ b. Access to physical and mental health care and
35 long-term living and community support services without regard

1 to economic status.

2 ~~3.~~ c. Suitable and affordable housing that reflects the
3 needs of ~~elder~~ individuals.

4 ~~4.~~ d. Access to comprehensive information and a community
5 navigation system providing all available options related to
6 long-term living and community support services that assist
7 ~~elder~~ individuals in the preservation of personal assets and
8 the ability to entirely avoid or significantly delay reliance
9 on entitlement programs.

10 ~~5.~~ e. Full restorative services for those who require
11 institutional care, and a comprehensive array of long-term
12 living and community support services adequate to sustain ~~elder~~
13 people in their communities and, whenever possible, in their
14 homes, including support for caregivers.

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

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

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

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

23 2. The general assembly declares that the state of Iowa
24 recognizes a brain injury as a disability, and each agency and
25 subdivision of this state shall recognize a brain injury as a
26 distinct disability.

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

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

32 NEW PARAGRAPH. *0c.* "Brain injury" means the same as defined
33 in section 135.22.

34 Sec. 140. Section 231.4, subsection 1, paragraph d, Code
35 2024, is amended to read as follows:

1 ~~d. "Commission" means the commission on aging. "Council"~~
2 ~~means the council on health and human services created in~~
3 ~~section 217.2.~~

4 Sec. 141. Section 231.14, Code 2024, is amended to read as
5 follows:

6 **231.14 Commission Council duties and authority.**

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

10 ~~a. 1. Approve Make recommendations to the department~~
11 ~~regarding approval of the state plan on aging developed under~~
12 ~~section 231.31 and area plans on aging, developed under section~~
13 ~~231.33.~~

14 ~~b. 2. Adopt Recommend policies to coordinate state~~
15 ~~activities related to the purposes of [this chapter](#).~~

16 ~~c. 3. Serve as an effective and visible advocate for older~~
17 ~~individuals and individuals with disabilities by establishing~~
18 ~~recommending policies for reviewing and commenting upon~~
19 ~~all state plans, budgets, and policies which affect older~~
20 ~~individuals and for providing technical assistance to any~~
21 ~~agency, organization, association, or individual representing~~
22 ~~the needs of older individuals with disabilities.~~

23 ~~d. Divide the state into distinct planning and service~~
24 ~~areas after considering the geographical distribution of~~
25 ~~older individuals in the state, the incidence of the need~~
26 ~~for supportive services, nutrition services, multipurpose~~
27 ~~senior centers, and legal services, the distribution of older~~
28 ~~individuals who have low incomes residing in such areas, the~~
29 ~~distribution of resources available to provide such services~~
30 ~~or centers, the boundaries of existing areas within the~~
31 ~~state which are drawn for the planning or administration of~~
32 ~~supportive services programs, the location of units of general~~
33 ~~purpose, local government within the state, and any other~~
34 ~~relevant factors.~~

35 ~~e. Designate for each planning and service area a public or~~

1 ~~private nonprofit agency or organization as the area agency on~~
2 ~~aging for that area. The commission may revoke the designation~~
3 ~~of an area agency on aging pursuant to [section 231.32](#).~~

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

8 ~~g. Adopt a method for the distribution of federal~~
9 ~~Act and state funds taking into account, to the maximum~~
10 ~~extent feasible, the best available data on the geographic~~
11 ~~distribution of older individuals in the state, and publish the~~
12 ~~method for review and comment.~~

13 ~~h. 5. Adopt~~ Recommend policies and measures to assure
14 ensure that preference will be given to providing services to
15 older individuals and individuals with disabilities with the
16 greatest economic or social needs, with particular attention to
17 low-income minority ~~elder~~ individuals, ~~elder~~ individuals with
18 limited English proficiency, and ~~elder~~ individuals residing in
19 rural areas.

20 ~~i. 6. Adopt~~ Recommend policies to administer state programs
21 authorized by [this chapter](#).

22 ~~j. 7. Adopt~~ Recommend policies ~~and administrative rules~~
23 ~~pursuant to [chapter 17A](#) that support the capabilities of the~~
24 ~~area agencies on aging and the aging and disabilities resource~~
25 ~~centers to serve older individuals and~~ persons individuals
26 ~~with disabilities experiencing Alzheimer's disease or related~~
27 ~~dementias.~~

28 ~~2. The commission shall adopt administrative rules pursuant~~
29 ~~to [chapter 17A](#) to administer the duties specified in this~~
30 ~~chapter and in all other chapters under the department's~~
31 ~~jurisdiction.~~

32 Sec. 142. Section 231.21, Code 2024, is amended to read as
33 follows:

34 **231.21 Administration of chapter — department of health and**
35 **human services.**

1 The department of health and human services shall ~~administer~~
2 ~~this chapter~~ under the policy direction of the commission
3 ~~on aging~~ consider the recommendations of the council when
4 administering this chapter.

5 Sec. 143. Section 231.23, Code 2024, is amended to read as
6 follows:

7 **231.23 Department — duties and authority.**

8 The department shall:

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

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

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

19 4. Advocate for older individuals and individuals with
20 disabilities by reviewing and commenting upon all state plans,
21 budgets, laws, rules, ~~regulations,~~ and policies which affect
22 older individuals or individuals with disabilities and by
23 providing technical assistance to any agency, organization,
24 association, or individual representing the needs of older
25 individuals or individuals with disabilities.

26 5. ~~Assist the commission in dividing~~ Divide the state into
27 distinct planning and service areas after considering the
28 geographical distribution of older individuals and individuals
29 with disabilities in the state, the incidence of the need
30 for supportive services, nutrition services, multipurpose
31 senior centers, and legal services, the distribution of older
32 individuals and individuals with disabilities with low income
33 residing in such areas, the distribution of resources available
34 to provide such services or centers, the boundaries of existing
35 areas within the state which are drawn for the planning or

1 administration of supportive services programs, the location of
2 units of general purpose, local government within the state,
3 and any other relevant factors.

4 6. ~~Assist the commission in designating~~ Designate for each
5 area a public or private nonprofit agency or organization as
6 the area agency on aging for that area. The department may
7 revoke the designation of an area agency on aging pursuant to
8 section 231.32.

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

11 8. ~~Assist the commission in adopting~~ Adopt a method for
12 the distribution of funds available from the federal Act
13 and state appropriations and allocations that takes into
14 account, to the extent feasible, the best available data on the
15 geographic distribution of older individuals and individuals
16 with disabilities in the state.

17 9. ~~Assist the commission in assuring~~ Adopt policies and
18 measures to ensure that preference will be given to providing
19 services to older individuals and individuals with disabilities
20 with the greatest economic or social needs, with particular
21 attention to low-income minority ~~elder~~ individuals, ~~elder~~
22 individuals with limited English proficiency, and ~~elder~~
23 individuals residing in rural areas.

24 10. ~~Assist the commission in developing, adopting, and~~
25 ~~enforcing~~ Develop, adopt, and enforce administrative rules,
26 including by issuing necessary forms and procedures, to
27 administer the duties specified in this chapter.

28 11. Apply for, receive, and administer grants, devises,
29 donations, and gifts, ~~or bequests of real or personal property~~
30 from any source to conduct projects consistent with the
31 purposes of the department. Notwithstanding [section 8.33](#),
32 moneys received by the department pursuant to [this section](#) are
33 not subject to reversion to the general fund of the state.

34 12. Administer state authorized programs.

35 13. Establish a procedure for an area agency on aging to

1 use in selection of members of the agency's board of directors.
2 The selection procedure shall be incorporated into the bylaws
3 of the board of directors.

4 14. Adopt rules pursuant to chapter 17A that support the
5 capabilities of the area agencies on aging, and aging and
6 disabilities resource centers, to serve older individuals and
7 individuals with disabilities.

8 Sec. 144. Section 231.23A, subsections 1 and 3, Code 2024,
9 are amended to read as follows:

10 1. Services for older individuals, ~~persons with~~
11 ~~disabilities eighteen years of age and older,~~ family
12 caregivers, and veterans as defined by the department in the
13 most current version of the department's reporting manual and
14 pursuant to the federal Act and regulations.

15 3. ~~The aging~~ Aging and disability resource ~~center~~ centers.

16 Sec. 145. Section 231.23A, Code 2024, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 7A. Services and supports available to
19 individuals with disabilities including but not limited to
20 individuals with mental illness, an intellectual disability or
21 other developmental disability, or a brain injury.

22 Sec. 146. Section 231.31, Code 2024, is amended to read as
23 follows:

24 **231.31 State plan on aging.**

25 The department shall develop, ~~and submit to the commission~~
26 ~~on aging for approval,~~ a multiyear state plan on aging.
27 The state plan on aging shall meet all applicable federal
28 requirements.

29 Sec. 147. Section 231.32, Code 2024, is amended to read as
30 follows:

31 **231.32 Criteria for designation of area agencies on aging.**

32 1. The ~~commission~~ department shall designate an area
33 agency on aging for each planning and service area. The
34 ~~commission shall continue the designation~~ shall continue until
35 an area agency on aging's designation is removed for cause as

1 *b.* The boundaries of such a unit and the boundaries of the
2 area are reasonably contiguous.

3 4. Each area agency on aging shall provide assurance,
4 determined adequate by the ~~commission~~ department, that the
5 area agency on aging has the ability to develop an area plan
6 and to carry out, directly or through contractual or other
7 arrangements, a program in accordance with the plan within the
8 planning and service area. In designating an area agency on
9 aging within the planning and service area, the ~~commission~~
10 department shall give preference to an established office of
11 aging, unless the ~~commission~~ department finds that no such
12 office within the planning and service area has the capacity to
13 carry out the area plan.

14 5. Upon designation, an area agency on aging shall be
15 considered an instrumentality of the state and shall adhere to
16 all state and federal mandates applicable to an instrumentality
17 of the state.

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

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

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

24 Sec. 149. NEW SECTION. 231.35 **Procedures related to**
25 **expenditure of state and federal funds.**

26 1. The department shall establish and enforce procedures
27 relating to expenditure of state and federal funds by area
28 agencies on aging that require compliance with both state and
29 federal laws, rules, and regulations, including but not limited
30 to all of the following:

31 *a.* Requiring that expenditures are incurred only for goods
32 or services received or performed prior to the end of the
33 fiscal period designated for use of the funds.

34 *b.* Prohibiting prepayment for goods or services not received
35 or performed prior to the end of the fiscal period designated

1 for use of the funds.

2 *c.* Prohibiting prepayment for goods or services not defined
3 specifically by good or service, time period, or recipient.

4 *d.* Prohibiting the establishment of accounts from which
5 future goods or services which are not defined specifically by
6 good or service, time period, or recipient, may be purchased.

7 2. The procedures shall provide that if any funds are
8 expended in a manner that is not in compliance with the
9 procedures and applicable federal and state laws, rules, and
10 regulations, and are subsequently subject to repayment, the
11 area agency on aging expending such funds in contravention of
12 such procedures, laws, rules and regulations, not the state,
13 shall be liable for such repayment.

14 Sec. 150. Section 231.56, Code 2024, is amended to read as
15 follows:

16 **231.56 Services and programs.**

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

33 Sec. 151. Section 231.57, Code 2024, is amended to read as
34 follows:

35 **231.57 Coordination of advocacy.**

1 The department shall administer a program for the
2 coordination of information and assistance provided within
3 the state to assist older individuals and individuals with
4 disabilities, and their caregivers, in obtaining and protecting
5 their rights and benefits. State and local agencies providing
6 information and assistance to older individuals and individuals
7 with disabilities, and their caregivers, in seeking their
8 rights and benefits shall cooperate with the department in
9 administering this program.

10 Sec. 152. Section 231.58, Code 2024, is amended to read as
11 follows:

12 **231.58 Long-term living coordination.**

13 The director may convene meetings, as necessary, of the
14 director and the director of inspections, appeals, and
15 licensing, to assist in the coordination of policy, service
16 delivery, and long-range planning relating to the long-term
17 living system and older Iowans and Iowans with disabilities
18 in the state. The group may consult with individuals,
19 institutions, and entities with expertise in the area of the
20 long-term living system and older Iowans and Iowans with
21 disabilities, as necessary, to facilitate the group's efforts.

22 Sec. 153. Section 231.64, Code 2024, is amended to read as
23 follows:

24 **231.64 Aging and disability resource ~~center~~ centers.**

25 1. ~~The aging and disability resource center shall be~~
26 ~~administered by the department consistent with the federal~~
27 ~~Act.~~ The department shall designate area agencies on aging and
28 disability resource centers to establish, in consultation with
29 other stakeholders including organizations representing the
30 disability community, a coordinated local aging and disability
31 service system for providing. In addition to services required
32 by the department by rules adopted pursuant to chapter 17A,
33 aging and disability resource centers shall provide for all of
34 the following:

35 a. Comprehensive information, referral, and assistance

1 regarding the full range of available public and private
2 long-term living and community support services, options,
3 service providers, and resources within a community, including
4 information on the availability of integrated long-term care.

5 **b.** Options counseling to assist individuals in assessing
6 their existing or anticipated long-term care needs and
7 developing and implementing a plan for long-term living and
8 community support services designed to meet their specific
9 needs and circumstances. The plan for long-term living
10 and community support services may include support with
11 person-centered care transitions to assist consumers and family
12 caregivers with transitions between home and care settings.

13 **c.** Consumer access to the range of publicly-supported
14 long-term living and community support services for which
15 consumers may be eligible, by serving as a convenient point
16 of entry for such services. ~~The aging~~ Aging and disability
17 resource ~~center~~ centers shall offer information online and
18 be available via a toll-free telephone number, electronic
19 communications, and in person.

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

22 a. An area agency on aging established on or before June 30,
23 2024.

24 b. A public or private nonprofit agency, or any separate
25 organizational unit within the public or private nonprofit
26 agency, that has the capabilities to engage in the planning or
27 provision of aging and disability services only as directed by
28 the department.

29 ~~2.~~ 3. The aging Aging and disability resource ~~center~~
30 centers shall assist older individuals, ~~persons~~ individuals
31 with disabilities ~~age eighteen or older~~, family caregivers,
32 and people who inquire about or request assistance on behalf
33 of members of these groups, as they seek long-term living and
34 community support services.

35 4. The department shall adopt rules pursuant to chapter 17A

1 to implement this section.

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

3 The service quality standards and rights in this subchapter
4 VII shall apply to any person with an intellectual disability,
5 a developmental disability, brain injury, or chronic mental
6 illness who receives services which are funded in whole or in
7 part by public funds, or services which are permitted under
8 Iowa law.

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

10 As the state participates more fully in funding services
11 and other support for persons with an intellectual disability,
12 developmental disability, brain injury, or chronic mental
13 illness, it is the intent of the general assembly that the
14 state shall seek to attain the following quality standards in
15 the provision of services and other supports:

16 1. Provide comprehensive evaluation and diagnosis adapted
17 to the cultural background, primary language, and ethnic origin
18 of a person.

19 2. Provide an individual treatment, habilitation, and
20 program services plan.

21 3. Provide treatment, habilitation, and program services
22 that are individualized, flexible, cost-effective, and produce
23 results.

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

26 5. Provide for the least restrictive environment, and
27 age-appropriate services.

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

31 7. Provide an ongoing process to determine the degree of
32 access to, and the effectiveness of, the services and other
33 supports in achieving the disability service outcomes and
34 indicators identified by the department.

35 Sec. 156. NEW SECTION. 231.77 **Rights.**

1 All of the following rights shall apply to a person with an
2 intellectual disability, a developmental disability, a brain
3 injury, or a chronic mental illness:

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

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

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

13 4. *Participation in planning activities.* A person has
14 the right to participate in the formulation of an individual
15 treatment, habilitation, and program plan developed for the
16 person.

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

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

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

28 b. Either the department or a party in interest may apply
29 to the Iowa district court for an order to enforce a final
30 decision of the department.

31 2. Any rules adopted by the department to implement sections
32 231.76 and 231.77 shall not create any right, entitlement,
33 property or liberty right or interest, or private cause of
34 action for damages against the state or a political subdivision
35 of the state, or for which the state or a political subdivision

1 of the state would be responsible.

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

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

6 The department shall establish an appeals process by which a
7 person or the person's representative may appeal a decision of
8 the department concerning the provision or denial of aging or
9 disability services to the person.

10 Sec. 159. Section 231E.3, Code 2024, is amended to read as
11 follows:

12 **231E.3 Definitions.**

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

15 1. "*Client*" means an individual for whom a representative
16 payee is appointed.

17 ~~2. "*Commission*" means the commission on aging.~~

18 ~~3.~~ 2. "*Conservator*" means conservator as defined in section
19 633.3.

20 ~~4.~~ 3. "*Court*" means court as defined in [section 633.3](#).

21 ~~5.~~ 4. "*Department*" means the department of health and human
22 services.

23 ~~6.~~ 5. "*Director*" means the director of health and human
24 services.

25 ~~7.~~ 6. "*Guardian*" means guardian as defined in section
26 633.3.

27 ~~8.~~ 7. "*Incompetent*" means incompetent as defined in section
28 633.3.

29 ~~9.~~ 8. "*Local office*" means a local office of public
30 guardian.

31 ~~10.~~ 9. "*Local public guardian*" means an individual under
32 contract with the department to act as a guardian, conservator,
33 or representative payee.

34 ~~11.~~ 10. "*Public guardian*" means the state public guardian
35 or a local public guardian.

1 ~~12.~~ 11. "*Public guardianship services*" means guardianship,
2 conservatorship, or representative payee services provided by
3 the state public guardian or a local public guardian.

4 ~~13.~~ 12. "*Representative payee*" means an individual
5 appointed by a government entity to receive funds on behalf of
6 a client pursuant to federal regulation.

7 ~~14.~~ 13. "*State agency*" means any executive department,
8 commission, board, institution, division, bureau, office,
9 agency, or other executive entity of state government.

10 ~~15.~~ 14. "*State office*" means the state office of public
11 guardian.

12 ~~16.~~ 15. "*State public guardian*" means the administrator of
13 the state office of public guardian.

14 ~~17.~~ 16. "*Ward*" means the individual for whom a guardianship
15 or conservatorship is established.

16 Sec. 160. REPEAL. Sections 231.11, 231.12, and 231.13, Code
17 2024, are repealed.

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

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

22 2. Designate sections 231.75 through 231.79, as enacted in
23 this division of this Act, as subchapter VII entitled "Bill
24 of Rights and Service Quality Standards for Persons with an
25 Intellectual Disability, Developmental Disability, Brain
26 Injury, or Chronic Mental Illness".

27 3. Correct internal references in the Code and in any
28 enacted legislation as necessary due to the enactment of this
29 division of this Act.

30 Sec. 162. EFFECTIVE DATE. The following take effect July
31 1, 2025:

32 1. The parts of the sections of this division of this Act
33 amending the following:

34 a. Section 231.3.

35 b. Section 231.4, subsection 1.

- 1 c. Section 231.23, subsections 4 and 7.
- 2 d. Section 231.23A, subsection 1.
- 3 e. Sections 231.56, 231.57, and 231.58.
- 4 f. Section 231.64, subsection 2.

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

8 DIVISION IV

9 TRANSITION PROVISIONS

10 Sec. 163. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
11 TRANSITION OF MENTAL HEALTH SERVICES, ADDICTIVE DISORDER
12 SERVICES, AND DISABILITY SERVICES.

13 1. For purposes of this division:

14 a. "Administrative services organization" means the same
15 as defined in section 225A.1, as enacted in division I of this
16 Act.

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

19 c. "Department" means the department of health and human
20 services.

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

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

26 f. "State behavioral health service system" means the state
27 behavioral health service system as established in section
28 225A.3, as enacted in division I of this Act.

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

32 h. "Transition period" means the period beginning on the
33 date of enactment of this division of this Act and concluding
34 on June 30, 2025.

35 2. There is created a behavioral health service system under

1 the control of the department. For the fiscal year beginning
2 July 1, 2025, and each succeeding fiscal year, the behavioral
3 health service system shall be responsible for implementing and
4 maintaining a statewide system of prevention, education, early
5 intervention, treatment, recovery support, and crisis services
6 related to mental health and addictive disorders, including
7 but not limited to substance use, tobacco use, and problem
8 gambling. For the fiscal year beginning July 1, 2025, and each
9 succeeding fiscal year, the department's division of aging
10 and disability services shall be responsible for disability
11 services.

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

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

20 a. Make contracts as necessary to set up services and
21 administrative functions.

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

24 c. Establish policies as necessary to ensure efficient
25 implementation and operation of the behavioral health service
26 system.

27 d. Prepare forms necessary for the implementation and
28 administration of behavioral health services.

29 e. Prepare a state behavioral health service system plan for
30 the state behavioral health service system.

31 f. Designate behavioral health districts on or before
32 August 1, 2024. The behavioral health district designation
33 process shall include an opportunity for the public to
34 review and to comment on proposed behavioral health district
35 boundaries.

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

3 h. Review and approve district behavioral health service
4 system plans for services related to the behavioral health
5 service system.

6 i. Issue all necessary licenses and certifications.

7 j. Establish contractual rights, privileges, and
8 responsibilities as necessary to establish and implement the
9 state behavioral health service system.

10 k. Develop and implement a plan to ensure that persons
11 currently receiving disability services or early intervention,
12 treatment, recovery support, or crisis services related
13 to mental health or addictive disorders, including but not
14 limited to alcohol use, substance use, tobacco use, and problem
15 gambling, have an uninterrupted continuum of care.

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

18 m. Collaborate with the department of revenue for
19 enforcement of tobacco laws, regulations, and ordinances and
20 engage in tobacco control activities.

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

30 6. a. On or before July 1, 2024, the department shall
31 publish on the department's internet site an initial transition
32 plan for establishing the state behavioral health service
33 system. The transition plan shall describe, at a minimum, all
34 of the following:

35 (1) All tasks that require completion before July 1, 2025.

1 The description of tasks shall include a description of how the
2 department will solicit comments from stakeholders, including
3 employees of the department, persons served by the department,
4 partners of the department, members of the public, and members
5 of the general assembly, and a detailed timeline for the
6 completion of the tasks described.

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

9 (3) The transition of service delivery sites from locations
10 where people currently receive behavioral health services to
11 where the people will receive behavioral health services under
12 the state behavioral health service system.

13 (4) Procedures for the transfer and reconciliation of
14 budgeting and funding between the mental health and disability
15 services regions and the department.

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

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

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

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

26 (2) Describe how information regarding any changes in
27 service delivery will be provided to persons receiving services
28 from the mental health and disability services regions or
29 current behavioral health care providers contracted with the
30 department.

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

33 7. a. Before the end of the transition period, the
34 governing board of each mental health and disability services
35 region that maintains a combined account pursuant to section

1 225C.58, subsection 1, shall transfer all unencumbered and
2 unobligated moneys remaining in the combined account to the
3 treasurer of state for deposit into the behavioral health fund
4 as established in section 225A.7 as enacted in division I of
5 this Act.

6 b. Before the end of the transition period, each county
7 which maintains a county mental health and disability services
8 fund pursuant to section 225C.58, subsection 1, shall transfer
9 all unencumbered and unobligated moneys remaining in the mental
10 health and disability services fund to the treasurer of state
11 for deposit into the behavioral health fund as established in
12 section 225A.7 as enacted in division I of this Act.

13 c. Moneys in the behavioral health fund as established
14 in section 225A.7 as enacted in division I of this Act are
15 appropriated to the department for the purposes established in
16 section 225A.7 as enacted in division I of this Act, and as
17 otherwise necessary to effectuate this division of this Act.

18 8. a. All debts, claims, or other liabilities owed to a
19 county, a mental health and disability services region, or
20 the state due to services rendered pursuant to chapter 125,
21 222, 225, 225C, 226, 227, 229, 230, or 230A, Code 2024, at the
22 conclusion of the transition period shall remain due and owing
23 after the transition period concludes.

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

31 9. With input from appropriate stakeholders, the department
32 shall identify each contract that will be impacted by mental
33 health and disability services being transferred to the state
34 behavioral health service system, or by responsibilities
35 being transferred to the department's division of aging and

1 disabilities, pursuant to this Act. On or before June 30,
2 2025, a party to a contract identified by the department
3 under this subsection shall exercise the option, if available
4 pursuant to the terms of the contract, to terminate the
5 contract in accordance with the terms of the contract which
6 provide for termination. Contracts that do not provide for
7 termination shall not be renewed or extended at the end of the
8 current contract term.

9 10. A mental health and disability services region, a
10 regional administrator as defined in section 225C.55, and
11 any subdivision of the state shall not enter into, renew, or
12 extend any contract for services related to mental health and
13 disability services or addictive disorder services beyond June
14 30, 2025.

15 Sec. 164. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
16 TRANSITION FUNDING — 988 SERVICE FUNDING.

17 1. Notwithstanding any provision of law to the contrary,
18 there is appropriated from the region incentive fund of the
19 mental health and disability services regional service fund
20 created in section 225C.7A, subsection 8, to the department of
21 health and human services for the fiscal year beginning July
22 1, 2024, and ending June 30, 2025, the following amount, or
23 so much thereof as is necessary, to be used for the purposes
24 designated:

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

28 \$ 645,179

29 2. There is appropriated from the region incentive fund
30 of the mental health and disability services regional service
31 fund created in section 225C.7A, to the department of health
32 and human services for the fiscal year beginning July 1, 2024,
33 and ending June 30, 2025, the following amount, or so much
34 thereof as is necessary, to be used to support the statewide
35 988 suicide and crisis line:

1 \$ 3,000,000

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

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

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

21 DIVISION V

22 ELIMINATION OF SPECIAL INTELLECTUAL DISABILITY UNITS

23 Sec. 167. Section 222.1, subsection 3, Code 2024, is amended
24 by striking the subsection.

25 Sec. 168. Section 222.2, subsection 8, Code 2024, is amended
26 by striking the subsection.

27 Sec. 169. Section 222.5, Code 2024, is amended to read as
28 follows:

29 **222.5 Preadmission diagnostic evaluation.**

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

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

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

8 Sec. 171. Section 222.8, Code 2024, is amended to read as
9 follows:

10 **222.8 Communications by patients.**

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

18 Sec. 172. Section 222.9, Code 2024, is amended to read as
19 follows:

20 **222.9 Unauthorized departures.**

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

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

32 1. Upon the death of a patient of a resource center ~~or~~
33 ~~special unit~~, a preliminary investigation of the death shall be
34 conducted as required by [section 218.64](#) by the county medical
35 examiner as provided in [section 331.802](#). Such a preliminary

1 investigation shall also be conducted in the event of a sudden
2 or mysterious death of a patient in a private institution
3 for persons with an intellectual disability. The chief
4 administrative officer of any private institution may request
5 an investigation of the death of any patient by the county
6 medical examiner.

7 Sec. 174. Section 222.73, subsections 1, 3, and 5, Code
8 2024, are amended to read as follows:

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

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

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

33 ~~3.~~ 2. The superintendent shall compute in January the
34 actual per-patient-per-day cost for each resource center ~~or~~
35 ~~special unit~~ for the immediately preceding calendar year, in

1 accordance with generally accepted accounting procedures, by
2 totaling the actual expenditures of the resource center ~~or~~
3 ~~special unit~~ for the calendar year and by dividing the total
4 actual expenditures by the total inpatient days of service
5 provided during the calendar year.

6 ~~5.~~ 3. A superintendent of a resource center ~~or special~~
7 ~~unit~~ may request that the director enter into a contract with
8 a person for the resource center ~~or special unit~~ to provide
9 consultation or treatment services or for fulfilling other
10 purposes which are consistent with the purposes stated in
11 section 222.1. The contract provisions shall include charges
12 which reflect the actual cost of providing the services. Any
13 income from a contract authorized under **this subsection** may
14 be retained by the resource center ~~or special unit~~ to defray
15 the costs of providing the services or fulfilling the other
16 purposes. Except for a contract voluntarily entered into by a
17 county under **this subsection**, the costs or income associated
18 with a contract authorized under **this subsection** shall not
19 be considered in computing charges and per diem costs in
20 accordance with the provisions of subsections ~~1 through 4~~ and
21 2.

22 Sec. 175. Section 222.83, Code 2024, is amended to read as
23 follows:

24 **222.83 Nonresident patients.**

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

1 ~~or special unit.~~

2 Sec. 176. Section 222.84, Code 2024, is amended to read as
3 follows:

4 **222.84 Patients' personal deposit fund.**

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

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

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

24 Sec. 178. Section 222.87, Code 2024, is amended to read as
25 follows:

26 **222.87 Deposit in bank.**

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

35 Sec. 179. REPEAL. Sections 222.88, 222.89, 222.90, and

1 222.91, Code 2024, are repealed.

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

4 DIVISION VI

5 COUNTY OF RESIDENCE DETERMINATIONS

6 Sec. 181. NEW SECTION. 331.190 County of residence —
7 dispute resolution.

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

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

27 (1) Disputes involving persons committed to a state
28 facility pursuant to chapter 812.

29 (2) Disputes involving Iowa rule of criminal procedure
30 2.22(8)(b), commitment for evaluation.

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

33 b. If a county objects to a billing for services or a
34 residency determination and asserts that either the person
35 has residency in a different county or the person is not a

1 resident of this state, the person's county of residence
2 shall be determined as provided in this subsection. If the
3 county asserts that the person has residency in a different
4 county in this state, the county shall notify that county in
5 writing within one hundred twenty calendar days of receiving
6 the billing for services or of the county of residence
7 determination.

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

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

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

32 e. Unless a petition is filed for judicial review, the
33 administrative law judge's determination of the person's county
34 of residence shall result in one of the following:

35 (1) If a county is determined to be the person's county

1 of residence, that county shall pay any amounts due and shall
2 reimburse the other county for any amounts paid for services
3 provided to the person by the other county prior to the county
4 of residence determination.

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

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

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

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

27 **35D.9 County of residence upon discharge.**

28 A member of the home does not acquire residency in the county
29 in which the home is located unless the member is voluntarily
30 or involuntarily discharged from the home and the member
31 meets county of residence requirements. For purposes of this
32 section, "*county of residence*" means the same as defined in
33 section ~~225C.6~~ 331.190.

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

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

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

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

33 DIVISION VII

34 SUBSTANCE USE DISORDER — BEER AND LIQUOR CONTROL FUND

35 Sec. 185. Section 123.17, subsection 5, Code 2024, is

1 amended to read as follows:

2 5. After any transfer provided for in [subsection 3](#) is
3 made, the department shall transfer into a special revenue
4 account in the general fund of the state, a sum of money at
5 least equal to seven percent of the gross amount of sales made
6 by the department from the beer and liquor control fund on a
7 monthly basis but not less than nine million dollars annually.
8 Of the amounts transferred, two million dollars, ~~plus an~~
9 ~~additional amount determined by the general assembly,~~ shall be
10 appropriated to the department of health and human services for
11 use by the staff who administer the comprehensive substance use
12 disorder program under [chapter 125](#) for substance use disorder
13 treatment and prevention programs. Any amounts received in
14 excess of the amounts appropriated to the department of health
15 and human services for use by the staff who administer the
16 comprehensive substance use disorder program under [chapter 125](#)
17 shall be considered part of the general fund balance.

18 Sec. 186. EFFECTIVE DATE. This division of this Act, being
19 deemed of immediate importance, takes effect upon enactment.

20 DIVISION VIII

21 SUPPORTED COMMUNITY LIVING SERVICES

22 Sec. 187. Section 225C.21, subsection 1, Code 2024, is
23 amended to read as follows:

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

30 Sec. 188. EFFECTIVE DATE. This division of this Act, being
31 deemed of immediate importance, takes effect upon enactment.>

JEFF EDLER