

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 21, 2008

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JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 21, 2008

The House met pursuant to adjournment at 10:24 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Gus George, pastor of St. Paul's Lutheran Church, Council Bluffs. He was the guest of Representative Doug Struyk of Pottawattamie County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jessica Flannery, Page of the Legislative Service Agency.

The Journal of Thursday, April 17, 2008 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

SENATE MESSAGES CONSIDERED

[Senate File 2424](#), by committee on appropriations, a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **state government**.

[Senate File 2425](#), by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time and **passed on file**.

McCarthy of Polk asked and received unanimous consent for the state government committee to meet and consider [Senate File 2424](#).

On motion by McCarthy of Polk, the House was recessed at 10:30 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:18 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILL

[House File 2697](#), by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time and placed on the **appropriations calendar**.

Davitt of Warren in the chair at 2:18 p.m.

ADOPTION OF [HOUSE RESOLUTION 155](#)

Wessel-Kroeschell of Story, Heddens of Story and H. Miller of Webster called up for consideration [House Resolution 155](#), a resolution honoring Iowa State University track student-athlete and Fort Dodge native Lisa Koll, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Reasoner of Union, the House was recessed at 2:27 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:39 p.m., Wise of Lee in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Murphy and McCarthy of Polk, until their return, on request of H. Miller of Webster.

CONSIDERATION OF BILLS

Regular Calendar

[House Joint Resolution 2007](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

[SENATE JOINT RESOLUTION 2005](#) SUBSTITUTED FOR [HOUSE JOINT RESOLUTION 2007](#)

Quirk of Chickasaw asked and received unanimous consent to substitute [Senate Joint Resolution 2005](#) for [House Joint Resolution 2007](#).

[Senate Joint Resolution 2005](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Quirk of Chickasaw moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([S.J.R. 2005](#))

The ayes were, 84:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Worthan	Zirkelbach	Wise, Presiding

The nays were, 12:

Alons	Arnold	Boal	Chambers
De Boef	Grassley	Heddens	Kaufmann
Kuhn	May	Taylor, D.	Van Engelenhoven

Absent or not voting, 4:

Clute	Forristall	Roberts	Shomshor
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

[House Joint Resolution 2006](#), a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

[SENATE JOINT RESOLUTION 2003](#) SUBSTITUTED FOR **[HOUSE JOINT RESOLUTION 2006](#)**

Quirk of Chickasaw asked and received unanimous consent to substitute [Senate Joint Resolution 2003](#) for [House Joint Resolution 2006](#).

Senate Joint Resolution 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date, was taken up for consideration.

Quirk of Chickasaw moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([S.J.R. 2003](#))

The ayes were, 83:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Deyoe	Dolecheck
Drake	Foege	Ford	Frevert
Gaskill	Gayman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kelley	Kressig
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Smith	Soderberg	Staed	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Worthan	Zirkelbach	Wise, Presiding	

The nays were, 12:

Alons	Arnold	Boal	Chambers
De Boef	Grassley	Heddens	Kaufmann
Kuhn	May	Taylor, D.	Van Engelenhoven

Absent or not voting, 5:

Clute	Forristall	Roberts	Shomshor
Taylor, T.			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

ADOPTION OF [HOUSE RESOLUTION 114](#)

Quirk of Chickasaw called up the following [House Resolution 114](#), and moved its adoption:

1 [House Resolution 114](#)
2 By Committee on Administration and Rules
3 A resolution relating to an annual budget for the
4 daily operations of the House of Representatives.
5 *Whereas*, the legislative authority of this state is
6 vested in the General Assembly consisting of the House
7 of Representatives and the Senate; and
8 *Whereas*, the House of Representatives necessarily
9 incurs substantial expenses for its daily operations;
10 and
11 *Whereas*, the House of Representatives is authorized
12 to expend funds from the state treasury necessary to
13 pay for its expenses and for expenses incurred jointly
14 by the House of Representatives and the Senate; and
15 *Whereas*, it is deemed advisable and proper for the
16 House of Representatives to make expenditures in
17 accordance with a budgetary plan; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*
19 Section 1. Expenditures of the House of
20 Representatives payable pursuant to Iowa Code sections
21 2.10 through 2.14 for the regular legislative session
22 and the interim period during the fiscal year
23 beginning July 1, 2008, and ending June 30, 2009, are
24 budgeted to be as follows:
25 1. Members' salary, per diem, and expenses,
26 \$6,224,000.
27 2. Staff compensation, \$5,718,000.
28 3. Operations expenses, \$575,000.
29 Sec. 2. The Chief Clerk of the House of
30 Representatives shall immediately provide written

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1 notice to the Speaker and Minority Leader of the House
2 of Representatives and to the Chair and Ranking Member
3 of the House Committee on Appropriations if actual
4 expenditures payable pursuant to Iowa Code sections
5 2.10 through 2.14 exceed the maximum amount allocated
6 for any category of the budget provided by section 1
7 of this Resolution. The written notice shall specify
8 the amount of and reasons for any excess expenditure.
9 Sec. 3. Joint expenditures by the House of
10 Representatives and the Senate or by the Legislative

- 11 Council, special expenditures approved by the
 12 Committee on Administration and Rules, and special
 13 session expenses are not included in the budget set
 14 forth in this Resolution.

The motion prevailed and the resolution was adopted.

Appropriations Calendar

House File 2674, a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision, was taken up for consideration.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2674](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Worthan
Zirkelbach	Wise,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Forristall

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2673, a bill for an act relating to the inheritance tax on any interest in a qualified tuition plan, was taken up for consideration.

Frevert of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2673](#))

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wiencek	Winckler	Windschitl	Worthan
Zirkelbach	Wise,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Forristall

Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCarthy of Polk, until his return, on request of H. Miller of Webster.

[House File 2684](#), a bill for an act creating an insurance industry new jobs tax credit, was taken up for consideration.

Ford of Polk offered the following amendment [H-8502](#) filed by him and moved its adoption:

[H-8502](#)

- 1 Amend [House File 2684](#) as follows:
- 2 1. Page 2, line 5, by inserting after the figure
- 3 "2008" the following: ", that makes a good faith
- 4 effort to recruit minority persons, as defined in
- 5 section 15.102, subsection 5, for a portion of the new
- 6 jobs created under the agreement".

Amendment [H-8502](#) was adopted.

Schueller of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2684](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevert	Gaskill	Gayman

Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Mascher	May	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Worthan	Zirkelbach	Wise, Presiding	

The nays were, 2:

Hunter Olson, R.

Absent or not voting, 3:

Forristall McCarthy Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oldson of Polk, until her return, on request of H. Miller of Webster; Forristall of Pottawattamie and Roberts of Carroll, on request of Paulsen of Linn.

IMMEDIATE MESSAGES

H. Miller of Webster asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2673, 2674, 2684** and **Senate Joint Resolutions 2003 and 2005.**

[House File 2685](#), a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee, was taken up for consideration.

D. Olson of Boone offered the following amendment [H-8573](#) filed by him from the floor and moved its adoption:

[H-8573](#)

- 1 Amend [House File 2685](#) as follows:
- 2 1. Page 1, lines 14 and 15, by striking the words
- 3 "well and the need to protect the environment." and
- 4 inserting the following: "well.
- 5 f. Reasonable and appropriate limitations on
- 6 wastewater discharge that take into consideration the
- 7 need to conserve soil and protect water quality."
- 8 2. By renumbering as necessary.

Amendment [H-8573](#) was adopted.

Thomas of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2685](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Frevrt	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Staed	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek
Winckler	Windschitl	Worthan	Zirkelbach
Wise, Presiding			

The nays were, none.

Absent or not voting, 3:

Forristall Murphy, Spkr. Roberts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2008, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

[House File 2628](#), a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous weapon and making penalties applicable.

Also: That the Senate has on April 21, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2134](#), a bill for an act relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commission of veteran affairs fund, providing an appropriation, concerning eligibility criteria for special gold star motor vehicle registration plates and providing an effective date.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

Senate file 2414, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2421](#), a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

H. Miller of Webster asked and received unanimous consent that [House File 2685](#) be immediately messaged to the Senate.

On motion by H. Miller of Webster, the House was recessed at 5:33 p.m., until 7:15 p.m.

EVENING SESSION

The House reconvened at 8:30 p.m., Speaker pro tempore Bukta in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

Speaker Murphy in the chair at 8:53 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clute of Polk on request of Rants of Woodbury.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 517](#), a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements.

Also: That the Senate has on April 21, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2386](#), a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2422](#), a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, and providing an effective date and applicability provision.

Also: That the Senate has on April 21, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2427](#), a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 2414](#), by Gronstal, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

Read first time and referred to committee on **state government**.

[Senate File 2421](#), by committee on ways and means, a bill for an act authorizing certain special charter cities to impose a special charter city sales and services tax.

Read first time and referred to committee on **ways and means**.

[Senate File 2422](#), by committee on appropriations, a bill for an act relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs,

authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision.

Read first time and referred to committee on **appropriations**.

Senate File 2427, by Gronstal and Wieck, a bill for an act prohibiting certain lobbying activities of state agencies and providing a penalty.

Read first time and referred to committee on **state government**.

SENATE AMENDMENT CONSIDERED

Kuhn of Floyd called up for consideration House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, amended by the Senate amendment H-8541 as follows:

H-8541

- 1 Amend House File 2662, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 9, by inserting after line 18, the
- 4 following:
- 5 "Sec. ___. UNASSIGNED REVENUE FUND – FUNDING
- 6 RESTORATION. There is appropriated from the
- 7 unassigned revenue fund administered by the Iowa
- 8 comprehensive underground storage tank fund board to
- 9 the department of natural resources for the fiscal
- 10 year beginning July 1, 2008, and ending June 30, 2009,
- 11 the following amounts, or so much thereof as is
- 12 necessary, to be used for the purposes designated:
- 13 1. To be credited to and used for snowmobile
- 14 programs as provided for the special snowmobile fund
- 15 created under section 321G.7, in order to restore
- 16 funding transferred pursuant to 2002 Iowa Acts, Second
- 17 Extraordinary Session, chapter 1001, section 10:
- 18 \$950,000
- 19 2. To be credited to and used for all-terrain
- 20 vehicle programs as provided for the special
- 21 all-terrain vehicle fund created under section 321I.8,
- 22 in order to restore funding transferred pursuant to
- 23 2002 Iowa Acts, Second Extraordinary Session, chapter
- 24 1001, section 11:
- 25 \$775,000".
- 26 2. By renumbering as necessary.

Winckler of Scott asked and received unanimous consent to withdraw amendment [H-8554](#), to the Senate amendment [H-8541](#), filed by Winckler et al., on April 16, 2008.

On motion by Kuhn of Floyd the House concurred in the Senate amendment [H-8541](#).

Kuhn of Floyd moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2662](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

Absent or not voting, 3:

Clute	Forristall	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2697](#).

Appropriations Calendar

[House File 2697](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, was taken up for consideration.

Foegen of Linn offered the following amendment [H-8581](#) filed by him from the floor and moved its adoption:

[H-8581](#)

1 Amend [House File 2697](#) as follows:

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

4 "DIVISION I

5 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS

6 ELDER AFFAIRS

7 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
8 appropriated from the general fund of the state to the
9 department of elder affairs for the fiscal year
10 beginning July 1, 2008, and ending June 30, 2009, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 For aging programs for the department of elder
14 affairs and area agencies on aging to provide citizens
15 of Iowa who are 60 years of age and older with case
16 management for the frail elderly only if the monthly
17 cost per client for case management for the frail
18 elderly services provided does not exceed an average
19 of \$70, resident advocate committee coordination,
20 employment, and other services which may include but
21 are not limited to adult day services, respite care,
22 chore services, telephone reassurance, information and
23 assistance, and home repair services, and for the
24 construction of entrance ramps which make residences
25 accessible to the physically handicapped, and for
26 salaries, support, administration, maintenance, and
27 miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29 \$ 4,851,698

30 FTEs 40.50

31 1. Funds appropriated in this section may be used
32 to supplement federal funds under federal regulations.
33 To receive funds appropriated in this section, a local
34 area agency on aging shall match the funds with moneys
35 from other sources according to rules adopted by the
36 department. Funds appropriated in this section may be
37 used for elderly services not specifically enumerated
38 in this section only if approved by an area agency on
39 aging for provision of the service within the area.

40 2. Of the funds appropriated in this section,
41 \$2,788,223 shall be used for case management for the
42 frail elderly. Of the funds allocated in this
43 subsection, \$1,385,015 shall be transferred to the
44 department of human services in equal amounts on a
45 quarterly basis for reimbursement of case management
46 services provided under the medical assistance elderly
47 waiver. The department of human services shall adopt
48 rules for case management services provided under the
49 medical assistance elderly waiver in consultation with
50 the department of elder affairs. The monthly cost per

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1 client for case management for the frail elderly
2 services provided shall not exceed an average of \$70.

3 3. Of the funds appropriated in this section,
4 \$200,198 shall be transferred to the department of
5 economic development for the Iowa commission on
6 volunteer services to be used for the retired and
7 senior volunteer program.

8 4. Of the funds appropriated in this section,
9 \$130,000 shall be used to continue to fund additional
10 long-term care resident's advocate positions.

11 5. Of the funds appropriated in this section,
12 \$250,000 shall be used for continuation of the
13 substitute decision maker Act pursuant to chapter
14 231E.

15 HEALTH

16 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
17 appropriated from the general fund of the state to the
18 department of public health for the fiscal year
19 beginning July 1, 2008, and ending June 30, 2009, the
20 following amounts, or so much thereof as is necessary,
21 to be used for the purposes designated:

22 1. ADDICTIVE DISORDERS

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

28 \$ 1,532,149

29 FTEs 6.00

30 The requirement of section 123.53, subsection 3, is
31 met by the appropriations made in this Act for
32 purposes of addictive disorders for the fiscal year
33 beginning July 1, 2008.

34 2. HEALTHY CHILDREN AND FAMILIES

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

39 \$ 2,636,913
40 FTEs 16.00

41 a. Of the funds appropriated in this subsection,
42 not more than \$645,917 shall be used for the healthy
43 opportunities to experience success (HOPES)-healthy
44 families Iowa (HFI) program established pursuant to
45 section 135.106. The department shall transfer the
46 funding allocated for the HOPES-HFI program to the
47 Iowa empowerment board for distribution and shall
48 assist the board in managing the contracting for the
49 funding. The funding shall be distributed to renew
50 the grants that were provided to the grantees that

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1 operated the program during the fiscal year ending
2 June 30, 2008.

3 b. Of the funds appropriated in this subsection,
4 \$325,000 shall be used to continue to address the
5 healthy mental development of children from birth
6 through five years of age through local evidence-based
7 strategies that engage both the public and private
8 sectors in promoting healthy development, prevention,
9 and treatment for children.

10 c. Of the funds appropriated in this subsection,
11 \$100,000 is allocated for distribution to the
12 children's hospital of Iowa mother's milk bank.

13 d. Of the funds appropriated in this subsection,
14 \$40,000 shall be distributed to a statewide dental
15 carrier to provide funds to continue the donated
16 dental services program patterned after the projects
17 developed by the national foundation of dentistry for
18 the handicapped to provide dental services to indigent
19 elderly and disabled individuals.

20 e. Of the funds appropriated in this subsection,
21 \$100,000 shall be transferred to the university of
22 Iowa college of dentistry for provision of primary
23 dental services to children. State funds shall be
24 matched on a dollar-for-dollar basis. The university
25 of Iowa college of dentistry shall coordinate efforts
26 with the department of public health bureau of oral
27 health to provide dental care to underserved

28 populations throughout the state.
 29 f. The department shall consult with other
 30 agencies involved with provision of health-related
 31 services to children and with legislators, providers,
 32 advocates, and other stakeholders in performing a
 33 study of services and other support promoting healthy
 34 kids.

35 3. CHRONIC CONDITIONS

36 For serving individuals identified as having
 37 chronic conditions or special health care needs, and
 38 for not more than the following full-time equivalent
 39 positions:

40	\$ 2,242,840	
41	FTEs	5.00

42 a. Of the funds appropriated in this subsection,
 43 \$100,000 shall be used for grants to individual
 44 patients who have phenylketonuria (PKU) to assist with
 45 the costs of necessary special foods.

46 b. Of the funds appropriated in this subsection,
 47 \$500,000 is allocated for continuation of the
 48 contracts for resource facilitator services in
 49 accordance with section 135.22B, subsection 10, and
 50 for brain injury training services and recruiting of

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1 service providers to increase the capacity within this
 2 state to address the needs of individuals with brain
 3 injuries and such individuals' families.

4 4. COMMUNITY CAPACITY

5 For strengthening the health care delivery system
 6 at the local level, and for not more than the
 7 following full-time equivalent positions:

8	\$ 1,760,52	
9	FTEs	12.00

10 a. Of the funds appropriated in this subsection,
 11 \$100,000 is allocated for a child vision screening
 12 program implemented through the university of Iowa
 13 hospitals and clinics in collaboration with community
 14 empowerment areas.

15 b. Of the funds appropriated in this subsection,
 16 \$159,700 is allocated for an initiative implemented at
 17 the university of Iowa and \$140,300 is allocated for
 18 an initiative at the state mental health institute at
 19 Cherokee to expand and improve the workforce engaged
 20 in mental health treatment and services. The
 21 initiatives shall receive input from the university of
 22 Iowa, the department of human services, the department
 23 of public health, and the mental health, mental
 24 retardation, developmental disabilities, and brain
 25 injury commission to address the focus of the
 26 initiatives. The department of human services, the

27 department of public health, and the commission shall
28 receive regular updates concerning the status of the
29 initiatives.

30 5. ELDERLY WELLNESS

31 For promotion of healthy aging and optimization of
32 the health of older adults:

33 \$ 9,233,985

34 6. ENVIRONMENTAL HAZARDS

35 For reducing the public's exposure to hazards in
36 the environment, primarily chemical hazards, and for
37 not more than the following full-time equivalent
38 positions:

39 \$ 747,960

40 FTEs 2.00

41 Of the funds appropriated in this subsection,
42 \$121,000 shall be used for childhood lead poisoning
43 provisions pursuant to sections 135.102 and 135.103.

44 7. INFECTIOUS DISEASES

45 For reducing the incidence and prevalence of
46 communicable diseases, and for not more than the
47 following full-time equivalent positions:

48 \$ 1,701,974

49 FTEs 7.00

50 a. Of the funds appropriated in this subsection,

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1 an increase of \$43,688 is provided for the purchasing
2 of vaccines for immunizations.

3 b. Of the funds appropriated in this subsection,
4 \$100,000 shall be used to fund the position of bureau
5 chief for the center for acute disease epidemiology
6 (CADE).

7 8. PUBLIC PROTECTION

8 For protecting the health and safety of the public
9 through establishing standards and enforcing
10 regulations, and for not more than the following
11 full-time equivalent positions:

12 \$ 2,798,513

13 FTEs 128.00

14 a. Of the funds appropriated in this subsection,
15 \$643,500 shall be credited to the emergency medical
16 services fund created in section 135.25. Moneys in
17 the emergency medical services fund are appropriated
18 to the department to be used for the purposes of the
19 fund.

20 b. Of the funds appropriated in this subsection,
21 \$23,810 shall be used for the office of the state
22 medical examiner.

23 c. Of the funds appropriated in this subsection,
24 \$150,000 shall be used for management of the antiviral
25 stockpile.

26 d. Of the funds appropriated in this subsection,
 27 \$100,000 shall be used for sexual violence prevention
 28 programming through a statewide organization
 29 representing programs serving victims of sexual
 30 violence through the department's sexual violence
 31 prevention program. The amount allocated in this
 32 paragraph "d" shall not be used to supplant funding
 33 administered for other sexual violence prevention or
 34 victims assistance programs.

35 e. The department may incur expenses for start-up
 36 costs to implement licensing of plumbers and
 37 mechanical professionals in accordance with 2007 Iowa
 38 Acts, chapter 198, provided the amounts expended are
 39 covered by the close of the fiscal year through the
 40 repayment receipts from license fees.

41 9. RESOURCE MANAGEMENT

42 For establishing and sustaining the overall ability
 43 of the department to deliver services to the public,
 44 and for not more than the following full-time
 45 equivalent positions:

46	\$ 1,205,933
47	FTEs 10.00

48 Of the funds appropriated in this subsection,
 49 \$150,150 shall be used for administration of
 50 tobacco-related programs.

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1 The university of Iowa hospitals and clinics under
 2 the control of the state board of regents shall not
 3 receive indirect costs from the funds appropriated in
 4 this section. The university of Iowa hospitals and
 5 clinics billings to the department shall be on at
 6 least a quarterly basis.

7 Sec. 3. GAMBLING TREATMENT FUND – APPROPRIATION.

8 1. In lieu of the appropriation made in section
 9 135.150, subsection 1, there is appropriated from
 10 funds available in the gambling treatment fund created
 11 in section 135.150 to the department of public health
 12 for the fiscal year beginning July 1, 2008, and ending
 13 June 30, 2009, the following amount, or so much
 14 thereof as is necessary, to be used for the purposes
 15 designated:

16 To be utilized for the benefit of persons with
 17 addictive disorders:

18	\$ 4,678,000
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19 a. It is the intent of the general assembly that
 20 from the moneys appropriated in this subsection
 21 persons with a dual diagnosis of substance abuse and
 22 gambling addictions shall be given priority in
 23 treatment services. The amount appropriated in this
 24 subsection includes moneys credited to the fund in

25 previous fiscal years.

26 b. Of the funds appropriated in this subsection,
27 \$613,000 shall be used for tobacco use prevention,
28 cessation, and treatment.

29 2. The amount remaining in the gambling treatment
30 fund after the appropriation made in subsection 1 is
31 appropriated to the department to be used for funding
32 of administrative costs and to provide programs which
33 may include but are not limited to outpatient and
34 follow-up treatment for persons affected by problem
35 gambling, rehabilitation and residential treatment
36 programs, information and referral services, education
37 and preventive services, and financial management
38 services. Of the amount appropriated in this
39 subsection, up to \$100,000 may be used for the
40 licensing of gambling treatment programs as provided
41 in section 135.150.

42 DEPARTMENT OF VETERANS AFFAIRS

43 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
44 appropriated from the general fund of the state to the
45 department of veterans affairs for the fiscal year
46 beginning July 1, 2008, and ending June 30, 2009, the
47 following amounts, or so much thereof as is necessary,
48 to be used for the purposes designated:

49 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

50 For salaries, support, maintenance, and

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1 miscellaneous purposes, including the war orphans
2 educational assistance fund created in section 35.8,
3 and for not more than the following full-time
4 equivalent positions:

5	\$ 1,163,457
6	FTEs 17.20

7 Of the amount appropriated in this subsection,
8 \$50,000 is allocated for continuation of the veterans
9 counseling program established pursuant to section
10 35.12.

11 2. IOWA VETERANS HOME

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

15	\$ 12,694,154
16	FTEs 951.95

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

20 If there is a change in the employer of employees
21 providing services at the Iowa veterans home under a
22 collective bargaining agreement, such employees and
23 the agreement shall be continued by the successor

24 employer as though there had not been a change in
25 employer.

26 3. COUNTY GRANT PROGRAM FOR VETERANS

27 For providing grants to counties to provide
28 services to living veterans:

29 \$ 600,000

30 The department shall establish or continue a grant
31 application process and shall require each county
32 applying for a grant to submit a plan for utilizing
33 the grant for providing services for living veterans.
34 The maximum grant to be awarded to a county shall be
35 \$10,000. Each county receiving a grant shall submit a
36 report to the department identifying the impact of the
37 grant on providing services to veterans as specified
38 by the department. The department shall submit a
39 report to the general assembly by October 1, 2008,
40 concerning the impact of the grant program on services
41 to veterans.

42 Notwithstanding section 8.33, moneys appropriated
43 in this subsection that remain unencumbered or
44 unobligated at the close of the fiscal year shall not
45 revert to the fund from which appropriated but shall
46 be credited to the veterans trust fund.

47 4. STATE EDUCATIONAL ASSISTANCE – CHILDREN OF
48 DECEASED VETERANS

49 For provision of educational assistance pursuant to
50 section 35.9:

Page 8

1 \$ 27,000

2 HUMAN SERVICES

3 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

4 BLOCK GRANT. There is appropriated from the fund
5 created in section 8.41 to the department of human
6 services for the fiscal year beginning July 1, 2008,
7 and ending June 30, 2009, from moneys received under
8 the federal temporary assistance for needy families
9 (TANF) block grant pursuant to the federal Personal
10 Responsibility and Work Opportunity Reconciliation Act
11 of 1996, Pub. L. No. 104-193, and successor
12 legislation, which are federally appropriated for the
13 federal fiscal years beginning October 1, 2007, and
14 ending September 30, 2008, and beginning October 1,
15 2008, and ending September 30, 2009, the following
16 amounts, or so much thereof as is necessary, to be
17 used for the purposes designated:

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

21 \$ 26,101,513

22 2. To be credited to the family investment program

23 account and used for the job opportunities and basic
 24 skills (JOBS) program and implementing family
 25 investment agreements in accordance with chapter 239B:
 26 \$ 13,334,528
 27 Notwithstanding section 8.33, not more than 5
 28 percent of the moneys designated in this subsection
 29 that are allocated by the department for contracted
 30 services, other than family self-sufficiency grant
 31 services allocated under this subsection, that remain
 32 unencumbered or unobligated at the close of the fiscal
 33 year shall not revert but shall remain available for
 34 expenditure for the purposes designated until the
 35 close of the succeeding fiscal year. However, unless
 36 such moneys are encumbered or obligated on or before
 37 September 30, 2009, the moneys shall revert.
 38 3. To be used for the family development and
 39 self-sufficiency grant program in accordance with 2008
 40 Iowa Acts, [House File 2328](#):
 41 \$ 2,998,675
 42 4. For field operations:
 43 \$ 17,707,495
 44 It is the intent of the general assembly that the
 45 department work with Indian tribes providing services
 46 under the federal Temporary Assistance for Needy
 47 Families block grant to Indians who reside in Iowa but
 48 live outside the reservation to establish a formula
 49 for providing match funding for the expenditures made
 50 by the tribes for such services. The department shall

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1 provide recommendations regarding implementation of
 2 the formula beginning in FY 2009-2010 to the governor
 3 and the persons designated by this Act to receive
 4 reports. For the purposes of this paragraph,
 5 "Indian", "reservation", and "Indian tribe" mean the
 6 same as defined in section 232B.3.
 7 5. For general administration:
 8 \$ 3,744,000
 9 6. For local administrative costs:
 10 \$ 2,189,830
 11 7. For state child care assistance:
 12 \$ 27,886,177
 13 a. Of the funds appropriated in this subsection,
 14 \$18,986,177 shall be transferred to the child care and
 15 development block grant appropriation made in 2008
 16 Iowa Acts, [Senate File 2286](#), if enacted, for the
 17 federal fiscal year beginning October 1, 2008, and
 18 ending September 30, 2009. Of this amount, \$200,000
 19 shall be used for provision of educational
 20 opportunities to registered child care home providers
 21 in order to improve services and programs offered by

22 this category of providers and to increase the number
 23 of providers. The department may contract with
 24 institutions of higher education or child care
 25 resource and referral centers to provide the
 26 educational opportunities. Allowable administrative
 27 costs under the contracts shall not exceed 5 percent.
 28 The application for a grant shall not exceed two pages
 29 in length.

30 b. Any funds appropriated in this subsection
 31 remaining unallocated shall be used for state child
 32 care assistance payments for individuals enrolled in
 33 the family investment program who are employed.

34 8. For mental health and developmental	
35 disabilities community services:	
36	\$ 4,894,052
37 9. For child and family services:	
38	\$ 32,084,430
39 10. For child abuse prevention grants:	
40	\$ 250,000
41 11. For pregnancy prevention grants on the	
42 condition that family planning services are funded:	
43	\$ 1,930,067

44 Pregnancy prevention grants shall be awarded to
 45 programs in existence on or before July 1, 2008, if
 46 the programs are comprehensive in scope and have
 47 demonstrated positive outcomes. Grants shall be
 48 awarded to pregnancy prevention programs which are
 49 developed after July 1, 2008, if the programs are
 50 comprehensive in scope and are based on existing

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1 models that have demonstrated positive outcomes.
 2 Grants shall comply with the requirements provided in
 3 1997 Iowa Acts, chapter 208, section 14, subsections 1
 4 and 2, including the requirement that grant programs
 5 must emphasize sexual abstinence. Priority in the
 6 awarding of grants shall be given to programs that
 7 serve areas of the state which demonstrate the highest
 8 percentage of unplanned pregnancies of females of
 9 childbearing age within the geographic area to be
 10 served by the grant.

11 12. For technology needs and other resources	
12 necessary to meet federal welfare reform reporting,	
13 tracking, and case management requirements:	
14	\$ 1,037,186
15 13. For the healthy opportunities for parents to	
16 experience success (HOPES) program administered by the	
17 department of public health to target child abuse	
18 prevention:	
19	\$ 200,000
20 14. To be credited to the state child care	

21 assistance appropriation made in this section to be
 22 used for funding of community-based early childhood
 23 programs targeted to children from birth through five
 24 years of age developed by community empowerment areas
 25 as provided in section 28.9:

26 \$ 7,350,000

27 The department shall transfer TANF block grant
 28 funding appropriated and allocated in this subsection
 29 to the child care and development block grant
 30 appropriation in accordance with federal law as
 31 necessary to comply with the provisions of this
 32 subsection.

33 15. For a pilot program established in one or more
 34 judicial districts, selected by the department and the
 35 judicial council, to provide employment and support
 36 services to delinquent child support obligors as an
 37 alternative to commitment to jail as punishment for
 38 contempt of court:

39 \$ 200,000

40 Of the amounts appropriated in this section,
 41 \$12,962,008 for the fiscal year beginning July 1,
 42 2008, shall be transferred to the appropriation of the
 43 federal social services block grant for that fiscal
 44 year.

45 The department may transfer funds allocated in this
 46 section to the appropriations in this Act for general
 47 administration and field operations for resources
 48 necessary to implement and operate the services
 49 referred to in this section and those funded in the
 50 appropriation made in this division of this Act for

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1 the family investment program from the general fund of
 2 the state.

3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

4 1. Moneys credited to the family investment
 5 program (FIP) account for the fiscal year beginning
 6 July 1, 2008, and ending June 30, 2009, shall be used
 7 to provide assistance in accordance with chapter 239B.

8 2. The department may use a portion of the moneys
 9 credited to the FIP account under this section as
 10 necessary for salaries, support, maintenance, and
 11 miscellaneous purposes.

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

20 4. Moneys appropriated in this division of this
21 Act and credited to the FIP account for the fiscal
22 year beginning July 1, 2008, and ending June 30, 2009,
23 are allocated as follows:

24 a. To be retained by the department of human
25 services to be used for coordinating with the
26 department of human rights to more effectively serve
27 participants in the FIP program and other shared
28 clients and to meet federal reporting requirements
29 under the federal temporary assistance for needy
30 families block grant:
31 \$ 20,000

32 b. To the department of human rights for staffing,
33 administration, and implementation of the family
34 development and self-sufficiency grant program in
35 accordance with 2008 Iowa Acts, [House File 2328](#):
36 \$ 5,563,042

37 (1) Of the funds allocated for the family
38 development and self-sufficiency grant program in this
39 lettered paragraph, not more than 5 percent of the
40 funds shall be used for the administration of the
41 grant program.

42 (2) The department of human rights may continue to
43 implement the family development and self-sufficiency
44 grant program statewide during fiscal year 2008-2009.

45 (3) Notwithstanding section 8.33, moneys allocated
46 in this lettered paragraph that remain unencumbered or
47 unobligated at the close of the fiscal year shall not
48 revert but shall remain available for expenditure for
49 the purposes designated until the close of the
50 succeeding fiscal year.

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1 c. For the diversion subaccount of the FIP
2 account:
3 \$ 2,814,000

4 (1) A portion of the moneys allocated for the
5 subaccount may be used for field operations salaries,
6 data management system development, and implementation
7 costs and support deemed necessary by the director of
8 human services in order to administer the FIP
9 diversion program.

10 (2) Of the funds allocated in this lettered
11 paragraph, not more than \$250,000 shall be used to
12 develop or continue community-level parental
13 obligation pilot projects. The requirements
14 established under 2001 Iowa Acts, chapter 191, section
15 3, subsection 5, paragraph "c", subparagraph (3),
16 shall remain applicable to the parental obligation
17 pilot projects for fiscal year 2008-2009.
18 Notwithstanding 441 IAC 100.8, providing for

19 termination of rules relating to the pilot projects
20 the earlier of October 1, 2006, or when legislative
21 authority is discontinued, the rules relating to the
22 pilot projects shall remain in effect until June 30,
23 2009.

24 d. For the food stamp employment and training
25 program:
26 \$ 68,059

27 e. For the JOBS program:
28 \$ 22,310,116

29 5. Of the child support collections assigned under
30 FIP, an amount equal to the federal share of support
31 collections shall be credited to the child support
32 recovery appropriation. Of the remainder of the
33 assigned child support collections received by the
34 child support recovery unit, a portion shall be
35 credited to the FIP account, a portion may be used to
36 increase recoveries, and a portion may be used to
37 sustain cash flow in the child support payments
38 account. If as a result the appropriations allocated
39 in this section are insufficient to sustain cash
40 assistance payments and meet federal maintenance of
41 effort requirements, the department shall seek
42 supplemental funding. If child support collections
43 assigned under FIP are greater than estimated or are
44 otherwise determined not to be required for
45 maintenance of effort, the state share of either
46 amount may be transferred to or retained in the child
47 support payment account.

48 6. The department may adopt emergency rules for
49 the family investment, JOBS, family development and
50 self-sufficiency grant, food stamp, and medical

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1 assistance programs if necessary to comply with
2 federal requirements.

3 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND.

4 There is appropriated from the general fund of the
5 state to the department of human services for the
6 fiscal year beginning July 1, 2008, and ending June
7 30, 2009, the following amount, or so much thereof as
8 is necessary, to be used for the purpose designated:

9 To be credited to the family investment program
10 (FIP) account and used for family investment program
11 assistance under chapter 239B:
12 \$ 42,675,127

13 1. Of the funds appropriated in this section,
14 \$8,975,588 is allocated for the JOBS program.

15 2. Of the funds appropriated in this section,
16 \$2,584,367 is allocated for the family development and
17 self-sufficiency grant program.

18 3. a. Of the funds appropriated in this section,
19 \$250,000 shall be used for a grant to an Iowa-based
20 nonprofit organization with a history of providing tax
21 preparation assistance to low-income Iowans in order
22 to expand the usage of the earned income tax credit.
23 The purpose of the grant is to supply this assistance
24 to underserved areas of the state. The grant shall be
25 provided to an organization that has existing national
26 foundation support for supplying such assistance that
27 can also secure local charitable match funding.

28 b. The general assembly supports efforts by the
29 organization receiving funding under this subsection
30 to create a statewide earned income tax credit and
31 asset-building coalition to achieve both of the
32 following purposes:

33 (1) Expanding the usage of the tax credit through
34 new and enhanced outreach and marketing strategies, as
35 well as identifying new local sites and human and
36 financial resources.

37 (2) Assessing and recommending various strategies
38 for Iowans to develop assets through savings,
39 individual development accounts, financial literacy,
40 antipredatory lending initiatives, informed home
41 ownership, use of various forms of support for work,
42 and microenterprise business development targeted to
43 persons who are self-employed or have fewer than five
44 employees.

45 4. Notwithstanding section 8.39, for the fiscal
46 year beginning July 1, 2008, if necessary to meet
47 federal maintenance of effort requirements or to
48 transfer federal temporary assistance for needy
49 families block grant funding to be used for purposes
50 of the federal social services block grant or to meet

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1 cash flow needs resulting from delays in receiving
2 federal funding or to implement, in accordance with
3 this division of this Act, activities currently funded
4 with juvenile court services, county, or community
5 moneys and state moneys used in combination with such
6 moneys, the department of human services may transfer
7 funds within or between any of the appropriations made
8 in this division of this Act and appropriations in law
9 for the federal social services block grant to the
10 department for the following purposes, provided that
11 the combined amount of state and federal temporary
12 assistance for needy families block grant funding for
13 each appropriation remains the same before and after
14 the transfer:

15 a. For the family investment program.

16 b. For child care assistance.

- 17 c. For child and family services.
- 18 d. For field operations.
- 19 e. For general administration.
- 20 f. MH/MR/DD/BI community services (local
- 21 purchase).

22 This subsection shall not be construed to prohibit
 23 the use of existing state transfer authority for other
 24 purposes. The department shall report any transfers
 25 made pursuant to this subsection to the legislative
 26 services agency.

27 Sec. 8. CHILD SUPPORT RECOVERY. There is
 28 appropriated from the general fund of the state to the
 29 department of human services for the fiscal year
 30 beginning July 1, 2008, and ending June 30, 2009, the
 31 following amount, or so much thereof as is necessary,
 32 to be used for the purposes designated:

33 For child support recovery, including salaries,
 34 support, maintenance, and miscellaneous purposes, and
 35 for not more than the following full-time equivalent
 36 positions:

37	\$ 14,951,757
38	FTEs 515.00

39 1. The department shall expend up to \$31,000,
 40 including federal financial participation, for the
 41 fiscal year beginning July 1, 2008, for a child
 42 support public awareness campaign. The department and
 43 the office of the attorney general shall cooperate in
 44 continuation of the campaign. The public awareness
 45 campaign shall emphasize, through a variety of media
 46 activities, the importance of maximum involvement of
 47 both parents in the lives of their children as well as
 48 the importance of payment of child support
 49 obligations.

50 2. Federal access and visitation grant moneys

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1 shall be issued directly to private not-for-profit
 2 agencies that provide services designed to increase
 3 compliance with the child access provisions of court
 4 orders, including but not limited to neutral
 5 visitation sites and mediation services.

6 3. The appropriation made to the department for
 7 child support recovery may be used throughout the
 8 fiscal year in the manner necessary for purposes of
 9 cash flow management, and for cash flow management
 10 purposes the department may temporarily draw more than
 11 the amount appropriated, provided the amount
 12 appropriated is not exceeded at the close of the
 13 fiscal year.

14 Sec. 9. MEDICAL ASSISTANCE. There is appropriated
 15 from the general fund of the state to the department

16 of human services for the fiscal year beginning July
17 1, 2008, and ending June 30, 2009, the following
18 amount, or so much thereof as is necessary, to be used
19 for the purpose designated:

20 For medical assistance reimbursement and associated
21 costs as specifically provided in the reimbursement
22 methodologies in effect on June 30, 2008, except as
23 otherwise expressly authorized by law, including
24 reimbursement for abortion services which shall be
25 available under the medical assistance program only
26 for those abortions which are medically necessary:
27 \$646,401,453

- 28 1. Medically necessary abortions are those
- 29 performed under any of the following conditions:
- 30 a. The attending physician certifies that
- 31 continuing the pregnancy would endanger the life of
- 32 the pregnant woman.
- 33 b. The attending physician certifies that the
- 34 fetus is physically deformed, mentally deficient, or
- 35 afflicted with a congenital illness.
- 36 c. The pregnancy is the result of a rape which is
- 37 reported within 45 days of the incident to a law
- 38 enforcement agency or public or private health agency
- 39 which may include a family physician.
- 40 d. The pregnancy is the result of incest which is
- 41 reported within 150 days of the incident to a law
- 42 enforcement agency or public or private health agency
- 43 which may include a family physician.
- 44 e. Any spontaneous abortion, commonly known as a
- 45 miscarriage, if not all of the products of conception
- 46 are expelled.
- 47 2. The department shall utilize not more than
- 48 \$60,000 of the funds appropriated in this section to
- 49 continue the AIDS/HIV health insurance premium payment
- 50 program as established in 1992 Iowa Acts, Second

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1 Extraordinary Session, chapter 1001, section 409,
2 subsection 6. Of the funds allocated in this
3 subsection, not more than \$5,000 may be expended for
4 administrative purposes.

5 3. Of the funds appropriated in this Act to the
6 department of public health for addictive disorders,
7 \$950,000 for the fiscal year beginning July 1, 2008,
8 shall be transferred to the department of human
9 services for an integrated substance abuse managed
10 care system. The department shall not assume
11 management of the substance abuse system in place of
12 the managed care contractor unless such a change in
13 approach is specifically authorized in law. The
14 departments of human services and public health shall

15 work together to maintain the level of mental health
16 and substance abuse services provided by the managed
17 care contractor through the Iowa plan for behavioral
18 health. Each department shall take the steps
19 necessary to continue the federal waivers as necessary
20 to maintain the level of services.

21 4. a. The department shall aggressively pursue
22 options for providing medical assistance or other
23 assistance to individuals with special needs who
24 become ineligible to continue receiving services under
25 the early and periodic screening, diagnosis, and
26 treatment program under the medical assistance program
27 due to becoming 21 years of age who have been approved
28 for additional assistance through the department's
29 exception to policy provisions, but who have health
30 care needs in excess of the funding available through
31 the exception to policy provisions.

32 b. Of the funds appropriated in this section,
33 \$100,000 shall be used for participation in one or
34 more pilot projects operated by a private provider to
35 allow the individual or individuals to receive service
36 in the community in accordance with principles
37 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
38 for the purpose of providing medical assistance or
39 other assistance to individuals with special needs who
40 become ineligible to continue receiving services under
41 the early and periodic screening, diagnosis, and
42 treatment program under the medical assistance program
43 due to becoming 21 years of age who have been approved
44 for additional assistance through the department's
45 exception to policy provisions, but who have health
46 care needs in excess of the funding available through
47 the exception to the policy provisions.

48 5. Of the funds appropriated in this section, up
49 to \$3,050,082 may be transferred to the field
50 operations or general administration appropriations in

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1 this Act for operational costs associated with Part D
2 of the federal Medicare Prescription Drug,
3 Improvement, and Modernization Act of 2003, Pub. L.
4 No. 108-173.

5 6. In addition to any other funds appropriated in
6 this Act, of the funds appropriated in this section,
7 \$250,000 shall be used for the grant to the Iowa
8 healthcare collaborative as defined in section 135.40.

9 7. Of the funds appropriated in this section, not
10 more than \$166,600 shall be used to enhance outreach
11 efforts. The department may transfer funds allocated
12 in this subsection to the appropriations in this
13 division of this Act for general administration, the

14 state children's health insurance program, or medical
15 contracts, as necessary, to implement the outreach
16 efforts.

17 8. Of the funds appropriated in this section, up
18 to \$442,100 may be transferred to the appropriation in
19 this Act for medical contracts to be used for clinical
20 assessment services related to remedial services in
21 accordance with federal law.

22 9. Of the funds appropriated in this section,
23 \$1,143,522 may be used for the demonstration to
24 maintain independence and employment (DMIE) if the
25 waiver for DMIE is approved by the centers for
26 Medicare and Medicaid services of the United States
27 department of health and human services.
28 Additionally, if the waiver is approved, \$440,000 of
29 the funds shall be transferred to the department of
30 corrections for DMIE activities.

31 10. The drug utilization review commission shall
32 monitor the smoking cessation benefit provided under
33 the medical assistance program and shall provide a
34 report of utilization, client success,
35 cost-effectiveness, and recommendations for any
36 changes in the benefit to the persons designated in
37 this Act to receive reports by January 15, 2009. If a
38 prescriber determines that all smoking cessation aids
39 on the preferred drug list are not effective or
40 medically appropriate for a patient, the prescriber
41 may apply for an exception to policy for another
42 product approved by the United States food and drug
43 administration for smoking cessation pursuant to 441
44 IAC 1.8(1).

45 11. A portion of the funds appropriated in this
46 section may be transferred to the appropriations in
47 this division of this Act for general administration,
48 medical contracts, the state children's health
49 insurance program, or field operations to be used for
50 the state match cost to comply with the payment error

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1 rate measurement (PERM) program for both the medical
2 assistance and state children's health insurance
3 programs as developed by the centers for Medicare and
4 Medicaid services of the United States department of
5 health and human services to comply with the federal
6 Improper Payments Information Act of 2002, Pub. L. No.
7 107-300.

8 12. It is the intent of the general assembly that
9 the department implement the recommendations of the
10 assuring better child health and development
11 initiative II (ABCDII) clinical panel to the Iowa
12 early and periodic screening, diagnostic, and

13 treatment services healthy mental development
 14 collaborative board regarding changes to billing
 15 procedures, codes, and eligible service providers.
 16 13. Of the funds appropriated in this section, a
 17 sufficient amount is allocated to supplement the
 18 incomes of residents of nursing facilities,
 19 intermediate care facilities for persons with mental
 20 illness, and intermediate care facilities for persons
 21 with mental retardation, with incomes of less than \$50
 22 in the amount necessary for the residents to receive a
 23 personal needs allowance of \$50 per month pursuant to
 24 section 249A.30A.

25 14. Of the funds appropriated in this section, the
 26 following amounts shall be transferred to
 27 appropriations made in this division of this Act to
 28 the state mental health institutes:

- 29 a. Cherokee mental health institute \$ 5,933,659
- 30 b. Clarinda mental health institute \$ 1,289,526
- 31 c. Independence mental health institute..... \$ 5,899,400
- 32 d. Mount Pleasant mental health institute \$ 3,751,626

33 15. a. Of the funds appropriated in this section,
 34 \$2,753,055 is allocated for state match for
 35 disproportionate share hospital payment of \$7,321,954
 36 to hospitals that meet both of the following
 37 conditions:

- 38 (1) The hospital qualifies for disproportionate
- 39 share and graduate medical education payments.
- 40 (2) The hospital is an Iowa state-owned hospital
- 41 with more than 500 beds and eight or more distinct
- 42 residency specialty or subspecialty programs
- 43 recognized by the American college of graduate medical
- 44 education.
- 45 b. Distribution of the disproportionate share
- 46 payment shall be made on a monthly basis. The total
- 47 amount of disproportionate share payments including
- 48 graduate medical education, enhanced disproportionate
- 49 share, and Iowa state-owned teaching hospital payments
- 50 shall not exceed the amount of the state's allotment

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1 under Pub. L. No. 102-234. In addition, the total
 2 amount of all disproportionate share payments shall
 3 not exceed the hospital-specific disproportionate
 4 share limits under Pub. L. No. 103-66.

5 16. Of the funds appropriated in this section,
 6 \$4,568,899 is transferred to the IowaCare account
 7 created in section 249J.24.

8 17. Of the funds appropriated in this section,
 9 \$250,000 shall be used for the Iowa chronic care
 10 consortium pursuant to 2003 Iowa Acts, chapter 112,
 11 section 12, as amended by 2003 Iowa Acts, chapter 179,

12 sections 166 and 167.

13 18. The department shall implement cost-saving
14 initiatives including implementing a surcharge for
15 claims filed on paper when electronic filing is
16 available and collecting a supplemental rebate for
17 diabetic supplies.

18 19. One hundred percent of the nonfederal share of
19 payments to area education agencies that are medical
20 assistance providers for medical assistance-covered
21 services provided to medical assistance-covered
22 children, shall be made from the appropriation made in
23 this section.

24 20. a. Beginning July 1, 2009, any new or renewed
25 contract entered into by the department with a third
26 party to administer behavioral health services under
27 the medical assistance program shall provide that any
28 interest earned on payments from the state during the
29 state fiscal year shall be remitted to the department
30 for deposit in a separate account after the end of the
31 fiscal year.

32 b. Beginning July 1, 2008, the department shall
33 maintain a separate account within the medical
34 assistance budget for the deposit of all funds
35 remitted pursuant to a contract with a third party to
36 administer behavioral health services under the
37 medical assistance program. Notwithstanding section
38 8.33, funds remaining in the account that remain
39 unencumbered or unobligated at the end of any fiscal
40 year shall not revert but shall remain available in
41 succeeding fiscal years and shall be used only in
42 accordance with appropriations from the account for
43 health and human services-related purposes.

44 c. Of the state share of any funds remitted to the
45 medical assistance program pursuant to a contract with
46 a third party to administer behavioral health services
47 under the medical assistance program, the following
48 amounts are appropriated to the department for the
49 fiscal year beginning July 1, 2008, and ending June
50 30, 2009, to be used as follows:

Page 20

1 (1) For implementation of the emergency mental
2 health crisis services system in accordance with
3 section 225C.19, as enacted by this Act, \$1,500,000.

4 (2) For implementation of the mental health
5 services system for children and youth in accordance
6 with section 225C.52, as enacted by this Act,
7 \$500,000.

8 (3) For the mental health, mental retardation, and
9 developmental disabilities risk pool created in the
10 property tax relief fund in section 426B.5,

11 \$1,000,000.

12 (4) To reduce the waiting lists of the medical
13 assistance home and community-based services waivers,
14 \$2,000,000. The department shall distribute the
15 funding allocated under this subparagraph
16 proportionately among all home and community-based
17 services waivers.

18 (5) For child welfare and court-ordered services
19 for children who have been adjudicated as delinquent,
20 \$750,000.

21 (6) For training for child welfare services
22 providers, \$250,000. The training shall be developed
23 by the department in collaboration with the coalition
24 for children and family services in Iowa.

25 d. The department shall provide the results of the
26 audits of the third party administering behavioral
27 health services under the medical assistance program
28 for the fiscal years beginning July 1, 2006, and July
29 1, 2007, to the legislative services agency for
30 review.

31 21. Of the funds appropriated in this section, at
32 least \$2,500,000 shall be used for existing and new
33 home and community-based waiver slots for persons with
34 brain injury.

35 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.

36 There is appropriated from the general fund of the
37 state to the department of human services for the
38 fiscal year beginning July 1, 2008, and ending June
39 30, 2009, the following amount, or so much thereof as
40 is necessary, to be used for the purpose designated:

41 For administration of the health insurance premium
42 payment program, including salaries, support,
43 maintenance, and miscellaneous purposes, and for not
44 more than the following full-time equivalent
45 positions:

46 \$ 566,338
47 FTEs 21.00

48 Sec. 11. MEDICAL CONTRACTS. There is appropriated
49 from the general fund of the state to the department
50 of human services for the fiscal year beginning July

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1 1, 2008, and ending June 30, 2009, the following
2 amount, or so much thereof as is necessary, to be used
3 for the purpose designated:

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

8 \$ 14,165,550
9 FTEs 6.00

10 1. Of the funds appropriated in this section,
11 \$50,000 shall be used for electronic cross-matching
12 with state vital records databases through the
13 department of public health.

14 2. Of the funds appropriated in this section,
15 \$250,000 shall be used for monitoring of home and
16 community-based services waivers.

17 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2008, and ending June
21 30, 2009, the following amount, or so much thereof as
22 is necessary, to be used for the purpose designated:

23 For the state supplementary assistance program:
24 \$ 18,310,335

25 2. The department shall increase the personal
26 needs allowance for residents of residential care
27 facilities by the same percentage and at the same time
28 as federal supplemental security income and federal
29 social security benefits are increased due to a
30 recognized increase in the cost of living. The
31 department may adopt emergency rules to implement this
32 subsection.

33 3. If during the fiscal year beginning July 1,
34 2008, the department projects that state supplementary
35 assistance expenditures for a calendar year will not
36 meet the federal pass-through requirement specified in
37 Title XVI of the federal Social Security Act, section
38 1618, as codified in 42 U.S.C. } 1382g, the department
39 may take actions including but not limited to
40 increasing the personal needs allowance for
41 residential care facility residents and making
42 programmatic adjustments or upward adjustments of the
43 residential care facility or in-home health-related
44 care reimbursement rates prescribed in this division
45 of this Act to ensure that federal requirements are
46 met. In addition, the department may make other
47 programmatic and rate adjustments necessary to remain
48 within the amount appropriated in this section while
49 ensuring compliance with federal requirements. The
50 department may adopt emergency rules to implement the

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1 provisions of this subsection.

2 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE
3 PROGRAM.

4 1. There is appropriated from the general fund of
5 the state to the department of human services for the
6 fiscal year beginning July 1, 2008, and ending June
7 30, 2009, the following amount, or so much thereof as
8 is necessary, to be used for the purpose designated:

9 For maintenance of the healthy and well kids in
10 Iowa (hawk-i) program pursuant to chapter 514I for
11 receipt of federal financial participation under Title
12 XXI of the federal Social Security Act, which creates
13 the state children's health insurance program:
14 \$ 15,873,103

15 2. If sufficient funding is available under this
16 Act, and if federal reauthorization of the state
17 children's health insurance program provides
18 sufficient federal allocations to the state and
19 authorization to cover the following populations as an
20 option under the state children's health insurance
21 program, the department may expand coverage under the
22 state children's health insurance program as follows:
23 a. By eliminating the categorical exclusion of
24 state employees from receiving state children's health
25 insurance program benefits.
26 b. By providing coverage for legal immigrant
27 children and pregnant women not eligible under current
28 federal guidelines.
29 c. By covering children up to age twenty-one, or
30 up to age twenty-three if the child is attending
31 school.

32 3. If the United States Congress does not
33 authorize additional federal funds necessary to
34 address any shortfall for the state children's health
35 insurance program for the federal fiscal year
36 beginning October 1, 2008, and ending September 30,
37 2009, the department may use 100 percent of state
38 funds from the appropriation made in this section for
39 the period beginning July 1, 2008, and ending June 30,
40 2009, and may, after consultation with the governor
41 and the general assembly, utilize funding from the
42 appropriations made in this Act for medical assistance
43 to maintain the state children's health insurance
44 program. If deemed necessary, the department shall
45 request a supplemental appropriation from the
46 Eighty-third General Assembly, 2009 Session, to
47 address any remaining shortfall for the fiscal year
48 beginning July 1, 2008.

49 4. Of the funds appropriated in this section,
50 \$134,050 is allocated for continuation of the contract

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1 for advertising and outreach with the department of
2 public health and \$90,050 is allocated for other
3 advertising and outreach.
4 Sec. 14. CHILD CARE ASSISTANCE. There is
5 appropriated from the general fund of the state to the
6 department of human services for the fiscal year
7 beginning July 1, 2008, and ending June 30, 2009, the

8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For child care programs:

11 \$ 39,298,895

12 1. Of the funds appropriated in this section,
13 \$36,043,083 shall be used for state child care
14 assistance in accordance with section 237A.13.

15 2. Nothing in this section shall be construed or
16 is intended as or shall imply a grant of entitlement
17 for services to persons who are eligible for
18 assistance due to an income level consistent with the
19 waiting list requirements of section 237A.13. Any
20 state obligation to provide services pursuant to this
21 section is limited to the extent of the funds
22 appropriated in this section.

23 3. Of the funds appropriated in this section,
24 \$525,524 is allocated for the statewide program for
25 child care resource and referral services under
26 section 237A.26. A list of the registered and
27 licensed child care facilities operating in the area
28 served by a child care resource and referral service
29 shall be made available to the families receiving
30 state child care assistance in that area.

31 4. Of the funds appropriated in this section,
32 \$1,180,288 is allocated for child care quality
33 improvement initiatives including but not limited to
34 the voluntary quality rating system in accordance with
35 section 237A.30.

36 5. The department may use any of the funds
37 appropriated in this section as a match to obtain
38 federal funds for use in expanding child care
39 assistance and related programs. For the purpose of
40 expenditures of state and federal child care funding,
41 funds shall be considered obligated at the time
42 expenditures are projected or are allocated to the
43 department's service areas. Projections shall be
44 based on current and projected caseload growth,
45 current and projected provider rates, staffing
46 requirements for eligibility determination and
47 management of program requirements including data
48 systems management, staffing requirements for
49 administration of the program, contractual and grant
50 obligations and any transfers to other state agencies,

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1 and obligations for decategorization or innovation
2 projects.

3 6. A portion of the state match for the federal
4 child care and development block grant shall be
5 provided as necessary to meet federal matching funds
6 requirements through the state general fund

7 appropriation made for child development grants and
8 other programs for at-risk children in section 279.51.

9 7. Of the funds appropriated in this section,
10 \$1,200,000 is transferred to the Iowa empowerment fund
11 from which it is appropriated to be used for
12 professional development for the system of early care,
13 health, and education.

14 8. Of the funds appropriated in this section,
15 \$350,000 shall be allocated to a county with a
16 population of more than 300,000 to be used for a
17 one-time grant to support child care center services
18 provided to children with mental, physical, or
19 emotional challenges in order for the children to
20 remain in a home or family setting.

21 9. Notwithstanding section 8.33, moneys
22 appropriated in this section or received from the
23 federal appropriations made for the purposes of this
24 section that remain unencumbered or unobligated at the
25 close of the fiscal year shall not revert to any fund
26 but shall remain available for expenditure for the
27 purposes designated until the close of the succeeding
28 fiscal year.

29 Sec. 15. JUVENILE INSTITUTIONS. There is
30 appropriated from the general fund of the state to the
31 department of human services for the fiscal year
32 beginning July 1, 2008, and ending June 30, 2009, the
33 following amounts, or so much thereof as is necessary,
34 to be used for the purposes designated:

35 1. For operation of the Iowa juvenile home at	
36 Toledo and for salaries, support, and maintenance, and	
37 for not more than the following full-time equivalent	
38 positions:	
39	\$ 7,579,484
40	FTEs 126.00

41 2. For operation of the state training school at	
42 Eldora and for salaries, support, and maintenance, and	
43 for not more than the following full-time equivalent	
44 positions:	
45	\$ 11,948,327
46	FTEs 202.70

47 3. A portion of the moneys appropriated in this
48 section shall be used by the state training school and
49 by the Iowa juvenile home for grants for adolescent
50 pregnancy prevention activities at the institutions in

1 the fiscal year beginning July 1, 2008.

2 Sec. 16. CHILD AND FAMILY SERVICES.

3 1. There is appropriated from the general fund of
4 the state to the department of human services for the
5 fiscal year beginning July 1, 2008, and ending June

6 30, 2009, the following amount, or so much thereof as
7 is necessary, to be used for the purpose designated:

8 For child and family services:
9 \$ 88,557,565

10 2. In order to address a reduction of \$5,200,000
11 from the amount allocated under the appropriation made
12 for the purposes of this section in prior years for
13 purposes of juvenile delinquent graduated sanction
14 services, up to \$5,200,000 of the amount of federal
15 temporary assistance for needy families block grant
16 funding appropriated in this division of this Act for
17 child and family services shall be made available for
18 purposes of juvenile delinquent graduated sanction
19 services.

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

32 4. a. Of the funds appropriated in this section,
33 up to \$36,441,744 is allocated as the statewide
34 expenditure target under section 232.143 for group
35 foster care maintenance and services.

36 b. If at any time after September 30, 2008,
37 annualization of a service area's current expenditures
38 indicates a service area is at risk of exceeding its
39 group foster care expenditure target under section
40 232.143 by more than 5 percent, the department and
41 juvenile court services shall examine all group foster
42 care placements in that service area in order to
43 identify those which might be appropriate for
44 termination. In addition, any aftercare services
45 believed to be needed for the children whose
46 placements may be terminated shall be identified. The
47 department and juvenile court services shall initiate
48 action to set dispositional review hearings for the
49 placements identified. In such a dispositional review
50 hearing, the juvenile court shall determine whether

1 needed aftercare services are available and whether
2 termination of the placement is in the best interest
3 of the child and the community.

4 5. In accordance with the provisions of section

5 232.188, the department shall continue the child
6 welfare and juvenile justice funding initiative during
7 fiscal year 2008-2009. Of the moneys subject to the
8 nonreversion clause provided in the amendment in this
9 Act to 2006 Iowa Acts, chapter 1184, section 17,
10 subsection 4, \$3,605,000 is allocated specifically for
11 expenditure for fiscal year 2008-2009 through the
12 decategorization service funding pools and governance
13 boards established pursuant to section 232.188.

14 6. A portion of the funds appropriated in this
15 section may be used for emergency family assistance to
16 provide other resources required for a family
17 participating in a family preservation or
18 reunification project or successor project to stay
19 together or to be reunified.

20 7. Notwithstanding section 234.35 or any other
21 provision of law to the contrary, state funding for
22 shelter care shall be limited to \$7,072,215. The
23 department shall work with the coalition for children
24 and family services in Iowa and other representatives
25 of shelter care providers to reduce the number of
26 guaranteed shelter beds and shift a portion of
27 available funding to develop new or expand existing
28 child welfare emergency services for children who
29 might otherwise be served in shelter care. The child
30 welfare emergency services shall be provided by
31 shelter care agencies that currently have a contract
32 for shelter care services with the department and may
33 include mobile crisis response units for child and
34 family crises, in-home supervision services, emergency
35 family foster care homes, expanding capacity to
36 provide emergency services in other family foster care
37 homes, or provide flexible funding for child welfare
38 emergency services based on evidence-based practices.
39 Notwithstanding chapter 8A, the department may amend
40 existing contracts with shelter care agencies as
41 necessary to include child welfare emergency services.

42 8. Federal funds received by the state during the
43 fiscal year beginning July 1, 2008, as the result of
44 the expenditure of state funds appropriated during a
45 previous state fiscal year for a service or activity
46 funded under this section are appropriated to the
47 department to be used as additional funding for
48 services and purposes provided for under this section.
49 Notwithstanding section 8.33, moneys received in
50 accordance with this subsection that remain

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1 unencumbered or unobligated at the close of the fiscal
2 year shall not revert to any fund but shall remain
3 available for the purposes designated until the close

4 of the succeeding fiscal year.

5 9. Of the funds appropriated in this section, at
6 least \$3,696,285 shall be used for protective child
7 care assistance.

8 10. a. Of the funds appropriated in this section,
9 up to \$2,268,963 is allocated for the payment of the
10 expenses of court-ordered services provided to
11 juveniles who are under the supervision of juvenile
12 court services, which expenses are a charge upon the
13 state pursuant to section 232.141, subsection 4. Of
14 the amount allocated in this lettered paragraph, up to
15 \$1,556,287 shall be made available to provide
16 school-based supervision of children adjudicated under
17 chapter 232, of which not more than \$15,000 may be
18 used for the purpose of training. A portion of the
19 cost of each school-based liaison officer shall be
20 paid by the school district or other funding source as
21 approved by the chief juvenile court officer.

22 b. Of the funds appropriated in this section, up
23 to \$823,965 is allocated for the payment of the
24 expenses of court-ordered services provided to
25 children who are under the supervision of the
26 department, which expenses are a charge upon the state
27 pursuant to section 232.141, subsection 4.

28 c. Notwithstanding section 232.141 or any other
29 provision of law to the contrary, the amounts
30 allocated in this subsection shall be distributed to
31 the judicial districts as determined by the state
32 court administrator and to the department's service
33 areas as determined by the administrator of the
34 department's division of child and family services.
35 The state court administrator and the division
36 administrator shall make the determination of the
37 distribution amounts on or before June 15, 2008.

38 d. Notwithstanding chapter 232 or any other
39 provision of law to the contrary, a district or
40 juvenile court shall not order any service which is a
41 charge upon the state pursuant to section 232.141 if
42 there are insufficient court-ordered services funds
43 available in the district court or departmental
44 service area distribution amounts to pay for the
45 service. The chief juvenile court officer and the
46 departmental service area manager shall encourage use
47 of the funds allocated in this subsection such that
48 there are sufficient funds to pay for all
49 court-related services during the entire year. The
50 chief juvenile court officers and departmental service

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1 area managers shall attempt to anticipate potential
2 surpluses and shortfalls in the distribution amounts

3 and shall cooperatively request the state court
 4 administrator or division administrator to transfer
 5 funds between the judicial districts' or departmental
 6 service areas' distribution amounts as prudent.

7 e. Notwithstanding any provision of law to the
 8 contrary, a district or juvenile court shall not order
 9 a county to pay for any service provided to a juvenile
 10 pursuant to an order entered under chapter 232 which
 11 is a charge upon the state under section 232.141,
 12 subsection 4.

13 f. Of the funds allocated in this subsection, not
 14 more than \$100,000 may be used by the judicial branch
 15 for administration of the requirements under this
 16 subsection.

17 11. Of the funds appropriated in this section,
 18 \$1,030,000 shall be transferred to the department of
 19 public health to be used for the child protection
 20 center grant program in accordance with section
 21 135.118.

22 12. If the department receives federal approval to
 23 implement a waiver under Title IV-E of the federal
 24 Social Security Act to enable providers to serve
 25 children who remain in the children's families and
 26 communities, for purposes of eligibility under the
 27 medical assistance program children who participate in
 28 the waiver shall be considered to be placed in foster
 29 care.

30 13. Of the funds appropriated in this section,
 31 \$2,862,164 is allocated for the preparation for adult
 32 living program pursuant to section 234.46.

33 14. Of the funds appropriated in this section,
 34 \$1,030,000 shall be used for juvenile drug courts.
 35 The amount allocated in this subsection shall be
 36 distributed as follows:

- 37 a. To the judicial branch for salaries to assist
 38 with the operation of juvenile drug court programs
 39 operated in the following jurisdictions:
- 40 (1) Marshall county:
 41 \$ 61,800
- 42 (2) Woodbury county:
 43 \$ 123,862
- 44 (3) Polk county:
 45 \$ 193,057
- 46 (4) The third judicial district:
 47 \$ 66,950
- 48 (5) The eighth judicial district:
 49 \$ 66,950

50 b. For court-ordered services to support substance

2 in the juvenile drug court programs listed in
 3 paragraph "a" and the juveniles' families:
 4 \$ 517,381

5 The state court administrator shall allocate the
 6 funding designated in this paragraph among the
 7 programs.

8 15. Of the funds appropriated in this section,
 9 \$203,000 is allocated for continuation of the
 10 contracts for the multidimensional treatment level
 11 foster care program established pursuant to 2006 Iowa
 12 Acts, chapter 1123, for a third year.

13 16. Of the funds appropriated in this section,
 14 \$236,900 shall be used for a grant to a nonprofit
 15 human services organization providing services to
 16 individuals and families in multiple locations in
 17 southwest Iowa and Nebraska for support of a project
 18 providing immediate, sensitive support and forensic
 19 interviews, medical exams, needs assessments, and
 20 referrals for victims of child abuse and their
 21 nonoffending family members.

22 17. Of the funds appropriated in this section,
 23 \$131,000 is allocated for the elevate approach of
 24 providing a support network to children placed in
 25 foster care.

26 18. Of the funds appropriated in this section,
 27 \$300,000 is allocated for sibling visitation
 28 provisions for children subject to a court order for
 29 out-of-home placement in accordance with section
 30 232.108.

31 19. Of the funds appropriated in this section,
 32 \$200,000 is allocated for use pursuant to section
 33 235A.1 for the initiative to address child sexual
 34 abuse implemented pursuant to 2007 Iowa Acts, ch. 218,
 35 section 18, subsection 21.

36 20. Of the funds appropriated in this section,
 37 \$80,000 is allocated for renewal of a grant to a
 38 county with a population between 189,000 and 196,000
 39 in the latest preceding certified federal census for
 40 implementation of the county's runaway treatment plan
 41 under section 232.195.

42 21. Of the funds appropriated in this section,
 43 \$418,000 is allocated for the community partnership
 44 for child protection sites.

45 22. Of the funds appropriated in this section,
 46 \$375,000 is allocated for the department's minority
 47 youth and family projects under the redesign of the
 48 child welfare system.

49 23. Of the funds appropriated in this section,
 50 \$300,000 is allocated for funding of the state match

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1 for the federal substance abuse and mental health
 2 services administration (SAMHSA) system of care grant.
 3 24. The department shall develop options for
 4 providing a growth mechanism for reimbursement of the
 5 child and family services traditionally funded under
 6 this appropriation. The growth mechanism options may
 7 provide for a tie to allowable growth for school aid,
 8 an inflationary adjustment reflective of the cost
 9 increases for the services, or other reasonable proxy
 10 for the cost increases affecting such service
 11 providers.

12 Sec. 17. ADOPTION SUBSIDY.

13 1. There is appropriated from the general fund of
 14 the state to the department of human services for the
 15 fiscal year beginning July 1, 2008, and ending June
 16 30, 2009, the following amount, or so much thereof as
 17 is necessary, to be used for the purpose designated:

18 For adoption subsidy payments and services:
 19 \$ 32,568,872

20 2. The department may transfer funds appropriated
 21 in this section to the appropriation made in this Act
 22 for general administration for costs paid from the
 23 appropriation relating to adoption subsidy.

24 3. Federal funds received by the state during the
 25 fiscal year beginning July 1, 2008, as the result of
 26 the expenditure of state funds during a previous state
 27 fiscal year for a service or activity funded under
 28 this section are appropriated to the department to be
 29 used as additional funding for the services and
 30 activities funded under this section. Notwithstanding
 31 section 8.33, moneys received in accordance with this
 32 subsection that remain unencumbered or unobligated at
 33 the close of the fiscal year shall not revert to any
 34 fund but shall remain available for expenditure for
 35 the purposes designated until the close of the
 36 succeeding fiscal year.

37 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys

38 deposited in the juvenile detention home fund created
 39 in section 232.142 during the fiscal year beginning
 40 July 1, 2008, and ending June 30, 2009, are
 41 appropriated to the department of human services for
 42 the fiscal year beginning July 1, 2008, and ending
 43 June 30, 2009, for distribution of an amount equal to
 44 a percentage of the costs of the establishment,
 45 improvement, operation, and maintenance of county or
 46 multicounty juvenile detention homes in the fiscal
 47 year beginning July 1, 2007. Moneys appropriated for
 48 distribution in accordance with this section shall be
 49 allocated among eligible detention homes, prorated on
 50 the basis of an eligible detention home's proportion

1 of the costs of all eligible detention homes in the
 2 fiscal year beginning July 1, 2007. The percentage
 3 figure shall be determined by the department based on
 4 the amount available for distribution for the fund.
 5 Notwithstanding section 232.142, subsection 3, the
 6 financial aid payable by the state under that
 7 provision for the fiscal year beginning July 1, 2008,
 8 shall be limited to the amount appropriated for the
 9 purposes of this section.

10 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

11 1. There is appropriated from the general fund of
 12 the state to the department of human services for the
 13 fiscal year beginning July 1, 2008, and ending June
 14 30, 2009, the following amount, or so much thereof as
 15 is necessary, to be used for the purpose designated:

16 For the family support subsidy program:
 17 \$ 1,936,434

18 2. The department shall use at least \$433,212 of
 19 the moneys appropriated in this section for the family
 20 support center component of the comprehensive family
 21 support program under section 225C.47. Not more than
 22 \$20,000 of the amount allocated in this subsection
 23 shall be used for administrative costs.

24 Sec. 20. CONNER DECREE. There is appropriated
 25 from the general fund of the state to the department
 26 of human services for the fiscal year beginning July
 27 1, 2008, and ending June 30, 2009, the following
 28 amount, or so much thereof as is necessary, to be used
 29 for the purpose designated:

30 For building community capacity through the
 31 coordination and provision of training opportunities
 32 in accordance with the consent decree of Conner v.
 33 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14,
 34 1994):
 35 \$ 42,623

36 Sec. 21. MENTAL HEALTH INSTITUTES. There is
 37 appropriated from the general fund of the state to the
 38 department of human services for the fiscal year
 39 beginning July 1, 2008, and ending June 30, 2009, the
 40 following amounts, or so much thereof as is necessary,
 41 to be used for the purposes designated:

42 1. For the state mental health institute at
 43 Cherokee for salaries, support, maintenance, and
 44 miscellaneous purposes, and for not more than the
 45 following full-time equivalent positions:
 46 \$ 5,727,743
 47 FTEs 210.00

48 2. For the state mental health institute at
 49 Clarinda for salaries, support, maintenance, and
 50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:
2 \$ 7,023,073
3 FTEs 109.95

4 3. For the state mental health institute at
5 Independence for salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the
7 following full-time equivalent positions:
8 \$ 10,495,879
9 FTEs 287.66

10 4. For the state mental health institute at Mount
11 Pleasant for salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:
14 \$ 1,874,721
15 FTEs 116.44

16 Sec. 22. STATE RESOURCE CENTERS.

17 1. There is appropriated from the general fund of
18 the state to the department of human services for the
19 fiscal year beginning July 1, 2008, and ending June
20 30, 2009, the following amounts, or so much thereof as
21 is necessary, to be used for the purposes designated:
22 a. For the state resource center at Glenwood for
23 salaries, support, maintenance, and miscellaneous
24 purposes:
25 \$ 17,102,330

26 b. For the state resource center at Woodward for
27 salaries, support, maintenance, and miscellaneous
28 purposes:
29 \$ 11,266,164

30 2. The department may continue to bill for state
31 resource center services utilizing a scope of services
32 approach used for private providers of ICFMR services,
33 in a manner which does not shift costs between the
34 medical assistance program, counties, or other sources
35 of funding for the state resource centers.

36 3. The state resource centers may expand the
37 time-limited assessment and respite services during
38 the fiscal year.

39 4. If the department's administration and the
40 department of management concur with a finding by a
41 state resource center's superintendent that projected
42 revenues can reasonably be expected to pay the salary
43 and support costs for a new employee position, or that
44 such costs for adding a particular number of new
45 positions for the fiscal year would be less than the
46 overtime costs if new positions would not be added,
47 the superintendent may add the new position or
48 positions. If the vacant positions available to a
49 resource center do not include the position
50 classification desired to be filled, the state

1 resource center's superintendent may reclassify any
 2 vacant position as necessary to fill the desired
 3 position. The superintendents of the state resource
 4 centers may, by mutual agreement, pool vacant
 5 positions and position classifications during the
 6 course of the fiscal year in order to assist one
 7 another in filling necessary positions.

8 5. If existing capacity limitations are reached in
 9 operating units, a waiting list is in effect for a
 10 service or a special need for which a payment source
 11 or other funding is available for the service or to
 12 address the special need, and facilities for the
 13 service or to address the special need can be provided
 14 within the available payment source or other funding,
 15 the superintendent of a state resource center may
 16 authorize opening not more than two units or other
 17 facilities and begin implementing the service or
 18 addressing the special need during fiscal year
 19 2008-2009.

20 Sec. 23. MI/MR/DD STATE CASES.

21 1. There is appropriated from the general fund of
 22 the state to the department of human services for the
 23 fiscal year beginning July 1, 2008, and ending June
 24 30, 2009, the following amount, or so much thereof as
 25 is necessary, to be used for the purpose designated:

26 For distribution to counties for state case
 27 services for persons with mental illness, mental
 28 retardation, and developmental disabilities in
 29 accordance with section 331.440:
 30 \$ 13,067,178

31 2. For the fiscal year beginning July 1, 2008, and
 32 ending June 30, 2009, \$200,000 is allocated for state
 33 case services from the amounts appropriated from the
 34 fund created in section 8.41 to the department of
 35 human services from the funds received from the
 36 federal government under 42 U.S.C., ch. 6A, subch.
 37 XVII, relating to the community mental health center
 38 block grant, for the federal fiscal years beginning
 39 October 1, 2006, and ending September 30, 2007,
 40 beginning October 1, 2007, and ending September 30,
 41 2008, and beginning October 1, 2008, and ending
 42 September 30, 2009. The allocation made in this
 43 subsection shall be made prior to any other
 44 distribution allocation of the appropriated federal
 45 funds.

46 3. Notwithstanding section 8.33, moneys
 47 appropriated in this section that remain unencumbered
 48 or unobligated at the close of the fiscal year shall
 49 not revert but shall remain available for expenditure
 50 for the purposes designated until the close of the

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1 succeeding fiscal year.

2 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
3 DISABILITIES0020 – COMMUNITY SERVICES FUND. There is
4 appropriated from the general fund of the state to the
5 mental health and developmental disabilities community
6 services fund created in section 225C.7 for the fiscal
7 year beginning July 1, 2008, and ending June 30, 2009,
8 the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:

10 For mental health and developmental disabilities
11 community services in accordance with this division of
12 this Act:

13 \$ 18,017,890

14 1. Of the funds appropriated in this section,
15 \$17,727,890 shall be allocated to counties for funding
16 of community-based mental health and developmental
17 disabilities services. The moneys shall be allocated
18 to a county as follows:

19 a. Fifty percent based upon the county's
20 proportion of the state's population of persons with
21 an annual income which is equal to or less than the
22 poverty guideline established by the federal office of
23 management and budget.

24 b. Fifty percent based upon the county's
25 proportion of the state's general population.

26 2. a. A county shall utilize the funding the
27 county receives pursuant to subsection 1 for services
28 provided to persons with a disability, as defined in
29 section 225C.2. However, no more than 50 percent of
30 the funding shall be used for services provided to any
31 one of the service populations.

32 b. A county shall use at least 50 percent of the
33 funding the county receives under subsection 1 for
34 contemporary services provided to persons with a
35 disability, as described in rules adopted by the
36 department.

37 3. Of the funds appropriated in this section,
38 \$30,000 shall be used to support the Iowa compass
39 program providing computerized information and
40 referral services for Iowans with disabilities and
41 their families.

42 4. a. Funding appropriated for purposes of the
43 federal social services block grant is allocated for
44 distribution to counties for local purchase of
45 services for persons with mental illness or mental
46 retardation or other developmental disability.

47 b. The funds allocated in this subsection shall be
48 expended by counties in accordance with the county's
49 approved county management plan. A county without an
50 approved county management plan shall not receive

1 allocated funds until the county's management plan is
2 approved.

3 c. The funds provided by this subsection shall be
4 allocated to each county as follows:

5 (1) Fifty percent based upon the county's
6 proportion of the state's population of persons with
7 an annual income which is equal to or less than the
8 poverty guideline established by the federal office of
9 management and budget.

10 (2) Fifty percent based upon the amount provided
11 to the county for local purchase of services in the
12 preceding fiscal year.

13 5. A county is eligible for funds under this
14 section if the county qualifies for a state payment as
15 described in section 331.439.

16 6. Of the funds appropriated in this section,
17 \$260,000 is allocated to the department for continuing
18 the development of an assessment process for use
19 beginning in a subsequent fiscal year as authorized
20 specifically by a statute to be enacted in a
21 subsequent fiscal year, determining on a consistent
22 basis the needs and capacities of persons seeking or
23 receiving mental health, mental retardation,
24 developmental disabilities, or brain injury services
25 that are paid for in whole or in part by the state or
26 a county. The assessment process shall be developed
27 with the involvement of counties and the mental
28 health, mental retardation, developmental
29 disabilities, and brain injury commission.

30 7. The most recent population estimates issued by
31 the United States bureau of the census shall be
32 applied for the population factors utilized in this
33 section.

34 Sec. 25. SEXUALLY VIOLENT PREDATORS.

35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2008, and ending June
38 30, 2009, the following amount, or so much thereof as
39 is necessary, to be used for the purpose designated:

40 For costs associated with the commitment and
41 treatment of sexually violent predators in the unit
42 located at the state mental health institute at
43 Cherokee, including costs of legal services and other
44 associated costs, including salaries, support,
45 maintenance, and miscellaneous purposes, and for not
46 more than the following full-time equivalent
47 positions:

48	\$ 6,492,008
49	FTEs 94.50

50 2. Unless specifically prohibited by law, if the

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1 amount charged provides for recoupment of at least the
 2 entire amount of direct and indirect costs, the
 3 department of human services may contract with other
 4 states to provide care and treatment of persons placed
 5 by the other states at the unit for sexually violent
 6 predators at Cherokee. The moneys received under such
 7 a contract shall be considered to be repayment
 8 receipts and used for the purposes of the
 9 appropriation made in this section.

10 Sec. 26. FIELD OPERATIONS. There is appropriated
 11 from the general fund of the state to the department
 12 of human services for the fiscal year beginning July
 13 1, 2008, and ending June 30, 2009, the following
 14 amount, or so much thereof as is necessary, to be used
 15 for the purposes designated:

16 For field operations, including salaries, support,
 17 maintenance, and miscellaneous purposes, and for not
 18 more than the following full-time equivalent
 19 positions:

20 \$ 66,852,732
 21 FTEs 2,130.68

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

26 Sec. 27. GENERAL ADMINISTRATION. There is
 27 appropriated from the general fund of the state to the
 28 department of human services for the fiscal year
 29 beginning July 1, 2008, and ending June 30, 2009, the
 30 following amount, or so much thereof as is necessary,
 31 to be used for the purpose designated:

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

36 \$ 16,682,067
 37 FTEs 407.50

38 1. Of the funds appropriated in this section,
 39 \$57,000 is allocated for the prevention of
 40 disabilities policy council established in section
 41 225B.3.

42 2. The department shall report at least monthly to
 43 the legislative services agency concerning the
 44 department's operational and program expenditures.

45 Sec. 28. VOLUNTEERS. There is appropriated from
 46 the general fund of the state to the department of
 47 human services for the fiscal year beginning July 1,
 48 2008, and ending June 30, 2009, the following amount,
 49 or so much thereof as is necessary, to be used for the
 50 purpose designated:

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1 For development and coordination of volunteer
 2 services:
 3 \$ 109,568

4 Sec. 29. FAMILY PLANNING SERVICES. There is
 5 appropriated from the general fund of the state to the
 6 department of human services for the fiscal year
 7 beginning July 1, 2008, and ending June 30, 2009, the
 8 following amount or so much thereof as is necessary,
 9 to be used for the purpose designated:

10 For family planning services to individuals with
 11 incomes not to exceed two hundred percent of the
 12 federal poverty level as defined by the most recently
 13 revised income guidelines published by the United
 14 States department of health and human services, who
 15 are not currently receiving the specific benefit under
 16 the medical assistance program:
 17 \$ 750,000

18 Moneys appropriated under this section shall not be
 19 used to provide abortions. The department shall work
 20 with appropriate stakeholders to implement and
 21 administer the program.

22 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 23 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
 24 UNDER THE DEPARTMENT OF HUMAN SERVICES.

25 1. a. (1) For the fiscal year beginning July 1,
 26 2008, the total state funding amount for the nursing
 27 facility budget shall not exceed \$183,367,323.

28 (2) For the state fiscal year beginning July 1,
 29 2008, the patient-day weighted medians used in rate
 30 setting for nursing facilities shall be recalculated
 31 and the rates adjusted to provide an increase in
 32 nursing facility rates by applying the skilled nursing
 33 facility market basket inflation factor from the
 34 mid-point of the cost report to July 1, 2007.

35 (3) The department, in cooperation with nursing
 36 facility representatives, shall review projections for
 37 state funding expenditures for reimbursement of
 38 nursing facilities on a quarterly basis and the
 39 department shall determine if an adjustment to the
 40 medical assistance reimbursement rate is necessary in
 41 order to provide reimbursement within the state
 42 funding amount. Any temporary enhanced federal
 43 financial participation that may become available to
 44 the Iowa medical assistance program during the fiscal
 45 year shall not be used in projecting the nursing
 46 facility budget. Notwithstanding 2001 Iowa Acts,
 47 chapter 192, section 4, subsection 2, paragraph "c",
 48 and subsection 3, paragraph "a", subparagraph (2), if
 49 the state funding expenditures for the nursing
 50 facility budget for the fiscal year beginning July 1,

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1 2008, are projected to exceed the amount specified in
2 subparagraph (1), the department shall adjust the
3 reimbursement for nursing facilities reimbursed under
4 the case-mix reimbursement system to maintain
5 expenditures of the nursing facility budget within the
6 specified amount. The department shall revise such
7 reimbursement as necessary to adjust the annual
8 accountability measures payment in accordance with the
9 amendment in this division of this Act to 2001 Iowa
10 Acts, chapter 192, section 4, subsection 4.

11 b. For the fiscal year beginning July 1, 2008, the
12 department shall reimburse pharmacy dispensing fees
13 using a single rate of \$4.52 per prescription or the
14 pharmacy's usual and customary fee, whichever is
15 lower.

16 c. (1) For the fiscal year beginning July 1,
17 2008, reimbursement rates for inpatient and outpatient
18 hospital services shall remain at the rates in effect
19 on June 30, 2008. The department shall continue the
20 outpatient hospital reimbursement system based upon
21 ambulatory patient groups implemented pursuant to 1994
22 Iowa Acts, chapter 1186, section 25, subsection 1,
23 paragraph "f", unless the department adopts the
24 Medicare ambulatory payment classification methodology
25 authorized in subparagraph (2).

26 (2) The department may implement the Medicare
27 ambulatory payment classification methodology for
28 reimbursement of outpatient hospital services. Any
29 change in hospital reimbursement shall be budget
30 neutral.

31 (3) In order to ensure the efficient use of
32 limited state funds in procuring health care services
33 for low-income Iowans, funds appropriated in this Act
34 for hospital services shall not be used for activities
35 which would be excluded from a determination of
36 reasonable costs under the federal Medicare program
37 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

38 d. For the fiscal year beginning July 1, 2008,
39 reimbursement rates for rural health clinics,
40 hospices, independent laboratories, and acute mental
41 hospitals shall be increased in accordance with
42 increases under the federal Medicare program or as
43 supported by their Medicare audited costs.

44 e. (1) For the fiscal year beginning July 1,
45 2008, reimbursement rates for home health agencies
46 shall remain at the rates in effect on June 30, 2008,
47 not to exceed a home health agency's actual allowable
48 cost.

49 (2) The department shall establish a fixed fee
50 reimbursement schedule for home health agencies under

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1 the medical assistance program beginning July 1, 2008.
2 f. For the fiscal year beginning July 1, 2008,
3 federally qualified health centers shall receive
4 cost-based reimbursement for 100 percent of the
5 reasonable costs for the provision of services to
6 recipients of medical assistance.
7 g. For the fiscal year beginning July 1, 2008, the
8 reimbursement rates for dental services shall remain
9 at the rates in effect on June 30, 2008.
10 h. For the fiscal year beginning July 1, 2008, the
11 maximum reimbursement rate for psychiatric medical
12 institutions for children shall be \$160.71 per day.
13 i. For the fiscal year beginning July 1, 2008,
14 unless otherwise specified in this Act, all
15 noninstitutional medical assistance provider
16 reimbursement rates shall remain at the rates in
17 effect on June 30, 2008, except for area education
18 agencies, local education agencies, infant and toddler
19 services providers, and those providers whose rates
20 are required to be determined pursuant to section
21 249A.20.
22 j. Notwithstanding section 249A.20, for the fiscal
23 year beginning July 1, 2008, the average reimbursement
24 rate for health care providers eligible for use of the
25 federal Medicare resource-based relative value scale
26 reimbursement methodology under that section shall
27 remain at the rate in effect on June 30, 2008;
28 however, this rate shall not exceed the maximum level
29 authorized by the federal government.
30 k. For the fiscal year beginning July 1, 2008, the
31 reimbursement rate for residential care facilities
32 shall not be less than the minimum payment level as
33 established by the federal government to meet the
34 federally mandated maintenance of effort requirement.
35 The flat reimbursement rate for facilities electing
36 not to file semiannual cost reports shall not be less
37 than the minimum payment level as established by the
38 federal government to meet the federally mandated
39 maintenance of effort requirement.
40 l. For the fiscal year beginning July 1, 2008,
41 inpatient mental health services provided at hospitals
42 shall be reimbursed at the cost of the services,
43 subject to Medicaid program upper payment limit rules;
44 community mental health centers and providers of
45 mental health services to county residents pursuant to
46 a waiver approved under section 225C.7, subsection 3,
47 shall be reimbursed at 100 percent of the reasonable
48 costs for the provision of services to recipients of
49 medical assistance; and psychiatrists shall be
50 reimbursed at the medical assistance program fee for

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1 service rate.

2 2. For the fiscal year beginning July 1, 2008, the
3 reimbursement rate for providers reimbursed under the
4 in-home-related care program shall not be less than
5 the minimum payment level as established by the
6 federal government to meet the federally mandated
7 maintenance of effort requirement.

8 3. Unless otherwise directed in this section, when
9 the department's reimbursement methodology for any
10 provider reimbursed in accordance with this section
11 includes an inflation factor, this factor shall not
12 exceed the amount by which the consumer price index
13 for all urban consumers increased during the calendar
14 year ending December 31, 2002.

15 4. For the fiscal year beginning July 1, 2008, the
16 foster family basic daily maintenance rate paid in
17 accordance with section 234.38, the maximum adoption
18 subsidy rate, and the maximum supervised apartment
19 living foster care rate for children ages 0 through 5
20 years shall be \$16.36, the rate for children ages 6
21 through 11 years shall be \$17.01, the rate for
22 children ages 12 through 15 years shall be \$18.62, and
23 the rate for children ages 16 and older shall be
24 \$18.87.

25 5. For the fiscal year beginning July 1, 2008, the
26 maximum reimbursement rates for social services
27 providers reimbursed under a purchase of social
28 services contract shall remain at the rates in effect
29 on June 30, 2008, or the provider's actual and
30 allowable cost plus inflation for each service,
31 whichever is less. However, the rates may be adjusted
32 under any of the following circumstances:

33 a. If a new service was added after June 30, 2008,
34 the initial reimbursement rate for the service shall
35 be based upon actual and allowable costs.

36 b. If a social service provider loses a source of
37 income used to determine the reimbursement rate for
38 the provider, the provider's reimbursement rate may be
39 adjusted to reflect the loss of income, provided that
40 the lost income was used to support actual and
41 allowable costs of a service purchased under a
42 purchase of service contract.

43 6. For the fiscal year beginning July 1, 2008, the
44 reimbursement rates for family-centered service
45 providers, family foster care service providers, group
46 foster care service providers, and the resource family
47 recruitment and retention contractor shall remain at
48 rates in effect on June 30, 2008.

49 7. The group foster care reimbursement rates paid
50 for placement of children out of state shall be

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1 calculated according to the same rate-setting
2 principles as those used for in-state providers,
3 unless the director of human services or the
4 director's designee determines that appropriate care
5 cannot be provided within the state. The payment of
6 the daily rate shall be based on the number of days in
7 the calendar month in which service is provided.

8 8. For the fiscal year beginning July 1, 2008,
9 remedial service providers shall receive cost-based
10 reimbursement for 100 percent of the reasonable costs
11 not to exceed the established limit for the provision
12 of services to recipients of medical assistance.

13 9. a. For the fiscal year beginning July 1, 2008,
14 the combined service and maintenance components of the
15 reimbursement rate paid for shelter care services
16 purchased under a contract shall be based on the
17 financial and statistical report submitted to the
18 department. The maximum reimbursement rate shall be
19 \$91.45 per day. The department shall reimburse a
20 shelter care provider at the provider's actual and
21 allowable unit cost, plus inflation, not to exceed the
22 maximum reimbursement rate.

23 b. Notwithstanding section 232.141, subsection 8,
24 for the fiscal year beginning July 1, 2008, the amount
25 of the statewide average of the actual and allowable
26 rates for reimbursement of juvenile shelter care homes
27 that is utilized for the limitation on recovery of
28 unpaid costs shall remain at the amount in effect for
29 this purpose in the preceding fiscal year.

30 10. For the fiscal year beginning July 1, 2008,
31 the department shall calculate reimbursement rates for
32 intermediate care facilities for persons with mental
33 retardation at the 80th percentile.

34 11. For the fiscal year beginning July 1, 2008,
35 for child care providers reimbursed under the state
36 child care assistance program, the department shall
37 set provider reimbursement rates based on the rate
38 reimbursement survey completed in December 2004. The
39 department shall set rates in a manner so as to
40 provide incentives for a nonregistered provider to
41 become registered.

42 12. For the fiscal year beginning July 1, 2008,
43 reimbursements for providers reimbursed by the
44 department of human services may be modified if
45 appropriated funding is allocated for that purpose
46 from the senior living trust fund created in section
47 249H.4, or as specified in appropriations from the
48 healthy Iowans tobacco trust created in section 12.65.

49 13. The department may adopt emergency rules to
50 implement this section.

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1 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
2 subsection 4, is amended to read as follows:

3 4. ~~ACCOUNTABILITY MEASURERS MEASUREMENTS – ANNUAL~~
4 ~~ACCOUNTABILITY PAYMENTS.~~

5 a. It is the intent of the general assembly that
6 the department of human services initiate a system to
7 measure a variety of elements to determine a nursing
8 facility's capacity to provide quality of life and
9 appropriate access to medical assistance program
10 beneficiaries in a cost-effective manner. Beginning
11 July 1, 2001, the department shall implement a process
12 to collect data for these measurements and shall
13 develop procedures to increase nursing facility
14 reimbursements based upon a nursing facility's
15 achievement of multiple favorable outcomes as
16 determined by these measurements. Any increased
17 reimbursement shall not exceed 3 percent of the
18 calculation of the modified price-based case-mix
19 reimbursement median. The increased reimbursement
20 shall be included in the calculation of nursing
21 facility modified price-based payment rates beginning
22 July 1, 2002, with the exception of Medicare-certified
23 hospital-based nursing facilities, state-operated
24 nursing facilities, and special population nursing
25 facilities.

26 ~~b. It is the intent of the general assembly that~~
27 ~~increases in payments to nursing facilities under the~~
28 ~~case mix adjusted component shall be used for the~~
29 ~~provision of direct care with an emphasis on~~
30 ~~compensation to direct care workers. The department~~
31 ~~shall compile and provide a detailed analysis to~~
32 ~~demonstrate growth of direct care costs, increased~~
33 ~~acuity, and care needs of residents. The department~~
34 ~~shall also provide analysis of cost reports submitted~~
35 ~~by providers and the resulting desk review and field~~
36 ~~audit adjustments to reclassify and amend provider~~
37 ~~cost and statistical data. The results of these~~
38 ~~analyses shall be submitted to the general assembly~~
39 ~~for evaluation to determine payment levels following~~
40 ~~the transition funding period.~~

41 b. Beginning July 1, 2008, notwithstanding any law
42 or rule to the contrary, the increased nursing
43 facility reimbursement available pursuant to paragraph
44 "a" shall be based upon the accountability measures
45 and calculations existing on July 1, 2008, pursuant to
46 441 IAC 81.6(16)(g), as adjusted in accordance with
47 the following provisions, and the increased
48 reimbursement shall be disbursed to each qualifying
49 nursing facility as an accountability payment at the
50 end of each fiscal year. The department of human

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1 services shall request any medical assistance state
2 plan amendment necessary to implement the modified
3 accountability payment methodology. If the department
4 does not receive approval of the state plan amendment,
5 the funds designated for the purposes of providing the
6 accountability measures payment shall instead be
7 disbursed through the case-mix reimbursement system:

8 (1) If a nursing facility receives a citation
9 resulting in actual harm pursuant to the federal
10 certification guidelines at a G level scope and
11 severity or higher, the increased reimbursement
12 calculated for payment under this paragraph "b" shall
13 be reduced by 25 percent for each such citation during
14 the year. Additionally, if a nursing facility fails
15 to cure any deficiency cited within the time required
16 by the department of inspections and appeals, the
17 increased reimbursement calculated for payment under
18 this paragraph shall be forfeited and the nursing
19 facility shall not receive any accountability measure
20 payment for the year.

21 (2) If a nursing facility receives a deficiency
22 resulting in actual harm or immediate jeopardy,
23 pursuant to the federal certification guidelines at an
24 H level scope and severity or higher, regardless of
25 the amount of any fines assessed, the increased
26 reimbursement calculated for payment under this
27 paragraph "b" shall be forfeited and the nursing
28 facility shall not receive any accountability measure
29 payment for the year.

30 (3) Beginning July 1, 2008, accountability measure
31 payments to providers shall be reduced by 20 percent
32 of the calculated amount. The percentage reduction
33 shall continue until June 30, 2009, or until such time
34 as the general assembly adopts a modification of the
35 accountability measures system.

36 c. It is the intent of the general assembly that
37 the department of human services assemble a workgroup
38 to develop recommendations to redesign the
39 accountability measures for implementation in the
40 fiscal year beginning July 1, 2009. The workgroup
41 shall include long-term care services stakeholders and
42 advocates including but not limited to representatives
43 of the AARP Iowa chapter, direct care workers,
44 long-term care provider entities, the long-term care
45 resident's advocate, the consumer members of the
46 senior living coordinating unit, the department of
47 elder affairs, the department of inspections and
48 appeals, and the chairpersons and ranking members of
49 the joint appropriations subcommittee on health and
50 human services. The workgroup shall submit its

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1 recommendations for the redesigned accountability
2 measures which shall meet all of the following
3 specifications:

4 (1) Acknowledge and establish higher benchmarks
5 for performance-based reimbursement to those nursing
6 facilities meeting the identified and weighted
7 components recommended by the workgroup.

8 (2) Reinforce the expectation that the
9 performance-based payments will be used to support
10 direct care and support care staff through increased
11 wages, enhanced benefits, and expanded training
12 opportunities and provide a system for determining
13 compliance with this expectation.

14 (3) Identify the best practices that are used in
15 facilities receiving a performance-based payment and
16 create a system to assist other facilities in the
17 implementation of those best practices.

18 Sec. 32. REVIEW – DRUG PRODUCT SELECTION. On or
19 after the effective date of this section, the
20 chairpersons of the joint appropriations subcommittee
21 on health and human services shall convene a group of
22 representatives of appropriate entities to review
23 current law regarding drug product selection. The
24 representatives shall include but are not limited to
25 representatives of the Iowa pharmacy association, the
26 Iowa medical society, pharmacy industry
27 representatives of the Iowa retail federation,
28 advocacy groups, the department of human services, the
29 board of pharmacy, and the department of public
30 health. The legislative services agency shall provide
31 administrative support to the group. The group shall
32 complete its deliberations on or before December 15,
33 2008.

34 Sec. 33. EMERGENCY RULES. If specifically
35 authorized by a provision of this division of this
36 Act, the department of human services or the mental
37 health, mental retardation, developmental
38 disabilities, and brain injury commission may adopt
39 administrative rules under section 17A.4, subsection
40 2, and section 17A.5, subsection 2, paragraph "b", to
41 implement the provisions and the rules shall become
42 effective immediately upon filing or on a later
43 effective date specified in the rules, unless the
44 effective date is delayed by the administrative rules
45 review committee. Any rules adopted in accordance
46 with this section shall not take effect before the
47 rules are reviewed by the administrative rules review
48 committee. The delay authority provided to the
49 administrative rules review committee under section
50 17A.4, subsection 5, and section 17A.8, subsection 9,

1 shall be applicable to a delay imposed under this
 2 section, notwithstanding a provision in those sections
 3 making them inapplicable to section 17A.5, subsection
 4 2, paragraph "b". Any rules adopted in accordance
 5 with the provisions of this section shall also be
 6 published as notice of intended action as provided in
 7 section 17A.4.

8 Sec. 34. REPORTS. Any reports or information
 9 required to be compiled and submitted under this Act
 10 shall be submitted to the chairpersons and ranking
 11 members of the joint appropriations subcommittee on
 12 health and human services, the legislative services
 13 agency, and the legislative caucus staffs on or before
 14 the dates specified for submission of the reports or
 15 information.

16 Sec. 35. EFFECTIVE DATE. The following provisions
 17 of this division of this Act, being deemed of
 18 immediate importance, take effect upon enactment:

19 1. The provision under the appropriation for child
 20 and family services, relating to requirements of
 21 section 232.143 for representatives of the department
 22 of human services and juvenile court services to
 23 establish a plan for continuing group foster care
 24 expenditures for the 2008-2009 fiscal year.

25 2. The section directing the chairpersons of the
 26 joint appropriations subcommittee on health and human
 27 services to convene a group to review drug product
 28 selection.

29 DIVISION II

30 SENIOR LIVING TRUST FUND,
 31 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 32 IOWACARE ACCOUNT, HEALTH CARE
 33 TRANSFORMATION ACCOUNT, AND
 34 PROPERTY TAX RELIEF FUND

35 Sec. 36. DEPARTMENT OF ELDER AFFAIRS. There is
 36 appropriated from the senior living trust fund created
 37 in section 249H.4 to the department of elder affairs
 38 for the fiscal year beginning July 1, 2008, and ending
 39 June 30, 2009, the following amount, or so much
 40 thereof as is necessary, to be used for the purpose
 41 designated:

42 For the development and implementation of a
 43 comprehensive senior living program, including case
 44 management only if the monthly cost per client for
 45 case management for the frail elderly services
 46 provided does not exceed an average of \$70, and
 47 including program administration and costs associated
 48 with implementation:

49 § 8,442,707

50 1. Of the funds appropriated in this section,

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1 \$2,196,967 shall be used for case management for the
 2 frail elderly. Of the funds allocated in this
 3 subsection, \$1,010,000 shall be transferred to the
 4 department of human services in equal amounts on a
 5 quarterly basis for reimbursement of case management
 6 services provided under the medical assistance elderly
 7 waiver. The monthly cost per client for case
 8 management for the frail elderly services provided
 9 shall not exceed an average of \$70.

10 2. Notwithstanding section 249H.7, the department
 11 of elder affairs shall distribute up to \$400,000 of
 12 the funds appropriated in this section in a manner
 13 that will supplement and maximize federal funds under
 14 the federal Older Americans Act and shall not use the
 15 amount distributed for any administrative purposes of
 16 either the department of elder affairs or the area
 17 agencies on aging.

18 3. Of the funds appropriated in this section,
 19 \$60,000 shall be used to provide dementia-specific
 20 education to direct care workers and other providers
 21 of long-term care to enhance existing or scheduled
 22 efforts through the Iowa caregivers association, the
 23 Alzheimer's association, and other organizations
 24 identified as appropriate by the department.

25 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS.

26 There is appropriated from the senior living trust
 27 fund created in section 249H.4 to the department of
 28 inspections and appeals for the fiscal year beginning
 29 July 1, 2008, and ending June 30, 2009, the following
 30 amount, or so much thereof as is necessary, to be used
 31 for the purpose designated:

32 For the inspection and certification of assisted
 33 living facilities and adult day care services,
 34 including program administration and costs associated
 35 with implementation:
 36 \$ 1,183,303

37 Sec. 38. DEPARTMENT OF HUMAN SERVICES. There is

38 appropriated from the senior living trust fund created
 39 in section 249H.4 to the department of human services
 40 for the fiscal year beginning July 1, 2008, and ending
 41 June 30, 2009, the following amount, or so much
 42 thereof as is necessary, to be used for the purpose
 43 designated:

44 To supplement the medical assistance appropriations
 45 made in this Act, including program administration and
 46 costs associated with implementation:
 47 \$ 67,500,000

48 In order to carry out the purposes of this section,
 49 the department may transfer funds appropriated in this
 50 section to supplement other appropriations made to the

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1 department of human services.

2 Sec. 39. IOWA FINANCE AUTHORITY. There is
3 appropriated from the senior living trust fund created
4 in section 249H.4 to the Iowa finance authority for
5 the fiscal year beginning July 1, 2008, and ending
6 June 30, 2009, the following amount, or so much
7 thereof as is necessary, to be used for the purposes
8 designated:

9 To provide reimbursement for rent expenses to
10 eligible persons:

11 \$ 700,000

12 Participation in the rent subsidy program shall be
13 limited to only those persons who meet the
14 requirements for the nursing facility level of care
15 for home and community-based services waiver services
16 as in effect on July 1, 2008, and to those individuals
17 who are eligible for the federal money follows the
18 person grant program under the medical assistance
19 program.

20 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
21 is appropriated from the pharmaceutical settlement
22 account created in section 249A.33 to the department
23 of human services for the fiscal year beginning July
24 1, 2008, and ending June 30, 2009, the following
25 amount, or so much thereof as is necessary, to be used
26 for the purpose designated:

27 To supplement the appropriations made for medical
28 contracts under the medical assistance program:

29 \$ 1,323,833

30 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

31 1. There is appropriated from the IowaCare account
32 created in section 249J.24 to the state board of
33 regents for distribution to the university of Iowa
34 hospitals and clinics for the fiscal year beginning
35 July 1, 2008, and ending June 30, 2009, the following
36 amount, or so much thereof as is necessary, to be used
37 for the purposes designated:

38 For salaries, support, maintenance, equipment, and
39 miscellaneous purposes, for the provision of medical
40 and surgical treatment of indigent patients, for
41 provision of services to members of the expansion
42 population pursuant to chapter 249J, and for medical
43 education:

44 \$ 27,284,584

45 a. Funds appropriated in this subsection shall not
46 be used to perform abortions except medically
47 necessary abortions, and shall not be used to operate
48 the early termination of pregnancy clinic except for
49 the performance of medically necessary abortions. For
50 the purpose of this subsection, an abortion is the

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1 purposeful interruption of pregnancy with the
2 intention other than to produce a live-born infant or
3 to remove a dead fetus, and a medically necessary
4 abortion is one performed under one of the following
5 conditions:

6 (1) The attending physician certifies that
7 continuing the pregnancy would endanger the life of
8 the pregnant woman.

9 (2) The attending physician certifies that the
10 fetus is physically deformed, mentally deficient, or
11 afflicted with a congenital illness.

12 (3) The pregnancy is the result of a rape which is
13 reported within 45 days of the incident to a law
14 enforcement agency or public or private health agency
15 which may include a family physician.

16 (4) The pregnancy is the result of incest which is
17 reported within 150 days of the incident to a law
18 enforcement agency or public or private health agency
19 which may include a family physician.

20 (5) The abortion is a spontaneous abortion,
21 commonly known as a miscarriage, wherein not all of
22 the products of conception are expelled.

23 b. Notwithstanding any provision of law to the
24 contrary, the amount appropriated in this subsection
25 shall be allocated in twelve equal monthly payments as
26 provided in section 249J.24.

27 2. There is appropriated from the IowaCare account
28 created in section 249J.24 to the state board of
29 regents for distribution to the university of Iowa
30 hospitals and clinics for the fiscal year beginning
31 July 1, 2008, and ending June 30, 2009, the following
32 amount, or so much thereof as is necessary, to be used
33 for the purposes designated:

34 For salaries, support, maintenance, equipment, and
35 miscellaneous purposes, for the provision of medical
36 and surgical treatment of indigent patients, for
37 provision of services to members of the expansion
38 population pursuant to chapter 249J, and for medical
39 education:

40 \$ 35,969,365

41 The amount appropriated in this subsection shall be
42 distributed only if expansion population claims
43 adjudicated and paid by the Iowa Medicaid enterprise
44 exceed the appropriation to the state board of regents
45 for distribution to the university of Iowa hospitals
46 and clinics provided in subsection 1. The amount
47 appropriated in this subsection shall be distributed
48 monthly for expansion population claims adjudicated
49 and approved for payment by the Iowa Medicaid
50 enterprise using medical assistance program

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1 reimbursement rates.

2 3. There is appropriated from the IowaCare account
3 created in section 249J.24 to the department of human
4 services for the fiscal year beginning July 1, 2008,
5 and ending June 30, 2009, the following amount, or so
6 much thereof as is necessary, to be used for the
7 purposes designated:

8 For distribution to a publicly owned acute care
9 teaching hospital located in a county with a
10 population over three hundred fifty thousand for the
11 provision of medical and surgical treatment of
12 indigent patients, for provision of services to
13 members of the expansion population pursuant to
14 chapter 249J, and for medical education:

15 \$ 40,000,000

16 Notwithstanding any provision of law to the
17 contrary, the amount appropriated in this subsection
18 shall be allocated in twelve equal monthly payments as
19 provided in section 249J.24. Any amount appropriated
20 in this subsection in excess of \$37,000,000 shall be
21 allocated only if federal funds are available to match
22 the amount allocated.

23 4. There is appropriated from the IowaCare account
24 created in section 249J.24 to the department of human
25 services for the fiscal year beginning July 1, 2008,
26 and ending June 30, 2009, the following amounts, or so
27 much thereof as is necessary, to be used for the
28 purposes designated:

29 a. For the state mental health institute at
30 Cherokee, for salaries, support, maintenance, and
31 miscellaneous purposes, including services to members
32 of the expansion population pursuant to chapter 249J:

33 \$ 3,164,766

34 b. For the state mental health institute at
35 Clarinda, for salaries, support, maintenance, and
36 miscellaneous purposes, including services to members
37 of the expansion population pursuant to chapter 249J:

38 \$ 687,779

39 c. For the state mental health institute at
40 Independence, for salaries, support, maintenance, and
41 miscellaneous purposes, including services to members
42 of the expansion population pursuant to chapter 249J:

43 \$ 3,146,494

44 d. For the state mental health institute at Mount
45 Pleasant, for salaries, support, maintenance, and
46 miscellaneous purposes, including services to members
47 of the expansion population pursuant to chapter 249J:

48 \$ 2,000,961

49 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
50 CARE TRANSFORMATION. Notwithstanding any provision to

Page 50

1 the contrary, there is appropriated from the account
2 for health care transformation created in section
3 249J.23 to the department of human services for the
4 fiscal year beginning July 1, 2008, and ending June
5 30, 2009, the following amounts, or so much thereof as
6 is necessary, to be used for the purposes designated:

7 1. For the costs of medical examinations and
8 development of personal health improvement plans for
9 the expansion population pursuant to section 249J.6:
10 \$ 556,800

11 2. For the provision of a medical information
12 hotline for the expansion population as provided in
13 section 249J.6:
14 \$ 150,000

15 3. For other health promotion partnership
16 activities pursuant to section 249J.14:
17 \$ 900,000

18 4. For the costs related to audits, performance
19 evaluations, and studies required pursuant to chapter
20 249J:
21 \$ 400,000

22 5. For administrative costs associated with
23 chapter 249J:
24 \$ 1,132,412

25 6. For planning and development, in cooperation
26 with the department of public health, of a phased-in
27 program to provide a dental home for children:
28 \$ 500,000

29 The department shall issue a request for proposals
30 for a performance-based contract to implement the
31 dental home for children and shall apply for any
32 waivers from the centers for Medicare and Medicaid
33 services of the United States department of health and
34 human services as necessary to pursue a phased-in
35 approach. The department shall submit progress
36 reports regarding the planning and development of the
37 dental home for children to the medical assistance
38 projections and assessment council on a periodic
39 basis.

40 7. For a mental health transformation pilot
41 program:
42 \$ 250,000

43 8. For the tuition assistance for individuals
44 serving individuals with disabilities pilot program as
45 enacted in this Act:
46 \$ 500,000

47 9. For payment to the publicly owned acute care
48 teaching hospital located in a county with a
49 population of over 350,000 that is a participating
50 provider pursuant to chapter 249J:

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1 \$ 230,000

2 Disbursements under this subsection shall be made
3 monthly. The hospital shall submit a report following
4 the close of the fiscal year regarding use of the
5 funds appropriated in this subsection to the persons
6 specified in this Act to receive reports.

7 10. For transfer to the department of elder
8 affairs to expand the elder abuse initiative program
9 established pursuant to section 231.56A to additional
10 counties:

11 \$ 200,000

12 11. For pregnancy counseling and support services
13 as specified in this subsection:

14 \$ 200,000

15 The department of human services shall establish a
16 pregnancy counseling and support services program to
17 provide core services consisting of information,
18 education, counseling, and support services to women
19 who experience unplanned pregnancies. Funds
20 appropriated in this subsection shall be used by the
21 department to award grants to service providers that
22 have been in existence for at least one year prior to
23 the awarding of the grant and that are experienced and
24 qualified in providing core pregnancy and parenting
25 support services, including but not limited to
26 pregnancy support organizations, maternity homes,
27 social service agencies, and adoption agencies.
28 Priority in the awarding of grants shall be given to
29 programs that serve areas of the state which
30 demonstrate the highest percentage of unplanned
31 pregnancies of females of childbearing age within the
32 geographic area to be served by the grant.

33 Notwithstanding section 8.39, subsection 1, without
34 the prior written consent and approval of the governor
35 and the director of the department of management, the
36 director of human services may transfer funds among
37 the appropriations made in this section as necessary
38 to carry out the purposes of the account for health
39 care transformation. The department shall report any
40 transfers made pursuant to this section to the
41 legislative services agency.

42 Sec. 43. TRANSFER FROM ACCOUNT FOR HEALTH CARE
43 TRANSFORMATION. There is transferred from the account
44 for health care transformation created pursuant to
45 section 249J.23 to the IowaCare account created in
46 section 249J.24 a total of \$3,000,000 for the fiscal
47 year beginning July 1, 2008, and ending June 30, 2009.

48 Sec. 44. IOWACARE PLAN REPORT. The department of
49 human services, in cooperation with the members of the
50 expansion population provider network as specified in

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1 chapter 249J and other interested parties, shall
 2 review the current IowaCare program and shall develop
 3 a plan for continuation, expansion, or elimination of
 4 the IowaCare program beyond June 30, 2010. The plan
 5 shall address the issue of establishing a procedure to
 6 either transfer an expansion population member who
 7 seeks medical care or treatment for a covered service
 8 from a nonparticipating provider to a participating
 9 provider in the expansion population provider network,
 10 or to compensate the nonparticipating provider for
 11 medical care or treatment for a covered service
 12 provided to an expansion population member, if
 13 transfer is not medically possible or if the transfer
 14 is refused and if no other third party is liable for
 15 reimbursement for the services provided. The review
 16 shall also address the issue of the future of the
 17 IowaCare program beyond June 30, 2010, including but
 18 not limited to expansion of the provider network
 19 beyond the initial network, expansion population
 20 member growth projections, member benefits,
 21 alternatives for providing health care coverage to the
 22 expansion population, and other issues pertinent to
 23 the continuation, expansion, or elimination of the
 24 program. The department shall report its findings and
 25 recommendations to the medical assistance projections
 26 and assessment council no later than December 15,
 27 2008.

28 Sec. 45. PROPERTY TAX RELIEF FUND. There is
 29 appropriated from the property tax relief fund created
 30 in section 426B.1 to the department of human services
 31 for the fiscal year beginning July 1, 2008, and ending
 32 June 30, 2009, the following amount, or so much
 33 thereof as is necessary, to be used for the purposes
 34 designated:

35 For the medical assistance program in addition to
 36 the appropriation made in section 426B.1, subsection
 37 3, and other appropriations made for purposes of the
 38 program:

39 \$ 624,000

40 The appropriation made in this section consists of
 41 the revenues credited to the property tax relief fund
 42 pursuant to sections 437A.8 and 437A.15 after November
 43 1, 2007, and before April 1, 2008.

44 Sec. 46. Section 426B.2, subsection 3, Code 2007,
 45 is amended to read as follows:

46 3. a. The director of human services shall draw
 47 warrants on the property tax relief fund, payable to
 48 the county treasurer in the amount due to a county in
 49 accordance with subsection 1 and mail the warrants to
 50 the county auditors in July and January of each year.

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1 b. Any replacement generation tax in the property
2 tax relief fund as of ~~November~~ May 1 shall be paid to
3 the county treasurers in July and January of the
4 fiscal year beginning the following July 1. The
5 department of management shall determine the amount
6 each county will be paid pursuant to this lettered
7 paragraph for the following fiscal year. The
8 department shall reduce by the determined amount the
9 amount of each county's certified budget to be raised
10 by property tax for that fiscal year which is to be
11 expended for mental health, mental retardation, and
12 developmental disabilities services and shall revise
13 the rate of taxation as necessary to raise the reduced
14 amount. The department of management shall report the
15 reduction in the certified budget and the revised rate
16 of taxation to the county auditors by June 15.

17 Sec. 47. MEDICAL ASSISTANCE PROGRAM – REVERSION
18 TO SENIOR LIVING TRUST FUND FOR FY 2008-2009.

19 Notwithstanding section 8.33, if moneys appropriated
20 for purposes of the medical assistance program for the
21 fiscal year beginning July 1, 2008, and ending June
22 30, 2009, from the general fund of the state, the
23 senior living trust fund, the healthy Iowans tobacco
24 trust fund, the health care trust fund, and the
25 property tax relief fund are in excess of actual
26 expenditures for the medical assistance program and
27 remain unencumbered or unobligated at the close of the
28 fiscal year, the excess moneys shall not revert but
29 shall be transferred to the senior living trust fund
30 created in section 249H.4.

31 DIVISION III
32 MH/MR/DD/BI SERVICES
33 ALLOWED GROWTH FUNDING –
34 FY 2008-2009

35 Sec. 48. Section 225C.5, subsection 1, Code 2007,
36 is amended by adding the following new paragraph:
37 NEW PARAGRAPH. ii. One member shall be an active
38 board member of an agency serving persons with a
39 substance abuse problem selected from nominees
40 submitted by the Iowa behavioral health association.

41 Sec. 49. NEW SECTION. 225C.19 EMERGENCY MENTAL
42 HEALTH CRISIS SERVICES SYSTEM.

43 1. For the purposes of this section:

44 a. "Emergency mental health crisis services
45 provider" means a provider accredited or approved by
46 the department to provide emergency mental health
47 crisis services.

48 b. "Emergency mental health crisis services
49 system" or "services system" means a coordinated array
50 of crisis services for providing a response to assist

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1 an individual adult or child who is experiencing a
2 mental health crisis or who is in a situation that is
3 reasonably likely to cause the individual to have a
4 mental health crisis unless assistance is provided.

5 2. a. The division shall implement an emergency
6 mental health crisis services system in accordance
7 with this section.

8 b. The purpose of the services system is to
9 provide a statewide array of time-limited intervention
10 services to reduce escalation of crisis situations,
11 relieve the immediate distress of individuals
12 experiencing a crisis situation, reduce the risk of
13 individuals in a crisis situation doing harm to
14 themselves or others, and promote timely access to
15 appropriate services for those who require ongoing
16 mental health services.

17 c. The services system shall be available
18 twenty-four hours per day, seven days per week to any
19 individual who is determined by self or others to be
20 in a crisis situation, regardless of whether the
21 individual has been diagnosed with a mental illness or
22 a co-occurring mental illness and substance abuse
23 disorder, and shall address all ages, income levels,
24 and health coverage statuses.

25 d. The goals of an intervention offered by a
26 provider under the services system shall include but
27 are not limited to symptom reduction, stabilization of
28 the individual receiving the intervention, and
29 restoration of the individual to a previous level of
30 functioning.

31 e. The elements of the services system shall be
32 specified in administrative rules adopted by the
33 commission.

34 3. The services system elements shall include but
35 are not limited to all of the following:

36 a. Standards for accrediting or approving
37 emergency mental health crisis services providers.
38 Such providers may include but are not limited to a
39 community mental health center, a provider approved in
40 a waiver adopted by the commission to provide services
41 to a county in lieu of a community mental health
42 center, a unit of the department or other state
43 agency, a county, or any other public or private
44 provider who meets the accreditation or approval
45 standards for an emergency mental health crisis
46 services provider.

47 b. Identification by the division of geographic
48 regions, service areas, or other means of distributing
49 and organizing the emergency mental health crisis
50 services system to ensure statewide availability of

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1 the services.

2 c. Coordination of emergency mental health crisis
3 services with all of the following:

4 (1) The district and juvenile courts.

5 (2) Law enforcement.

6 (3) Judicial district departments of correctional
7 services.

8 (4) County central point of coordination
9 processes.

10 (5) Other mental health, substance abuse, and
11 co-occurring mental illness and substance abuse
12 services available through the state and counties to
13 serve both children and adults.

14 d. Identification of basic services to be provided
15 through each accredited or approved emergency mental
16 health crisis services provider which may include but
17 are not limited to face-to-face crisis intervention,
18 stabilization, support, counseling, preadmission
19 screening for individuals who may require psychiatric
20 hospitalization, transportation, and follow-up
21 services.

22 e. Identification of operational requirements for
23 emergency mental health crisis services provider
24 accreditation or approval which may include providing
25 a telephone hotline, mobile crisis staff,
26 collaboration protocols, follow-up with community
27 services, information systems, and competency-based
28 training.

29 4. The division shall initially implement the
30 program through a competitive block grant process.
31 The implementation shall be limited to the extent of
32 the appropriations provided for the program.

33 Sec. 50. NEW SECTION. 225C.51 DEFINITIONS.

34 For the purposes of this division:

35 1. "Child" or "children" means a person or persons
36 under eighteen years of age.

37 2. "Children's system" or "mental health services
38 system for children and youth" means the mental health
39 services system for children and youth implemented
40 pursuant to this division.

41 3. "Functional impairment" means difficulties that
42 substantially interfere with or limit a person from
43 achieving or maintaining one or more developmentally
44 appropriate social, behavioral, cognitive,
45 communicative, or adaptive skills and that
46 substantially interfere with or limit the person's
47 role or functioning in family, school, or community
48 activities. "Functional impairment" includes
49 difficulties of episodic, recurrent, and continuous
50 duration. "Functional impairment" does not include

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1 difficulties resulting from temporary and expected
2 responses to stressful events in a person's
3 environment.

4 4. "Other qualifying mental health disorder" means
5 a mental health crisis or any diagnosable mental
6 health disorder that is likely to lead to mental
7 health crisis unless there is an intervention.

8 5. "Serious emotional disturbance" means a
9 diagnosable mental, behavioral, or emotional disorder
10 of sufficient duration to meet diagnostic criteria
11 specified within the most current diagnostic and
12 statistical manual of mental disorders published by
13 the American psychiatric association that results in a
14 functional impairment. "Serious emotional
15 disturbance" does not include substance use and
16 developmental disorders unless such disorders co-occur
17 with such a diagnosable mental, behavioral, or
18 emotional disorder.

19 6. "Youth" means a person eighteen years of age or
20 older but under twenty-two years of age who met the
21 criteria for having a serious emotional disturbance
22 prior to the age of eighteen.

23 Sec. 51. NEW SECTION. 225C.52 MENTAL HEALTH
24 SERVICES SYSTEM FOR CHILDREN AND YOUTH – PURPOSE.

25 1. Establishing a comprehensive community-based
26 mental health services system for children and youth
27 is part of fulfilling the requirements of the division
28 and the commission to facilitate a comprehensive,
29 continuous, and integrated state mental health
30 services plan in accordance with sections 225C.4,
31 225C.6, and 225C.6A, and other provisions of this
32 chapter. The purpose of establishing the children's
33 system is to improve access for children and youth
34 with serious emotional disturbances and youth with
35 other qualifying mental health disorders to mental
36 health treatment, services, and other support in the
37 least restrictive setting possible so the children and
38 youth can live with their families and remain in their
39 communities. The children's system is also intended
40 to meet the needs of children and youth who have
41 mental health disorders that co-occur with substance
42 abuse, mental retardation, developmental disabilities,
43 or other disabilities. The children's system shall
44 emphasize community-level collaborative efforts
45 between children and youth and the families and the
46 state's systems of education, child welfare, juvenile
47 justice, health care, substance abuse, and mental
48 health.

49 2. The goals and outcomes desired for the
50 children's system shall include but are not limited to

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1 all of the following:

2 a. Identifying the mental health needs of children
3 and youth.

4 b. Performing comprehensive assessments of
5 children and youth that are designed to identify
6 functional skills, strengths, and services needed.

7 c. Providing timely access to available treatment,
8 services, and other support.

9 d. Offering information and referral services to
10 families to address service needs other than mental
11 health.

12 e. Improving access to needed mental health
13 services by allowing children and youth to be served
14 with their families in the community.

15 f. Preventing or reducing utilization of more
16 costly, restrictive care by reducing the unnecessary
17 involvement of children and youth who have mental
18 health needs and their families with law enforcement,
19 the corrections system, and detention, juvenile
20 justice, and other legal proceedings; reducing the
21 involvement of children and youth with child welfare
22 services or state custody; and reducing the placement
23 of children and youth in the state juvenile
24 institutions, state mental health institutes, or other
25 public or private residential psychiatric facilities.

26 g. Increasing the number of children and youth
27 assessed for functional skill levels.

28 h. Increasing the capacity to develop
29 individualized, strengths-based, and integrated
30 treatment plans for children, youth, and families.

31 i. Promoting communications with caregivers and
32 others about the needs of children, youth, and
33 families engaged in the children's system.

34 j. Developing the ability to aggregate data and
35 information, and to evaluate program, service, and
36 system efficacy for children, youth, and families
37 being served on a local and statewide basis.

38 k. Implementing and utilizing outcome measures
39 that are consistent with but not limited to the
40 national outcomes measures identified by the substance
41 abuse and mental health services administration of the
42 United States department of health and human services.

43 l. Identifying children and youth whose mental
44 health or emotional condition, whether chronic or
45 acute, represents a danger to themselves, their
46 families, school students or staff, or the community.

47 Sec. 52. NEW SECTION. 225C.53 ROLE OF DEPARTMENT
48 AND DIVISION – TRANSITION TO ADULT SYSTEM.

49 1. The department is the lead agency responsible
50 for the development, implementation, oversight, and

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1 management of the mental health services system for
2 children and youth in accordance with this chapter.
3 The department's responsibilities shall be fulfilled
4 by the division.

5 2. The division's responsibilities relating to the
6 children's system include but are not limited to all
7 of the following:

8 a. Ensuring that the rules adopted for the
9 children's system provide that, within the limits of
10 appropriations for the children's system, children and
11 youth shall not be inappropriately denied necessary
12 mental health services.

13 b. Establishing standards for the provision of
14 home and community-based mental health treatment,
15 services, and other support under the children's
16 system.

17 c. Identifying and implementing eligibility
18 criteria for the treatment, services, and other
19 support available under the children's system.

20 d. Ongoing implementation of recommendations
21 identified through children's system improvement
22 efforts.

23 3. An adult person who met the criteria for having
24 a serious emotional disturbance prior to the age of
25 eighteen may qualify to continue services through the
26 adult mental health system.

27 Sec. 53. NEW SECTION. 225C.54 MENTAL HEALTH
28 SERVICES SYSTEM FOR CHILDREN AND YOUTH - INITIAL
29 IMPLEMENTATION.

30 1. The mental health services system for children
31 and youth shall be initially implemented by the
32 division commencing with the fiscal year beginning
33 July 1, 2008. The division shall begin implementation
34 by utilizing a competitive bidding process to allocate
35 state block grants to develop services through
36 existing community mental health centers, providers
37 approved in a waiver adopted by the commission to
38 provide services to a county in lieu of a community
39 mental health center, and other local service
40 partners. The implementation shall be limited to the
41 extent of the appropriations provided for the
42 children's system.

43 2. In order to maximize federal financial
44 participation in the children's system, the division
45 and the department's Medicaid program staff shall
46 analyze the feasibility of leveraging existing
47 Medicaid options, such as expanding the home and
48 community-based services waiver for children's mental
49 health services, reviewing the feasibility of
50 implementing other Medicaid options such as the

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1 federal Tax Equity and Financial Responsibility Act of
2 1982 (TEFRA) option for children with severe mental
3 illness or emotional disturbance and Medicaid
4 administrative funding, and determining the need for
5 service enhancements through revisions to the Medicaid
6 state plan and the federal state children's health
7 insurance program and the healthy and well kids in
8 Iowa program.

9 3. Initial block grants shall support a wide range
10 of children, youth, and family services and
11 initiatives including but not limited to school-based
12 mental health projects, system reviews providing
13 service gap analysis, status studies of the mental
14 health needs of children and youth in representative
15 areas of the state, and mental health assessment
16 capacity development based in public and nonpublic
17 schools and clinical settings using standard
18 functional assessment tools. The purpose of
19 developing the assessment capacity is to determine
20 children's and youths' degree of impairment in daily
21 functioning due to emotional, behavioral,
22 psychological, psychiatric, or substance use problems.

23 4. The initial block grants may also support an
24 array of programs and services including but not
25 limited to mobile crisis intervention services, or
26 other support intended to prevent more intensive or
27 in-patient interventions, skills training, intensive
28 care coordination, and cognitive-behavioral and
29 multisystemic family therapy. In addition, support
30 may be provided for prevention-oriented services
31 including mental health consultations regarding home
32 visits, child welfare, juvenile justice, and maternal
33 and child health services, and consultation for
34 preschool programs.

35 5. The division shall report regularly to the
36 commission, general assembly, and governor concerning
37 the implementation status of the children's system,
38 including but not limited to an annual report
39 submitted each January. The report may address
40 funding requirements and statutory amendments
41 necessary to further develop the children's system.

42 Sec. 54. Section 331.439, subsection 1, paragraph
43 a, Code Supplement 2007, is amended to read as
44 follows:

45 a. The county accurately reported by December 1
46 the county's expenditures for mental health, mental
47 retardation, and developmental disabilities services
48 and the information required under section 225C.6A,
49 subsection 2, paragraph "c", for the previous fiscal
50 year on forms prescribed by rules adopted by the state

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1 commission. If the department determines good cause
 2 exists, the department may extend a deadline otherwise
 3 imposed under this chapter, chapter 225C, or chapter
 4 426B for a county's reporting concerning mental
 5 health, mental retardation, or developmental
 6 disabilities services or related revenues and
 7 expenditures.

8 Sec. 55. 2007 Iowa Acts, chapter 215, section 1,
 9 is amended to read as follows:

10 SECTION 1. COUNTY MENTAL HEALTH, MENTAL
 11 RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN
 12 INJURY ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS –
 13 FISCAL YEAR 2008-2009.

14 1. There is appropriated from the general fund of
 15 the state to the department of human services for the
 16 fiscal year beginning July 1, 2008, and ending June
 17 30, 2009, the following amount, or so much thereof as
 18 is necessary, to be used for the purpose designated:

19 For distribution to counties of the county mental
 20 health, mental retardation, and developmental
 21 disabilities allowed growth factor adjustment for
 22 fiscal year 2008-2009, and for the brain injury
 23 services program in the department of public health:
 24 \$ 64,600,002
 25 54,081,310

26 ~~2. The amount appropriated in this section shall~~
 27 ~~be allocated as provided in a later enactment of the~~
 28 ~~general assembly.~~

29 2. There is appropriated from the property tax
 30 relief fund to the department of human services for
 31 the fiscal year beginning July 1, 2008, and ending
 32 June 30, 2009, the following amount, or so much
 33 thereof as is necessary, to be used for the purposes
 34 designated:

35 For distribution to counties of the county mental
 36 health, mental retardation, and developmental
 37 disabilities allowed growth factor adjustment, as
 38 provided in this section in lieu of the provisions of
 39 section 331.438, subsection 2, and section 331.439,
 40 subsection 3, and chapter 426B:
 41 \$ 7,592,099

42 Sec. 56. 2007 Iowa Acts, chapter 215, section 1,
 43 as amended by this division of this Act, is amended by
 44 adding the following new subsections:

45 NEW SUBSECTION. 3. Of the amount appropriated in
 46 subsection 1, \$12,000,000 shall be distributed as
 47 provided in this subsection.

48 a. To be eligible to receive a distribution under
 49 this subsection, a county must meet the following
 50 requirements:

1 (1) The county is levying for the maximum amount
 2 allowed for the county's mental health, mental
 3 retardation, and developmental disabilities services
 4 fund under section 331.424A for taxes due and payable
 5 in the fiscal year beginning July 1, 2008, or the
 6 county is levying for at least 90 percent of the
 7 maximum amount allowed for the county's services fund
 8 and that levy rate is more than \$2 per \$1,000 of the
 9 assessed value of all taxable property in the county.

10 (2) In the fiscal year beginning July 1, 2007, the
 11 county's mental health, mental retardation, and
 12 developmental disabilities services fund ending
 13 balance under generally accepted accounting principles
 14 was equal to or less than 15 percent of the county's
 15 actual gross expenditures for that fiscal year.

16 b. A county's allocation of the amount
 17 appropriated in this subsection shall be determined
 18 based upon the county's proportion of the general
 19 population of the counties eligible to receive an
 20 allocation under this subsection. The most recent
 21 population estimates issued by the United States
 22 bureau of the census shall be applied in determining
 23 population for the purposes of this paragraph.

24 c. The allocations made pursuant to this
 25 subsection are subject to the distribution provisions
 26 and withholding requirements established in this
 27 section for the county mental health, mental
 28 retardation, and developmental disabilities allowed
 29 growth factor adjustment for the fiscal year beginning
 30 July 1, 2008.

31 NEW SUBSECTION. 4. The funding appropriated in
 32 this section is the allowed growth factor adjustment
 33 for fiscal year 2008-2009, and shall be credited to
 34 the allowed growth funding pool created in the
 35 property tax relief fund and for distribution in
 36 accordance with section 426B.5, subsection 1:

37 \$ 49,673,409

38 NEW SUBSECTION. 5. The following formula amounts
 39 shall be utilized only to calculate preliminary
 40 distribution amounts for fiscal year 2008-2009 under
 41 this section by applying the indicated formula
 42 provisions to the formula amounts and producing a
 43 preliminary distribution total for each county:

44 a. For calculation of a distribution amount for
 45 eligible counties from the allowed growth funding pool
 46 created in the property tax relief fund in accordance
 47 with the requirements in section 426B.5, subsection 1:

48 \$ 57,337,985

49 b. For calculation of a distribution amount for
 50 counties from the mental health and developmental

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1 disabilities (MH/DD) community services fund in
 2 accordance with the formula provided in the
 3 appropriation made for the MH/DD community services
 4 fund for the fiscal year beginning July 1, 2008:
 5 \$ 17,727,890

6 NEW SUBSECTION. 6. After applying the applicable
 7 statutory distribution formulas to the amounts
 8 indicated in subsection 5 for purposes of producing
 9 preliminary distribution totals, the department of
 10 human services shall apply a withholding factor to
 11 adjust an eligible individual county's preliminary
 12 distribution total. In order to be eligible for a
 13 distribution under this section, a county must be
 14 levying seventy percent or more of the maximum amount
 15 allowed for the county's mental health, mental
 16 retardation, and developmental disabilities services
 17 fund under section 331.424A for taxes due and payable
 18 in the fiscal year for which the distribution is
 19 payable. An ending balance percentage for each county
 20 shall be determined by expressing the county's ending
 21 balance on a modified accrual basis under generally
 22 accepted accounting principles for the fiscal year
 23 beginning July 1, 2007, in the county's mental health,
 24 mental retardation, and developmental disabilities
 25 services fund created under section 331.424A, as a
 26 percentage of the county's gross expenditures from
 27 that fund for that fiscal year. If a county borrowed
 28 moneys for purposes of providing services from the
 29 county's services fund on or before July 1, 2007, and
 30 the county's services fund ending balance for that
 31 fiscal year includes the loan proceeds or an amount
 32 designated in the county budget to service the loan
 33 for the borrowed moneys, those amounts shall not be
 34 considered to be part of the county's ending balance
 35 for purposes of calculating an ending balance
 36 percentage under this subsection. The withholding
 37 factor for a county shall be the following applicable
 38 percent:

- 39 a. For an ending balance percentage of less than 5
 40 percent, a withholding factor of 0 percent. In
 41 addition, a county that is subject to this lettered
 42 paragraph shall receive an inflation adjustment equal
 43 to 3 percent of the gross expenditures reported for
 44 the county's services fund for the fiscal year.
- 45 b. For an ending balance percentage of 5 percent
 46 or more but less than 10 percent, a withholding factor
 47 of 0 percent. In addition, a county that is subject
 48 to this lettered paragraph shall receive an inflation
 49 adjustment equal to 2 percent of the gross
 50 expenditures reported for the county's services fund

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1 for the fiscal year.

2 c. For an ending balance percentage of 10 percent
3 or more but less than 25 percent, a withholding factor
4 of 25 percent. However, for counties with an ending
5 balance percentage of 10 percent or more but less than
6 15 percent, the amount withheld shall be limited to
7 the amount by which the county's ending balance was in
8 excess of the ending balance percentage of 10 percent.

9 d. For an ending balance percentage of 25 percent
10 or more, a withholding percentage of 100 percent.

11 NEW SUBSECTION. 7. The total withholding amounts
12 applied pursuant to subsection 6 shall be equal to a
13 withholding target amount of \$7,664,576. If the
14 department of human services determines that the
15 amount to be withheld in accordance with subsection 6
16 is not equal to the target withholding amount, the
17 department shall adjust the withholding factors listed
18 in subsection 6 as necessary to achieve the target
19 withholding amount. However, in making such
20 adjustments to the withholding factors, the department
21 shall strive to minimize changes to the withholding
22 factors for those ending balance percentage ranges
23 that are lower than others and shall not adjust the
24 zero withholding factor or the inflation adjustment
25 percentage specified in subsection 6, paragraph "a".

26 NEW SUBSECTION. 8. It is the intent of the
27 general assembly that for distribution of the moneys
28 addressed in this section to counties for the fiscal
29 year beginning July 1, 2009, any factor utilizing
30 services fund ending balances will be based upon the
31 fiscal year beginning July 1, 2007.

32 NEW SUBSECTION. 9. a. The department of human
33 services may implement a pilot project for a regional
34 service network established for mental health, mental
35 retardation, and developmental disabilities services
36 paid from the services funds under section 331.424A.
37 The initial term of the pilot project is limited to
38 the two-year period beginning July 1, 2008, and ending
39 June 30, 2010.

40 b. Under the pilot project, the department may
41 enter into an agreement with the counties
42 participating in the pilot project to administer a
43 risk-based contract for the mental health, mental
44 retardation, and developmental disabilities services
45 provided by the participating counties. The pilot
46 project provisions may include but are not limited to
47 all of the following:

48 (1) Pooling of the participating counties services
49 fund moneys.

50 (2) Pooling of waiver slots for the participating

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1 counties.

2 (3) To the extent allowed under federal
3 requirements, decategorizing the funding streams for
4 mental health, mental retardation, and developmental
5 disabilities available to the counties participating
6 in the pilot project.

7 (4) If the department implements a new program,
8 initiative, or service addressing the needs of the
9 populations receiving services paid for by a county
10 services fund, adapting any associated requirements to
11 optimize implementation within the pilot project
12 counties.

13 c. For purposes of qualifying for the allowed
14 growth and MH/DD community services fund moneys
15 distributed under this section, the minimum levy and
16 services fund ending balances of the counties
17 participating in the pilot project may be combined and
18 an average utilized to qualify for the moneys.

19 d. For the allowed growth and MH/DD community
20 services fund moneys distributed for the fiscal year
21 beginning July 1, 2009, provided the counties
22 participating in the pilot project do not reduce
23 levies below the required percentages, the combined
24 percentage of those moneys of such counties shall not
25 be less than the combined percentage of such moneys in
26 the preceding fiscal year.

27 e. A county's participation in the pilot project
28 and the provisions of the pilot project must be agreed
29 upon by the department and the board of supervisors of
30 each of the counties participating in the pilot
31 project.

32 f. The department may specify a minimum population
33 level and other prerequisites for the consortium of
34 counties participating in the pilot project.

35 g. The pilot project counties shall provide
36 periodic performance and evaluation information to the
37 department, governor, and general assembly.

38 Sec. 57. COUNTY-STATE SHARED FUNDING FOR MENTAL
39 HEALTH AND DISABILITY SERVICES COVERED BY THE MEDICAID
40 PROGRAM.

41 1. The legislative council is requested to
42 authorize for the 2008 legislative interim a task
43 force to consider county-state shared funding for
44 mental health and disability services covered by the
45 Medicaid program. The membership of the task force
46 should include five legislators from each chamber, one
47 member of the mental health, mental retardation,
48 developmental disabilities, and brain injury
49 (MH/MR/DD/BI) commission; three members of county
50 boards of supervisors, with one each from a large,

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1 medium, and small population county; three staff
2 members from the county central point of coordination
3 (CPC) office, with one each from a large, medium, and
4 small population county; two individuals representing
5 advocacy organizations, one of which shall be the
6 governor's developmental disabilities council; one
7 current consumer of county MH/MR/DD services; and one
8 MH/MR/DD/BI service provider representative from each
9 of the state's five congressional districts.

10 2. The task force should be charged to review and
11 estimate the shared impact for the state and for Iowa
12 counties if financial responsibility for the
13 nonfederal share of the costs of mental health and
14 disability services covered under the Medicaid program
15 is shifted from counties to the state. The task force
16 should be charged to develop an eight-year transition
17 plan that reflects the shared responsibility of costs
18 and service delivery resulting from the shift in
19 responsibilities. It is the intent of the general
20 assembly that the task force will be formed by June
21 15, 2008, and meet a minimum of four times in 2008.

22 3. In addition to legislative staff,
23 representatives of the department of management, the
24 Iowa state association of counties, the department of
25 human services, association of community providers,
26 and Iowa substance abuse program directors association
27 shall comprise a team of resource experts to the task
28 force.

29 4. The task force's final report for consideration
30 by the 2009 regular session of the general assembly
31 and governor shall include findings and
32 recommendations and a service delivery and funding
33 transition plan.

34 Sec. 58. COMMUNITY MENTAL HEALTH CENTER LAW
35 UPDATE.

36 1. The administrator of the division of mental
37 health and disability services of the department of
38 human services shall appoint a stakeholder advisory
39 committee to develop a proposal for updating and
40 revising Code chapter 230A, relating to community
41 mental health centers, and for revising the
42 accreditation standards in rule that would result from
43 the statutory revisions.

44 2. The membership of the advisory committee shall
45 include all of the following:

46 a. Five voting members representing the board of
47 directors and professional staff of community mental
48 health centers and division staff, selected by the
49 administrator.

50 b. Five voting members, not more than two of whom

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1 shall be employed by, providing services to, or
2 otherwise affiliated with a community mental health
3 center, selected one each by the following:

4 (1) The child welfare advisory committee
5 established pursuant to section 234.3.

6 (2) The coalition for family and children's
7 services in Iowa.

8 (3) The Iowa association of community providers.

9 (4) The Iowa chapter of the national association
10 of social workers.

11 (5) The Iowa psychological association jointly
12 with the Iowa psychiatric society.

13 c. Four ex officio, nonvoting members selected one
14 each by the following:

15 (1) A member of the senate selected by the
16 majority leader of the senate.

17 (2) A member of the senate selected by the
18 minority leader of the senate.

19 (3) A member of the house of representatives
20 selected by the speaker of the house of
21 representatives.

22 (4) A member of the house of representatives
23 selected by the minority leader of the house of
24 representatives.

25 Those selecting the voting members of the advisory
26 committee shall identify more than one option as
27 necessary for the membership to comply with the
28 political affiliation and gender balance requirements
29 of sections 69.16 and 69.16A.

30 3. The advisory committee recommendations shall
31 include but are not limited to addressing Code chapter
32 230A requirements in the following areas:
33 establishment and support of community mental health
34 centers, services offered, consumer and family
35 involvement, capability to address co-occurring
36 disorders, forms of organization, board of directors,
37 organization meetings, duties and powers of directors,
38 center organization as a nonprofit entity, annual
39 budget, financial support of centers through federal
40 and state block grants, comprehensive community mental
41 health programs, target populations to be served,
42 emergency mental health crisis services, quality
43 improvement programs, use of evidence-based practices,
44 use of functional assessments and outcomes measures,
45 establishment of standards, and review and evaluation
46 processes.

47 4. The advisory committee shall submit its report
48 with findings and recommendations to the governor and
49 general assembly on or before December 1, 2008. Until
50 the advisory committee report has been considered and

1 acted upon by the general assembly, the division
 2 administrator may defer consideration of requests for
 3 accreditation of a new community mental health center
 4 or for approval of a provider to fill the role of a
 5 community mental health center.

6 DIVISION IV

7 HEALTH CARE TRUST FUND APPROPRIATIONS –
 8 HEALTH CARE ACTIVITIES

9 Sec. 59. DEPARTMENT OF PUBLIC HEALTH. The
 10 allocations made in this section may include amounts
 11 carried forward from appropriations and allocations
 12 made for the same purposes in the previous fiscal
 13 year. In addition to any other appropriation made in
 14 this Act for the purposes designated, there is
 15 appropriated from the health care trust fund created
 16 in section 453A.35A to the department of public health
 17 for the fiscal year beginning July 1, 2008, and ending
 18 June 30, 2009, the following amounts, or so much
 19 thereof as is necessary, for the purposes designated,
 20 and for not more than the following full-time
 21 equivalent positions:

22 1. ADDICTIVE DISORDERS

23 \$ 2,955,164
 24 FTEs 5.00

25 a. Of the funds appropriated in this subsection,
 26 \$450,000 shall be used for culturally competent
 27 substance abuse treatment pilot projects.

28 (1) The department shall utilize the amount
 29 allocated in this lettered paragraph for at least
 30 three pilot projects to provide culturally competent
 31 substance abuse treatment in various areas of the
 32 state. Each pilot project shall target a particular
 33 ethnic minority population. The populations targeted
 34 shall include but are not limited to African-American,
 35 Asian, and Latino.

36 (2) The pilot project requirements shall provide
 37 for documentation or other means to ensure access to
 38 the cultural competence approach used by a pilot
 39 project so that such approach can be replicated and
 40 improved upon in successor programs.

41 b. Of the funds appropriated in this subsection,
 42 \$2,747,754 shall be used for tobacco use prevention,
 43 cessation, and treatment. The department shall
 44 utilize the funds to provide for a variety of
 45 activities related to tobacco use prevention,
 46 cessation, and treatment including to support Quitline
 47 Iowa, QuitNet cessation counseling and education,
 48 grants to school districts and community organizations
 49 to support Just Eliminate Lies youth chapters and
 50 youth tobacco prevention activities, the Just

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1 Eliminate Lies tobacco prevention media campaign,
 2 nicotine replacement therapy, and other prevention and
 3 cessation materials and media promotion. Of the funds
 4 allocated in this lettered paragraph, \$255,000 may be
 5 utilized by the department for administrative
 6 purposes.

7 c. Of the funds appropriated in this subsection,
 8 \$682,000 shall be used for substance abuse treatment
 9 activities.

10 2. HEALTHY CHILDREN AND FAMILIES

11 \$ 667,700
 12 FTEs 1.00

13 a. Of the funds appropriated in this subsection,
 14 \$200,000 shall be used to address the healthy mental
 15 development of children from birth through five years
 16 of age through local evidence-based strategies that
 17 engage both the public and private sectors in
 18 promoting healthy development, prevention, and
 19 treatment for children.

20 b. Of the funds appropriated in this subsection,
 21 \$180,000 shall be used for childhood obesity
 22 prevention.

23 c. Of the funds appropriated in this subsection,
 24 \$39,000 shall be used for the dental screening of
 25 children program pursuant to 2007 Iowa Acts, chapter
 26 146, section 1.

27 d. Of the funds appropriated in this subsection,
 28 \$10,000 shall be used for public health education and
 29 awareness of the children's vision initiatives,
 30 including the InfantSee program and the student vision
 31 program, administered through a statewide association
 32 of optometric professionals for infants and preschool
 33 children.

34 e. Of the funds appropriated in this subsection,
 35 \$238,500 shall be used to provide audiological
 36 services and hearing aids for children. The
 37 department may enter into a contract to administer
 38 this paragraph.

39 f. It is the intent of the general assembly that
 40 the department of public health shall implement the
 41 recommendations of the postnatal tissue and fluid bank
 42 task force created in 2007 Iowa Acts, chapter 147,
 43 based upon the report submitted to the general
 44 assembly in November 2007, as funding becomes
 45 available. The department shall notify the Iowa Code
 46 editor and the persons specified in this Act to
 47 receive reports when such funding becomes available.

48 3. CHRONIC CONDITIONS

49 \$ 1,164,181
 50 FTEs 1.00

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1 a. Of the funds appropriated in this subsection,
2 \$473,981 shall be used for child health specialty
3 clinics.

4 b. Of the funds appropriated in this subsection,
5 \$500,000 shall be used for the comprehensive cancer
6 control program to reduce the burden of cancer in Iowa
7 through prevention, early detection, effective
8 treatment, and ensuring quality of life. The
9 department shall utilize one of the full-time
10 equivalent positions authorized in this subsection for
11 administration of the activities related to the
12 comprehensive cancer control program.

13 c. Of the funds appropriated in this subsection,
14 \$5,000 shall be used for the hemophilia advisory
15 council pursuant to chapter 135N.

16 d. Of the funds appropriated in this subsection,
17 \$200,000 shall be used for cervical and colon cancer
18 screening.

19 4. COMMUNITY CAPACITY

20 \$ 2,790,000

21 FTEs 6.00

22 a. Of the funds appropriated in this subsection,
23 \$75,000 shall be used to further develop and implement
24 at the state level, and pilot at the local level, the
25 Iowa public health standards approved by the
26 department.

27 b. Of the funds appropriated in this subsection,
28 \$200,000 shall be used for the mental health
29 professional shortage area program implemented
30 pursuant to section 135.80.

31 c. Of the funds appropriated in this subsection,
32 \$50,000 shall be used for a grant to a statewide
33 association of psychologists that is affiliated with
34 the American psychological association to be used for
35 continuation of a program to rotate intern
36 psychologists in placements in urban and rural mental
37 health professional shortage areas, as defined in
38 section 135.80.

39 d. Of the funds appropriated in this subsection,
40 the following amounts shall be allocated to the Iowa
41 collaborative safety net provider network established
42 pursuant to section 135.153 to be used for the
43 purposes designated:

44 (1) For distribution to the Iowa-Nebraska primary
45 care association for statewide coordination of the
46 Iowa collaborative safety net provider network:
47 \$ 100,000

48 (2) For distribution to the Iowa family planning
49 network agencies for necessary infrastructure,
50 statewide coordination, provider recruitment, service

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- 1 delivery, and provision of assistance to patients in
- 2 determining an appropriate medical home:
- 3 \$ 100,000
- 4 (3) For distribution to the local boards of health
- 5 that provide direct services for pilot programs in
- 6 three counties to assist patients in determining an
- 7 appropriate medical home:
- 8 \$ 100,000
- 9 (4) For distribution to maternal and child health
- 10 centers for pilot programs in three counties to assist
- 11 patients in determining an appropriate medical home:
- 12 \$ 100,000
- 13 (5) For distribution to free clinics for necessary
- 14 infrastructure, statewide coordination, provider
- 15 recruitment, service delivery, and provision of
- 16 assistance to patients in determining an appropriate
- 17 medical home:
- 18 \$ 250,000
- 19 (6) For distribution to rural health clinics for
- 20 necessary infrastructure, statewide coordination,
- 21 provider recruitment, service delivery, and provision
- 22 of assistance to patients in determining an
- 23 appropriate medical home:
- 24 \$ 150,000
- 25 (7) For continuation of the safety net provider
- 26 patient access to specialty health care initiative as
- 27 described in 2007 Iowa Acts, ch. 218, section 109:
- 28 \$ 400,000
- 29 (8) For continuation of the pharmaceutical
- 30 infrastructure for safety net providers as described
- 31 in 2007 Iowa Acts, ch. 218, section 108:
- 32 \$ 400,000

33 The Iowa collaborative safety net provider network
 34 may continue to distribute funds allocated pursuant to
 35 this paragraph "d" through existing contracts or
 36 renewal of existing contracts.

37 e. Of the funds appropriated in this subsection,
 38 \$650,000 shall be used for the incubation grant
 39 program to community health centers that receive a
 40 total score of 85 based on the evaluation criteria of
 41 the health resources and services administration of
 42 the United States department of health and human
 43 services.

44 f. Of the funds appropriated in this subsection,
 45 \$75,000 shall be used for implementation of the
 46 recommendations of the direct care worker task force
 47 established pursuant to 2005 Iowa Acts, chapter 88,
 48 based upon the report submitted to the governor and
 49 the general assembly in December 2006.

50 g. Of the funds appropriated in this subsection,

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1 \$140,000 shall be used for allocation to an
2 independent statewide direct care worker association
3 for education, outreach, leadership development,
4 mentoring, and other initiatives intended to enhance
5 the recruitment and retention of direct care workers
6 in health and long-term care.

7 h. The department shall utilize one of the
8 full-time equivalent positions authorized in this
9 subsection for administration of the activities
10 related to the Iowa collaborative safety net provider
11 network.

12 i. The department shall utilize one of the
13 full-time equivalent positions authorized in this
14 subsection for administration of the voluntary health
15 care provider program pursuant to section 135.24.

16 Sec. 60. DEPARTMENT OF HUMAN SERVICES. In
17 addition to any other appropriation made in this Act
18 for the purposes designated, there is appropriated
19 from the health care trust fund created in section
20 453A.35A to the department of human services for the
21 fiscal year beginning July 1, 2008, and ending June
22 30, 2009, the following amounts, or so much thereof as
23 is necessary, for the purposes designated:

24 1. MEDICAL ASSISTANCE
25 \$ 113,690,856

26 Of the funds appropriated in this subsection,
27 \$250,000 shall be used for the grant to the Iowa
28 healthcare collaborative as described in section
29 135.40.

30 2. MH/MR/DD ALLOWED GROWTH FACTOR
31 \$ 7,592,099

32 The funds appropriated in this subsection shall be
33 credited to the property tax relief fund created in
34 section 426B.1.

35 Sec. 61. BEHAVIORAL HEALTH – DEVELOPING WORKFORCE
36 COMPETENCIES.

37 1. The department of public health shall continue
38 during the fiscal year beginning July 1, 2008, the
39 collaborative work with the departments of
40 corrections, education, elder affairs, and human
41 services, and other state agencies, commenced pursuant
42 to 2007 Iowa Acts, ch. 218, section 111, to enhance
43 the workforce competencies of professional and direct
44 care staff who provide behavioral health services,
45 including but not limited to all of the following:

- 46 a. Treatment of persons with co-occurring mental
47 health and substance use disorders.
- 48 b. Treatment of children with mental health or
49 substance use disorders.
- 50 c. Treatment of persons with serious mental

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1 illness.
2 d. Treatment of veterans of United States or Iowa
3 military service with mental health or substance use
4 disorders.

5 e. Treatment of older adults with mental health or
6 substance use disorders.
7 2. The department's collaborative effort shall
8 utilize the findings of the substance abuse and mental
9 health services administration of the United States
10 department of health and human services and materials
11 developed by the Annapolis coalition on the behavioral
12 health workforce in planning and implementing efforts
13 to enhance the competency-based training of the
14 state's behavioral health workforce.

15 DIVISION V

16 APPROPRIATION-RELATED CHANGES – EFFECTIVE DATE

17 Sec. 62. Section 35D.18, subsection 5, Code 2007,
18 is amended to read as follows:

19 5. Notwithstanding section 8.33, ~~up to five~~
20 ~~hundred thousand dollars of any balance in~~ the Iowa
21 veterans home revenue annual appropriation or revenues
22 that ~~remain~~ remains unencumbered or unobligated at the
23 close of the fiscal year shall not revert but shall
24 remain available for expenditure for specified
25 purposes of the Iowa veterans home until the close of
26 the succeeding fiscal year.

27 JUVENILE DETENTION HOME FUND

28 Sec. 63. HEALTHY IOWANS TOBACCO TRUST. There is
29 appropriated from the healthy Iowans tobacco trust
30 created in section 12.65, to the department of human
31 services for the fiscal year beginning July 1, 2007,
32 and ending June 30, 2008, for deposit in the juvenile
33 detention home fund created in section 232.142:

34 \$ 1,000,000

35 CHILD WELFARE DECATEGORYIZATION

36 FY 2006-2007 NONREVERSION

37 Sec. 64. 2006 Iowa Acts, chapter 1184, section 17,
38 subsection 4, is amended by adding the following new
39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
41 232.188, subsection 5, moneys from the allocations
42 made in this subsection or made from any other source
43 for the decategorization of child welfare and juvenile
44 justice funding initiative under section 232.188, that
45 are designated as carryover funding and that remain
46 unencumbered or unobligated at the close of the fiscal
47 year beginning July 1, 2007, shall not revert but
48 shall remain available for expenditure until the close
49 of the succeeding fiscal year to be used for the
50 purposes of continuing the initiative in the

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1 succeeding fiscal year.

2 VIETNAM CONFLICT VETERANS BONUS FUND

3 Sec. 65. 2007 Iowa Acts, chapter 176, section 3,
4 is amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
7 8.33, moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the
11 close of the succeeding fiscal year.

12 INJURED VETERANS GRANT PROGRAM

13 Sec. 66. 2006 Iowa Acts, chapter 1184, section 5,
14 as enacted by 2007 Iowa Acts, chapter 203, section 1,
15 subsection 4, unnumbered paragraph 2, is amended to
16 read as follows:

17 Notwithstanding section 8.33, moneys appropriated
18 in this subsection that remain unencumbered or
19 unobligated at the close of the fiscal year shall not
20 revert but shall remain available for expenditure for
21 the purposes designated until the close of the
22 ~~succeeding~~ fiscal year beginning July 1, 2008.

23 DEPARTMENT OF ELDER AFFAIRS – LIVABLE
24 COMMUNITY INITIATIVE

25 Sec. 67. 2007 Iowa Acts, chapter 215, section 32,
26 is amended by adding the following new subsection:
27 NEW SUBSECTION. 4. Notwithstanding section 8.33,
28 moneys appropriated in this section that remain
29 unencumbered or unobligated at the close of the fiscal
30 year shall not revert but shall remain available for
31 expenditure for the purposes designated until the
32 close of the succeeding fiscal year.

33 CHRONIC CONDITIONS – PKU

34 Sec. 68. 2007 Iowa Acts, chapter 218, section 2,
35 subsection 3, unnumbered paragraph 2, is amended to
36 read as follows:

37 Of the funds appropriated in this subsection,
38 \$100,000 shall be used as additional funding to
39 provide grants to individual patients who have
40 phenylketonuria (PKU) to assist with the costs of
41 necessary special foods. Notwithstanding section
42 8.33, moneys appropriated in this subsection and
43 allocated in this paragraph that remain unencumbered
44 or unobligated at the close of the fiscal year shall
45 not revert but shall remain available for expenditure
46 for the purposes designated until the close of the
47 succeeding fiscal year.

48 PUBLIC PROTECTION – ANTIVIRAL STOCKPILE

49 Sec. 69. 2007 Iowa Acts, chapter 218, section 2,
50 subsection 8, paragraph d, is amended to read as

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1 follows:

2 d. Of the funds appropriated in this subsection,
3 \$150,000 shall be used for management of the antiviral
4 stockpile. Notwithstanding section 8.33, moneys
5 appropriated in this subsection and allocated in this
6 paragraph that remain unencumbered or unobligated at
7 the close of the fiscal year shall not revert but
8 shall remain available for expenditure for the
9 purposes designated until the close of the succeeding
10 fiscal year.

11 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

12 Sec. 70. 2007 Iowa Acts, chapter 218, section 4,
13 subsection 1, is amended by adding the following new
14 unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
16 8.33, up to \$100,000 of the moneys appropriated in
17 this subsection that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for expenditure for
20 the purposes designated in this paragraph until the
21 close of the succeeding fiscal year. The purposes
22 shall include the sign for the veterans cemetery and
23 other necessary expenses.

24 COUNTY GRANT PROGRAM

25 Sec. 71. 2007 Iowa Acts, chapter 218, section 4,
26 subsection 4, unnumbered paragraph 3, is amended to
27 read as follows:

28 Notwithstanding section 8.33, moneys appropriated
29 in this subsection that remain unencumbered or
30 unobligated at the close of the fiscal year shall not
31 revert to the fund from which appropriated but shall
32 be credited to the veterans trust fund but shall
33 remain available for expenditure for the purposes
34 designated until the close of the succeeding fiscal
35 year.

36 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

37 BLOCK GRANT – CHILD CARE

38 Sec. 72. 2007 Iowa Acts, chapter 218, section 7,
39 subsections 1 and 7, are amended to read as follows:

40 1. To be credited to the family investment program
41 account and used for assistance under the family
42 investment program under chapter 239B:

43	\$ 36,890,944
44	28,390,944
45 7. For state child care assistance:	
46	\$ 18,986,177
47	27,486,177

48 a. Of the funds appropriated in this subsection,
49 up to \$18,986,177 shall be transferred to the child
50 care and development block grant appropriation made

1 for the federal fiscal year beginning October 1, 2007,
 2 and ending September 30, 2008, in 2007 Iowa Acts, ch.
 3 204, section 14. Of this amount, \$200,000 shall be
 4 used for provision of educational opportunities to
 5 registered child care home providers in order to
 6 improve services and programs offered by this category
 7 of providers and to increase the number of providers.
 8 The department may contract with institutions of
 9 higher education or child care resource and referral
 10 centers to provide the educational opportunities.
 11 Allowable administrative costs under the contracts
 12 shall not exceed 5 percent. The application for a
 13 grant shall not exceed two pages in length.

14 b. ~~The Any funds appropriated in this subsection~~
 15 ~~shall be transferred to the child care and development~~
 16 ~~block grant appropriation that remain unallocated~~
 17 shall be used for state child care assistance payments
 18 for individuals enrolled in the family investment
 19 program who are employed.

20 FAMILY INVESTMENT PROGRAM ACCOUNT

21 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

22 Sec. 73. 2007 Iowa Acts, chapter 218, section 8,
 23 subsection 4, paragraph b, is amended by adding the
 24 following new subparagraph:

25 NEW SUBPARAGRAPH. (7) Notwithstanding section
 26 8.33, moneys allocated in this lettered paragraph that
 27 remain unencumbered or unobligated at the close of the
 28 fiscal year shall not revert but shall remain
 29 available for expenditure for the purposes designated
 30 until the close of the succeeding fiscal year.

31 FAMILY INVESTMENT PROGRAM – TRANSITIONAL BENEFITS

32 Sec. 74. 2007 Iowa Acts, chapter 218, section 8,
 33 subsection 4, paragraph d, is amended to read as
 34 follows:

35 ~~d. For developing and implementing a new program~~
 36 ~~to provide transitional benefits to families with~~
 37 ~~members who are employed at the time the family leaves~~
 38 ~~the family investment program in accordance with~~
 39 ~~section 239B.11A, as enacted by this Act:~~

40 \$ 2,000,000

41 ~~The department may adopt emergency rules to~~
 42 ~~implement the new program.~~

43 CHILDREN'S HEALTH INSURANCE PROGRAM

44 Sec. 75. 2007 Iowa Acts, chapter 218, section 15,
 45 is amended by adding the following new subsection:

46 NEW SUBSECTION. 4. Notwithstanding sections 8.33
 47 and 514I.11, up to \$441,000 of the moneys appropriated
 48 in this section that remain unencumbered or
 49 unobligated at the close of the fiscal year shall not
 50 revert to any other fund but shall instead be

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1 transferred to the appropriation made in section 16 of
 2 this Act for child care assistance to be used for the
 3 state child care assistance program until the close of
 4 the succeeding fiscal year.

5 CHILD AND FAMILY SERVICES

6 TRANSFER FOR CHILD CARE

7 Sec. 76. 2007 Iowa Acts, chapter 218, section 18,
 8 subsection 3, is amended to read as follows:

9 3. The department may transfer funds appropriated
 10 in this section as necessary to pay the nonfederal
 11 costs of services reimbursed under the medical
 12 assistance program, the state child care assistance
 13 program, or the family investment program which are
 14 provided to children who would otherwise receive
 15 services paid under the appropriation in this section.
 16 The department may transfer funds appropriated in this
 17 section to the appropriations in this division of this
 18 Act for general administration and for field
 19 operations for resources necessary to implement and
 20 operate the services funded in this section.

21 CHILD AND FAMILY SERVICES FY 2007-2008

22 Sec. 77. 2007 Iowa Acts, chapter 218, section 18,
 23 is amended by adding the following new subsection:
 24 NEW SUBSECTION. 5A. Notwithstanding sections 8.33
 25 and 232.188, up to \$6,600,000 of the funds
 26 appropriated in this section that could otherwise be
 27 designated as carryover funding under section 232.188
 28 and that would remain unencumbered or unobligated at
 29 the close of the fiscal year shall instead be
 30 transferred to the appropriation made in section 16 of
 31 this Act for child care assistance to be used for the
 32 state child care assistance program until the close of
 33 the succeeding fiscal year.

34 CHILD AND FAMILY SERVICES

35 PROTECTIVE CHILD CARE

36 Sec. 78. 2007 Iowa Acts, chapter 218, section 18,
 37 subsection 9, is amended to read as follows:

38 9. Of the funds appropriated in this section, at
 39 least \$3,696,285 shall be used for protective child
 40 care assistance.

41 JUVENILE DETENTION FUNDING

42 Sec. 79. 2007 Iowa Acts, chapter 218, section 20,
 43 is amended to read as follows:

44 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys
 45 deposited in the juvenile detention home fund created
 46 in section 232.142 during the fiscal year beginning
 47 July 1, 2007, and ending June 30, 2008, are
 48 appropriated to the department of human services for
 49 the fiscal year beginning July 1, 2007, and ending
 50 June 30, 2008, for distribution as follows:

1 1. ~~An~~ The following amount which is equal to more
2 than 10 percent of the costs of the establishment,
3 improvement, operation, and maintenance of county or
4 multicounty juvenile detention homes in the fiscal
5 year beginning July 1, 2006. Moneys appropriated for
6 distribution in accordance with this subsection shall
7 be allocated among eligible detention homes, prorated
8 on the basis of an eligible detention home's
9 proportion of the costs of all eligible detention
10 homes in the fiscal year beginning July 1, 2006-
11 Notwithstanding section 232.142, subsection 3, the
12 financial aid payable by the state under that
13 provision for the fiscal year beginning July 1, 2007,
14 shall be limited to the amount appropriated for the
15 purposes of this subsection:
16 \$ 3,764,041

17 2. For renewal of a grant to a county with a
18 population between 189,000 and 196,000 in the latest
19 preceding certified federal census for implementation
20 of the county's runaway treatment plan under section
21 232.195:
22 \$ 80,000

23 3. For continuation and expansion of the community
24 partnership for child protection sites:
25 \$ 418,000

26 4. For continuation of the department's minority
27 youth and family projects under the redesign of the
28 child welfare system:
29 \$ 375,000

30 5. For funding of the state match for the federal
31 substance abuse and mental health services
32 administration (SAMHSA) system of care grant:
33 \$ 400,000
34 300,000

35 ~~6. For transfer to the appropriation made in this~~
36 ~~Act for child and family services to supplement the~~
37 ~~statewide expenditure target amount under section~~
38 ~~232.143 designated in the appropriation made in this~~
39 ~~Act for child and family services:~~
40 \$ 1,324,000

41 ~~7. For training of nonlicensed relatives caring~~
42 ~~for children in the child welfare system:~~
43 \$ 276,000

44 ~~8. 6. The remainder for additional alloc ns to~~
45 ~~county or multicounty juvenile detention homes, in~~
46 ~~accordance with the distribution requirements of~~
47 ~~subsection 4 shall be credited to the appropriation~~
48 ~~made in section 18 of this Act for child and family~~
49 ~~services to supplement the statewide expenditure~~
50 ~~target amount under section 232.143 designated in that~~

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1 appropriation. Notwithstanding section 8.33, moneys
 2 credited pursuant to this subsection that remain
 3 unencumbered or unobligated at the close of the fiscal
 4 year shall not revert but shall remain available for
 5 expenditure for caseload growth in the preparation for
 6 adult living program pursuant to section 234.46 until
 7 the close of the succeeding fiscal year.

8 SEXUALLY VIOLENT PREDATORS

9 Sec. 80. 2007 Iowa Acts, chapter 218, section 27,
 10 is amended by adding the following new subsection:
 11 NEW SUBSECTION. 3. Notwithstanding section 8.33,
 12 moneys appropriated in this section that remain
 13 unencumbered or unobligated at the close of the fiscal
 14 year shall not revert but shall remain available for
 15 expenditure for the purposes designated until the
 16 close of the succeeding fiscal year.

17 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

18 Sec. 81. 2007 Iowa Acts, chapter 218, section 28,
 19 is amended by adding the following new subsection:
 20 NEW SUBSECTION. 4. Notwithstanding section 8.33,
 21 up to \$1,500,000 of the moneys appropriated in this
 22 section that remain unencumbered or unobligated at the
 23 close of the fiscal year shall not revert but shall
 24 remain available for expenditure for the purposes
 25 designated until the close of the succeeding fiscal
 26 year.

27 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION

28 Sec. 82. 2007 Iowa Acts, chapter 218, section 29,
 29 is amended by adding the following new subsections:
 30 NEW SUBSECTION. 4. Of the funds appropriated in
 31 this section, \$1,000,000 is transferred to the
 32 juvenile detention home fund created in section
 33 232.142.

34 NEW SUBSECTION. 5. Notwithstanding section 8.33,
 35 up to \$110,000 of the moneys appropriated in this
 36 section that remain unencumbered or unobligated at the
 37 close of the fiscal year shall not revert but shall
 38 remain available for expenditure for the purposes
 39 designated until the close of the succeeding fiscal
 40 year.

41 ADJUSTMENT OF PHARMACY DISPENSING FEE

42 Sec. 83. 2007 Iowa Acts, chapter 218, section 31,
 43 subsection 1, paragraph b, is amended to read as
 44 follows:

45 b. ~~(4)~~ For the fiscal year beginning July 1,
 46 2007, the department shall reimburse pharmacy
 47 dispensing fees using a single rate of \$4.52 per
 48 prescription, or the pharmacy's usual and customary
 49 fee, whichever is lower.

50 ~~(2) Beginning July 1, 2007, the department of~~

1 ~~human services shall adopt rules, pursuant to chapter~~
2 ~~17A, to provide for the adjustment of the pharmacy~~
3 ~~dispensing fee to compensate for any reduction in the~~
4 ~~drug product cost reimbursement resulting from~~
5 ~~implementation of the average manufacturer price~~
6 ~~reimbursement standards for multisource generic drug~~
7 ~~products imposed pursuant to the federal Deficit~~
8 ~~Reduction Act of 2005, Pub. L. No. 109-171. In~~
9 ~~implementing the reimbursement, the department may~~
10 ~~adjust the reimbursement amount as necessary to~~
11 ~~provide reimbursement within the state funding~~
12 ~~appropriated for the fiscal year beginning July 1,~~
13 ~~2007, and ending June 30, 2008, for this purpose. The~~
14 ~~department shall submit a medical assistance state~~
15 ~~plan amendment to the centers for Medicare and~~
16 ~~Medicaid services of the United States department of~~
17 ~~health and human services as necessary to implement~~
18 ~~this subparagraph (2).~~

19 PHARMACEUTICAL SETTLEMENT ACCOUNT

20 Sec. 84. 2007 Iowa Acts, chapter 218, section 72,
21 is amended to read as follows:

22 SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
23 is appropriated from the pharmaceutical settlement
24 account created in section 249A.33 to the department
25 of human services for the fiscal year beginning July
26 1, 2007, and ending June 30, 2008, the following
27 amount, or so much thereof as is necessary, to be used
28 for the purpose designated:

29 To supplement the appropriations made for medical
30 contracts under the medical assistance program:

31 \$ 1,323,833
32 1,349,833

33 Of the funds appropriated in this section,
34 notwithstanding section 249A.33, \$26,000 is
35 transferred to the appropriation made in this Act from
36 the general fund of the state to the department of
37 public health for chronic conditions to be used for
38 the center for congenital and inherited disorders
39 established pursuant to section 136A.3.

40 IOWACARE COSTS

41 Sec. 85. 2007 Iowa Acts, chapter 218, section 74,
42 is amended by adding the following new subsection:
43 NEW SUBSECTION. 8. For payment to the publicly
44 owned acute care teaching hospital located in a county
45 with a population of over 350,000 included in the
46 expansion population provider network pursuant to
47 chapter 249J:

48 \$ 230,000

49 Disbursements under this subsection shall be made
50 monthly. The hospital shall submit a report following

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1 the close of the fiscal year regarding use of the
2 funds appropriated in this subsection to the persons
3 specified in this Act to receive reports.
4 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE
5 Sec. 86. 2006 Iowa Acts, chapter 1185, section 1,
6 subsection 2, as amended by 2007 Iowa Acts, chapter
7 218, section 83, subsection 2, paragraph c, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
10 provision of law to the contrary, moneys that were
11 transferred to the department of public health
12 pursuant to this paragraph "c" that remain
13 unencumbered or unobligated at the close of the fiscal
14 year shall not revert but shall instead be transferred
15 to the department of human services to the
16 appropriation made for the medical assistance program
17 in 2007 Iowa Acts, chapter 218, section 11.
18 Notwithstanding section 8.33, the transferred moneys
19 shall not revert at the close of the fiscal year but
20 shall instead remain available to be used for the
21 medical assistance program in the succeeding fiscal
22 year.

23 HEALTH CARE TRUST FUND

24 DEPARTMENT OF PUBLIC HEALTH – ADDICTIVE DISORDERS

25 Sec. 87. 2007 Iowa Acts, chapter 218, section 97,
26 subsection 1, is amended by adding the following new
27 paragraph:
28 NEW PARAGRAPH. d. Notwithstanding section 8.33,
29 moneys appropriated and allocated in this subsection
30 that remain unencumbered or unobligated at the close
31 of the fiscal year shall not revert but shall remain
32 available for expenditure for the purposes designated
33 until the close of the succeeding fiscal year.

34 HEALTH CARE TRUST FUND – DEPARTMENT OF

35 PUBLIC HEALTH – HEALTHY CHILDREN AND FAMILIES

36 Sec. 88. 2007 Iowa Acts, chapter 218, section 97,
37 subsection 2, is amended by adding the following new
38 paragraph:
39 NEW PARAGRAPH. g. Notwithstanding section 8.33,
40 moneys appropriated and allocated in this subsection
41 that remain unencumbered or unobligated at the close
42 of the fiscal year shall not revert but shall remain
43 available for expenditure for the purposes designated
44 until the close of the succeeding fiscal year.

45 HEALTH CARE TRUST FUND – DEPARTMENT OF

46 PUBLIC HEALTH – CHRONIC CONDITIONS

47 Sec. 89. 2007 Iowa Acts, chapter 218, section 97,
48 subsection 3, is amended by adding the following new
49 paragraph:
50 NEW PARAGRAPH. dd. Notwithstanding section 8.33,

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1 moneys appropriated and allocated in this subsection
2 that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain
4 available for expenditure for the purposes designated
5 until the close of the succeeding fiscal year.

6 HEALTH CARE TRUST FUND – DEPARTMENT OF
7 HUMAN SERVICES – STATE CHILDREN’S
8 HEALTH INSURANCE PROGRAM

9 Sec. 90. 2007 Iowa Acts, chapter 218, section 98,
10 subsection 2, is amended by adding the following new
11 paragraph:

12 NEW PARAGRAPH. d. Notwithstanding section 8.33,
13 moneys appropriated in this subsection that are
14 allocated for outreach and remain unencumbered or
15 unobligated at the close of the fiscal year, shall not
16 revert but shall remain available for expenditure for
17 the purposes designated until the close of the
18 succeeding fiscal year.

19 Sec. 91. Section 239B.11A, Code Supplement 2007,
20 is repealed.

21 Sec. 92. EFFECTIVE DATE. This division of this
22 Act, being deemed of immediate importance, takes
23 effect upon enactment.

24 DIVISION VI
25 PRIOR YEAR APPROPRIATION CHANGES

26
27 Sec. 93. 2007 Iowa Acts, chapter 214, section 9,
28 subsection 2, paragraph b, is amended to read as
29 follows:

30 b. Psychiatric hospital

31 For salaries, support, maintenance, equipment,
32 miscellaneous purposes, for the care, treatment, and
33 maintenance of committed and voluntary public
34 patients, and for not more than the following
35 full-time equivalent positions:

36	\$ 7,043,056
37	0
38	FTEs 269.65

39 Sec. 94. 2007 Iowa Acts, chapter 215, section 15,
40 unnumbered paragraph 1, is amended to read as follows:

41 There is appropriated from the general fund of the
42 state to the salary adjustment fund for distribution
43 by the department of management to the various state
44 departments, boards, commissions, councils, and
45 agencies, including the state board of regents except
46 as otherwise provided, and the judicial branch, for
47 the fiscal year beginning July 1, 2007, and ending
48 June 30, 2008, the amount of ~~\$106,848,004~~
49 \$106,569,196, or so much thereof as may be necessary,
50 to fully fund annual pay adjustments, expense

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1 reimbursements, and related benefits implemented
 2 pursuant to the following:
 3 Sec. 95. 2007 Iowa Acts, chapter 215, section 15,
 4 is amended by adding the following new subsection:
 5 NEW SUBSECTION. 16. The amount distributed to the
 6 state psychiatric hospital administered by the state
 7 board of regents from the appropriation in this
 8 section shall be reduced to zero.

9 Sec. 96. 2007 Iowa Acts, chapter 218, section 11,
 10 unnumbered paragraph 2, is amended to read as follows:

11 For medical assistance reimbursement and associated
 12 costs as specifically provided in the reimbursement
 13 methodologies in effect on June 30, 2007, except as
 14 otherwise expressly authorized by law, including
 15 reimbursement for abortion services, which shall be
 16 available under the medical assistance program only
 17 for those abortions which are medically necessary:

18 \$ 616,771,820
 19 631,593,774

20 Sec. 97. 2007 Iowa Acts, chapter 218, section 11,
 21 is amended by adding the following new subsections:
 22 NEW SUBSECTION. 17. a. Of the funds appropriated
 23 in this section, \$2,797,719 is allocated for state
 24 match for disproportionate share hospital payment of
 25 \$7,321,954 to hospitals that meet both of the
 26 following conditions:

- 27 (1) The hospital qualifies for disproportionate
- 28 share and graduate medical education payments.
- 29 (2) The hospital is an Iowa state-owned hospital
- 30 with more than 500 beds and eight or more distinct
- 31 residency specialty or subspecialty programs
- 32 recognized by the American college of graduate medical
- 33 education.

34 b. Distribution of the disproportionate share
 35 payment shall be made on a monthly basis. The total
 36 amount of disproportionate share payments including
 37 graduate medical education, enhanced disproportionation
 38 share, and Iowa state-owned teaching hospital payments
 39 shall not exceed the amount of the state's allotment
 40 under Pub. L. No. 102-234. In addition, the total
 41 amount of all disproportionate share payments shall
 42 not exceed the hospital-specific disproportionation
 43 share limits under Pub. L. No. 103-66.

44 NEW SUBSECTION. 18. Of the funds appropriated in
 45 this section, \$4,524,235 is transferred to the
 46 IowaCare account created in section 249J.24 for the
 47 fiscal year beginning July 1, 2007, and ending June
 48 30, 2008.

49 NEW SUBSECTION. 19. The department shall
 50 immediately notify the governor and the general

1 assembly of any changes in federal policies or
 2 application of policies that impact the distribution
 3 of hospital disproportionate share payments.
 4 Sec. 98. 2007 Iowa Acts, chapter 218, section 73,
 5 subsection 2, is amended to read as follows:
 6 2. There is appropriated from the IowaCare account
 7 created in section 249J.24 to the state board of
 8 regents for distribution to the university of Iowa
 9 hospitals and clinics for the fiscal year beginning
 10 July 1, 2007, and ending June 30, 2008, the following
 11 amount, or so much thereof as is necessary, to be used
 12 for the purposes designated:
 13 For salaries, support, maintenance, equipment, and
 14 miscellaneous purposes, for the provision of medical
 15 and surgical treatment of indigent patients, for
 16 provision of services to members of the expansion
 17 population pursuant to chapter 249J, and for medical
 18 education:

19	\$ 10,000,000
20	<u>25,684,211</u>

21 The amount appropriated in this subsection shall be
 22 distributed only if expansion population claims
 23 adjudicated and paid by the Iowa Medicaid enterprise
 24 exceed the appropriation to the state board of regents
 25 for distribution to the university of Iowa hospitals
 26 and clinics provided in subsection 1. The amount
 27 appropriated in this subsection shall be distributed
 28 monthly for expansion population claims adjudicated
 29 and approved for payment by the Iowa Medicaid
 30 enterprise using medical assistance program
 31 reimbursement rates.

32 Notwithstanding section 8.33, moneys appropriated
 33 in this subsection that remain unencumbered or
 34 unobligated at the close of the fiscal year shall not
 35 revert but shall remain available for expenditure for
 36 the purposes designated until the close of the
 37 succeeding fiscal year.

38 Sec. 99. EFFECTIVE DATE – RETROACTIVE
 39 APPLICABILITY. This division of this Act, being
 40 deemed of immediate importance, takes effect upon
 41 enactment and is retroactively applicable to December
 42 21, 2007.

43 DIVISION VII
 44 CODE CHANGES

45 Sec. 100. Section 28.9, subsection 5, Code 2007,
 46 is amended to read as follows:

47 5. A ~~community empowerment gifts and grants first~~
 48 ~~years first~~ account is created in the Iowa empowerment
 49 fund under the authority of the department of
 50 management. The account shall consist of gift or

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1 grant moneys obtained from any source, including but
 2 not limited to the federal government. Moneys
 3 credited to the account are appropriated to the
 4 department of management to be used for the community
 5 empowerment-related purposes for which the moneys were
 6 received.

7 Sec. 101. Section 135.22B, subsections 3 and 4,
 8 Code Supplement 2007, are amended to read as follows:

9 3. PURPOSE. The purpose of the brain injury
 10 services program is to provide services, service
 11 funding, or other support for persons with a brain
 12 injury under ~~one of the cost-share program component~~
 13 ~~or other~~ components established pursuant to this
 14 section. Implementation of the cost-share component
 15 or any other component of the program is subject to
 16 the funding made available for the program.

17 ~~4. GENERAL REQUIREMENTS — WAIVER ELIGIBLE~~
 18 ~~COMPONENT.~~

19 ~~a. The component of the brain injury services~~
 20 ~~program for persons eligible for the brain injury~~
 21 ~~services waiver is subject to the requirements~~
 22 ~~provided in this subsection.~~

23 ~~b. If a person is eligible for the brain injury~~
 24 ~~services waiver and is on the waiting list for the~~
 25 ~~waiver but the appropriation for the medical~~
 26 ~~assistance program does not have sufficient funding~~
 27 ~~designated to pay the nonfederal share of the costs to~~
 28 ~~remove the person from the waiting list, the brain~~
 29 ~~injury services program may provide the funding for~~
 30 ~~the nonfederal share of the costs in order for the~~
 31 ~~person to be removed from the waiting list and receive~~
 32 ~~services under the waiver.~~

33 ~~c. A person who receives support under the~~
 34 ~~waiver eligible component is not eligible to receive~~
 35 ~~support under the cost share component of the program.~~

36 ~~d. Provision of funding under the waiver eligible~~
 37 ~~component is not an entitlement. Subject to the~~
 38 ~~department of human services requirements for the~~
 39 ~~brain injury services waiver waiting list, the program~~
 40 ~~administrator shall make the final determination~~
 41 ~~whether funding will be authorized under this~~
 42 ~~component.~~

43 Sec. 102. Section 135.22B, subsection 5,
 44 unnumbered paragraph 1, Code Supplement 2007, is
 45 amended to read as follows:

46 The cost-share component of the brain injury
 47 services program shall be directed to persons who have
 48 been determined to be ineligible for the brain injury
 49 services waiver or persons who are eligible for the
 50 waiver but funding was not authorized or available to

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1 provide waiver eligibility for the persons ~~under the~~
2 ~~waiver eligible component~~. The cost-share component
3 is subject to general requirements which shall include
4 but are not limited to all of the following:

5 Sec. 103. Section 135.22B, subsection 8, paragraph
6 a, Code Supplement 2007, is amended to read as
7 follows:

8 a. The application materials for services under
9 ~~both the waiver eligible and cost-share components-~~
10 ~~component~~ of the brain injury services program shall
11 use the application form and other materials of the
12 brain injury services waiver. In order to apply for
13 the brain injury services program, the applicant must
14 authorize the department of human services to provide
15 the applicant's waiver application materials to the
16 brain injury services program. The application
17 materials provided shall include but are not limited
18 to the waiver application and any denial letter,
19 financial assessment, and functional assessment
20 regarding the person.

21 Sec. 104. NEW SECTION. 135.155 EARLY CHILDHOOD
22 IOWA COUNCIL.

23 1. COUNCIL CREATED. An early childhood Iowa
24 council is created as an alliance of stakeholders in
25 early care, health, and education systems that affect
26 children ages zero through five in Iowa.

27 2. PURPOSE. The purpose of the early childhood
28 Iowa council is to oversee the development of an Iowa
29 early childhood system by integrating the early care,
30 health, and education systems addressing the needs of
31 children ages zero through five and their families.
32 The council shall advise the governor, general
33 assembly, and public and private policy and service
34 providers in coordinating activities throughout the
35 state to fulfill its purpose.

36 3. VISION STATEMENT. All system development
37 activities addressed by the early childhood Iowa
38 council shall be aligned around the following vision
39 statement for the children of Iowa: "Every child,
40 beginning at birth, will be healthy and successful."

41 4. MEMBERSHIP. The early childhood Iowa council
42 membership shall include a representative of any
43 organization that touches the lives of young children
44 in the state ages zero through five, has endorsed the
45 purpose and vision statement for the council, has
46 endorsed the guiding principles adopted by the council
47 for the early childhood system, and has formally asked
48 to be a member and remains actively engaged in council
49 activities. The council shall work to ensure there is
50 geographic, cultural, and ethnic diversity among the

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1 membership.

2 5. PROCEDURE. Except as otherwise provided by
3 law, the early childhood Iowa council shall determine
4 its own rules of procedure and operating provisions.

5 6. STEERING COMMITTEE. The early childhood Iowa
6 council shall operate with a steering committee to
7 organize, manage, and coordinate the activities of the
8 council and its component groups. The steering
9 committee may act on behalf of the council as
10 necessary. The steering committee membership shall
11 consist of the co-chairpersons of the council's
12 component groups, the chairperson of the state agency
13 liaison team, the community empowerment facilitator or
14 the facilitator's designee, and other leaders
15 designated by the council.

16 7. COMPONENT GROUPS. The early childhood Iowa
17 council shall maintain component groups to address the
18 key components of the Iowa early childhood system.
19 Each component group shall have one private and one
20 public agency co-chairperson. The council may change
21 the component groups as deemed necessary by the
22 advisory council. Initially, there shall be a
23 component group for each of the following:

- 24 a. Governance planning and administration.
- 25 b. Professional development.
- 26 c. Public engagement.
- 27 d. Quality services and programs.
- 28 e. Resources and funding.
- 29 f. Results accountability.

30 8. STATE AGENCY LIAISON TEAM. A state agency
31 liaison team shall provide input into the efforts of
32 the early childhood Iowa council. In addition to
33 designees of the governor, the team shall consist of
34 the directors or chief administrators, or their
35 designees, from the following state agencies and
36 programs:

- 37 a. Child health specialty clinics.
- 38 b. Office of community empowerment in the
39 department of management.
- 40 c. Department of education.
- 41 d. Division of libraries and information services
42 of the department of education.
- 43 e. Office of the governor.
- 44 f. Department of human rights.
- 45 g. Department of human services.
- 46 h. Postsecondary education institutions, including
47 but not limited to institutions of higher learning
48 under the control of the state board of regents and
49 Iowa community colleges.
- 50 i. Department of public health.

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1 9. DUTIES. In addition to the advisory function
2 specified in subsection 2, the early childhood Iowa
3 council's duties shall include but are not limited to
4 all of the following regarding the Iowa early
5 childhood system:
6 a. Coordinate the development and implementation
7 of a strategic plan.
8 b. Assist in the development of responsibilities
9 across agencies and other entities to achieve
10 strategic goals.
11 c. Work with the Iowa empowerment board in
12 developing public-private partnerships to support the
13 early childhood system through the first years first
14 account in the Iowa empowerment fund and other efforts
15 for expanding investment of private funding in the
16 early childhood system. As this and similar efforts
17 to expand and coordinate investments from all public
18 and private sources evolve and mature, make
19 recommendations for designation of or contracting with
20 a private nonprofit organization to serve as a fiscal
21 agent for the early childhood system or another
22 approach for increasing public and private investment
23 in the system.
24 d. Report annually by December 31 to the governor
25 and general assembly. The report content shall
26 include but is not limited to all of the following:
27 (1) The status and results of the council's
28 efforts to engage the public regarding the early care,
29 health, and education needs of children ages zero
30 through five and the efforts to develop and promote
31 private sector involvement with the early childhood
32 system.
33 (2) The status of the community empowerment
34 initiative and the overall early childhood system in
35 achieving the following initial set of desired results
36 identified in section 28.2:
37 (a) Healthy children.
38 (b) Children ready to succeed in school.
39 (c) Safe and supportive communities.
40 (d) Secure and nurturing families.
41 (e) Secure and nurturing early care and education
42 environments.
43 Sec. 105. NEW SECTION. 135.156 LEAD AGENCY AND
44 OTHER STATE AGENCIES.
45 1. The lead agency for support of the early
46 childhood Iowa council for state agency efforts to
47 develop an early childhood system for Iowa shall be
48 the department of public health.
49 2. The department shall work with the early
50 childhood Iowa council in integrating early care,

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1 health, and education systems to develop an early
2 childhood system for Iowa. The department shall do
3 all of the following in developing the system:
4 a. Work with state agencies to enter into
5 memorandums of understanding outlining the agencies'
6 responsibilities in the system.
7 b. Work with private businesses, foundations, and
8 nonprofit organizations in implementing a
9 public-private partnership to develop and provide
10 funding for the system.
11 c. Maintain an internet site for distributing the
12 information provided through the council and its
13 component groups.

14 Sec. 106. Section 135B.34, Code 2007, is amended
15 by striking the section and inserting in lieu thereof
16 the following:

17 135B.34 HOSPITAL EMPLOYEES – CRIMINAL HISTORY AND
18 ABUSE RECORD CHECKS – PENALTY.

19 1. Prior to employment of a person in a hospital,
20 the hospital shall request that the department of
21 public safety perform a criminal history check and the
22 department of human services perform child and
23 dependent adult abuse record checks of the person in
24 this state. A hospital shall inform all persons prior
25 to employment regarding the performance of the records
26 checks and shall obtain, from the persons, a signed
27 acknowledgment of the receipt of the information. A
28 hospital shall include the following inquiry in an
29 application for employment: "Do you have a record of
30 founded child or dependent adult abuse or have you
31 ever been convicted of a crime, in this state or any
32 other state?"

33 2. a. If it is determined that a person being
34 considered for employment in a hospital has committed
35 a crime, the department of public safety shall notify
36 the hospital that upon the request of the hospital the
37 department of human services will perform an
38 evaluation to determine whether the crime warrants
39 prohibition of the person's employment in the
40 hospital.

41 b. If a department of human services child or
42 dependent adult abuse record check shows that the
43 person has a record of founded child or dependent
44 adult abuse, the department of human services shall
45 notify the hospital that upon the request of the
46 hospital the department of human services will perform
47 an evaluation to determine whether the founded child
48 or dependent adult abuse warrants prohibition of the
49 person's employment in the hospital.

50 c. An evaluation performed under this subsection

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1 shall be performed in accordance with procedures
2 adopted for this purpose by the department of human
3 services.

4 d. (1) If a person owns or operates more than one
5 hospital, and an employee of one of such hospitals is
6 transferred to another such hospital without a lapse
7 in employment, the hospital is not required to request
8 additional criminal and child and dependent adult
9 abuse records checks of that employee.

10 (2) If the ownership of a hospital is transferred,
11 at the time of transfer the records checks required by
12 this section shall be performed for each employee for
13 whom there is no documentation that such records
14 checks have been performed. The hospital may continue
15 to employ such employee pending the performance of the
16 records checks and any related evaluation.

17 3. In an evaluation, the department of human
18 services shall consider the nature and seriousness of
19 the crime or founded child or dependent adult abuse in
20 relation to the position sought or held, the time
21 elapsed since the commission of the crime or founded
22 child or dependent adult abuse, the circumstances
23 under which the crime or founded child or dependent
24 adult abuse was committed, the degree of
25 rehabilitation, the likelihood that the person will
26 commit the crime or founded child or dependent adult
27 abuse again, and the number of crimes or founded child
28 or dependent adult abuses committed by the person
29 involved. If the department of human services
30 performs an evaluation for the purposes of this
31 section, the department of human services has final
32 authority in determining whether prohibition of the
33 person's employment is warranted.

34 4. a. Except as provided in paragraph "b" and
35 subsection 2, a person who has committed a crime or
36 has a record of founded child or dependent adult abuse
37 shall not be employed in a hospital licensed under
38 this chapter unless an evaluation has been performed
39 by the department of human services.

40 b. A person with a criminal or abuse record who is
41 employed by a hospital licensed under this chapter and
42 is hired by another licensee without a lapse in
43 employment shall be subject to the criminal history
44 and abuse record checks required pursuant to
45 subsection 1. If an evaluation was previously
46 performed by the department of human services
47 concerning the person's criminal or abuse record and
48 it was determined that the record did not warrant
49 prohibition of the person's employment and the latest
50 record checks do not indicate a crime was committed or

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1 founded abuse record was entered subsequent to that
2 evaluation, the person may commence employment with
3 the other licensee while the department of human
4 services' evaluation of the latest record checks is
5 pending. Otherwise, the requirements of paragraph "a"
6 remain applicable to the person's employment.

7 5. a. If a person employed by a hospital that is
8 subject to this section is convicted of a crime or has
9 a record of founded child or dependent adult abuse
10 entered in the abuse registry after the person's
11 employment application date, the person shall inform
12 the hospital of such information within forty-eight
13 hours of the criminal conviction or entry of the
14 record of founded child or dependent adult abuse. The
15 hospital shall act to verify the information within
16 forty-eight hours of notification. If the information
17 is verified, the requirements of subsections 2, 3, and
18 4 regarding employability and evaluations shall be
19 applied by the hospital to determine whether or not
20 the person's employment is continued. The hospital
21 may continue to employ the person pending the
22 performance of an evaluation by the department of
23 human services to determine whether prohibition of the
24 person's employment is warranted. A person who is
25 required by this subsection to inform the person's
26 employer of a conviction or entry of an abuse record
27 and fails to do so within the required period commits
28 a serious misdemeanor.

29 b. If a hospital receives credible information, as
30 determined by the hospital, that a person employed by
31 the hospital has been convicted of a crime or a record
32 of founded child or dependent adult abuse has been
33 entered in the abuse registry after employment from a
34 person other than the employee and the employee has
35 not informed the hospital of such information within
36 the period required under paragraph "a", the hospital
37 shall act to verify the credible information within
38 forty-eight hours of receipt of the credible
39 information. If the information is verified, the
40 requirements of subsections 2, 3, and 4 regarding
41 employability and evaluations shall be applied by the
42 hospital to determine whether or not the person's
43 employment is continued.

44 c. The hospital may notify the county attorney for
45 the county where the hospital is located of any
46 violation or failure by an employee to notify the
47 hospital of a criminal conviction or entry of an abuse
48 record within the period required under paragraph "a".

49 6. A hospital licensed in this state may access
50 the single contact repository established by the

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1 department pursuant to section 135C.33 as necessary
2 for the hospital to perform record checks of persons
3 employed or being considered for employment by the
4 hospital.

5 Sec. 107. Section 135C.33, Code 2007, is amended
6 to read as follows:

7 135C.33 EMPLOYEES – CHILD OR DEPENDENT ADULT
8 ABUSE INFORMATION AND CRIMINAL RECORDS RECORD CHECKS
9 – EVALUATIONS – APPLICATION TO OTHER PROVIDERS –
10 PENALTY.

11 1. ~~Beginning July 1, 1997, prior~~ Prior to
12 employment of a person in a facility, the facility
13 shall request that the department of public safety
14 perform a criminal history check and the department of
15 human services perform a child and dependent adult
16 abuse record ~~check~~ checks of the person in this state.
17 ~~In addition, the facility may request that the~~
18 ~~department of human services perform a child abuse~~
19 ~~record check in this state.~~ Beginning July 1, 1997, a
20 A facility shall inform all persons prior to
21 employment regarding the performance of the records
22 checks and shall obtain, from the persons, a signed
23 acknowledgment of the receipt of the information.
24 ~~Additionally, a A~~ facility shall include the following
25 inquiry in an application for employment: "Do you
26 have a record of founded child or dependent adult
27 abuse or have you ever been convicted of a crime, in
28 this state or any other state?"

29 2. a. ~~If the it is determined that a person be ing~~
30 considered for employment in a facility has been
31 convicted of a crime under a law of any state ~~or has a~~
32 ~~record of founded child or dependent adult abuse, the~~
33 department of public safety shall notify the licensee
34 that upon the request of the licensee the department
35 of human services ~~shall, upon the facility's request,~~
36 ~~perform an evaluation~~ will perform an evaluation to
37 determine whether the crime ~~or founded child or~~
38 ~~dependent adult abuse~~ warrants prohibition of the
39 person's employment in the facility.

40 b. If a department of human services child or
41 dependent adult abuse record check shows that such
42 person has a record of founded child or dependent
43 adult abuse, the department of human services shall
44 notify the licensee that upon the request of the
45 licensee the department of human services will perform
46 an evaluation to determine whether the founded child
47 or dependent adult abuse warrants prohibition of
48 employment in the facility.

49 c. The An evaluation performed under this
50 subsection shall be performed in accordance with

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1 procedures adopted for this purpose by the department
2 of human services.

3 d. (1) If a person owns or operates more than one
4 facility, and an employee of one of such facilities is
5 transferred to another such facility without a lapse
6 in employment, the facility is not required to request
7 additional criminal and child and dependent adult
8 abuse record checks of that employee.

9 (2) If the ownership of a facility is transferred,
10 at the time of transfer the records checks required by
11 this section shall be performed for each employee for
12 whom there is no documentation that such records
13 checks have been performed. The facility may continue
14 to employ such employee pending the performance of the
15 records checks and any related evaluation.

16 ~~2. If the department of public safety determines~~
17 ~~that a person has committed a crime and is to be~~
18 ~~employed in a facility licensed under this chapter,~~
19 ~~the department of public safety shall notify the~~
20 ~~licensee that an evaluation, if requested by the~~
21 ~~facility, will be conducted by the department of human~~
22 ~~services to determine whether prohibition of the~~
23 ~~person's employment is warranted. If a department of~~
24 ~~human services child or dependent adult abuse record~~
25 ~~check shows that the person has a record of founded~~
26 ~~child or dependent adult abuse, the department of~~
27 ~~human services shall inform the licensee that an~~
28 ~~evaluation, if requested by the facility, will be~~
29 ~~conducted to determine whether prohibition of the~~
30 ~~person's employment is warranted.~~

31 3. In an evaluation, the department of human
32 services shall consider the nature and seriousness of
33 the crime or founded child or dependent adult abuse in
34 relation to the position sought or held, the time
35 elapsed since the commission of the crime or founded
36 child or dependent adult abuse, the circumstances
37 under which the crime or founded child or dependent
38 adult abuse was committed, the degree of
39 rehabilitation, the likelihood that the person will
40 commit the crime or founded child or dependent adult
41 abuse again, and the number of crimes or founded child
42 or dependent adult abuses committed by the person
43 involved. ~~The~~ If the department of human services
44 performs an evaluation for the purposes of this
45 section, the department of human services has final
46 authority in determining whether prohibition of the
47 person's employment is warranted.

48 4. a. Except as provided in paragraph "b" and
49 subsection 2, a person who has committed a crime or
50 has a record of founded child or dependent adult abuse

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1 shall not be employed in a facility licensed under
2 this chapter unless an evaluation has been performed
3 by the department of human services. ~~If the~~
4 ~~department of human services determines from the~~
5 ~~evaluation that the person has committed a crime or~~
6 ~~has a record of founded child or dependent adult abuse~~
7 ~~which warrants prohibition of employment, the person~~
8 ~~shall not be employed in a facility licensed under~~
9 ~~this chapter.~~

10 b. A person with a criminal or abuse record who is
11 employed by a facility licensed under this chapter and
12 is hired by another licensee without a lapse in
13 employment shall be subject to the criminal history
14 and abuse record checks required pursuant to
15 subsection 1. If an evaluation was previously
16 performed by the department of human services
17 concerning the person's criminal or abuse record and
18 it was determined that the record did not warrant
19 prohibition of the person's employment and the latest
20 record checks do not indicate a crime was committed or
21 founded abuse record was entered subsequent to that
22 evaluation, the person may commence employment with
23 the other licensee while the department of human
24 services' evaluation of the latest record checks is
25 pending. Otherwise, the requirements of paragraph "a"
26 remain applicable to the person's employment.

27 5. ~~a. Beginning July 1, 1998, this~~ This section
28 shall ~~also~~ apply to prospective employees of all of
29 the following, if the provider is regulated by the
30 state or receives any state or federal funding:

31 ~~a.~~ (1) An employee of a homemaker, home-health
32 aide, home-care aide, adult day services, or other
33 provider of in-home services if the employee provides
34 direct services to consumers.

35 ~~b.~~ (2) An employee of a hospice, if the employee
36 provides direct services to consumers.

37 ~~c.~~ (3) An employee who provides direct services
38 to consumers under a federal home and community-based
39 services waiver.

40 ~~d.~~ (4) An employee of an elder group home
41 certified under chapter 231B, if the employee provides
42 direct services to consumers.

43 ~~e.~~ (5) An employee of an assisted living program
44 certified under chapter 231C, if the employee provides
45 direct services to consumers.

46 b. In substantial conformance with the provisions
47 of this section, prior to the employment of such an
48 employee, the provider shall request the performance
49 of the criminal and child and dependent adult abuse
50 record checks ~~and may request the performance of the~~

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1 ~~child abuse record checks.~~ The provider shall inform
2 the prospective employee and obtain the prospective
3 employee's signed acknowledgment. The department of
4 human services shall perform the evaluation of any
5 criminal record or founded child or dependent adult
6 abuse record and shall make the determination of
7 whether a prospective employee of a provider shall not
8 be employed by the provider.

9 6. a. The department of inspections and appeals,
10 in conjunction with other departments and agencies of
11 state government involved with criminal history and
12 abuse registry information, shall establish a single
13 contact repository for facilities and other providers
14 to have electronic access to data to perform
15 background checks for purposes of employment, as
16 required of the facilities and other providers under
17 this section.

18 b. The department may access the single contact
19 repository for any of the following purposes:

- 20 (1) To verify data transferred from the
21 department's nurse aide registry to the repository.
22 (2) To conduct record checks of applicants for
23 employment with the department.

24 7. a. If a person employed by a facility,
25 service, or program employer that is subject to this
26 section is convicted of a crime or has a record of
27 founded child or dependent adult abuse entered in the
28 abuse registry after the person's employment
29 application date, the person shall inform the employer
30 of such information within forty-eight hours of the
31 criminal conviction or entry of the record of founded
32 child or dependent adult abuse. The employer shall
33 act to verify the information within forty-eight hours
34 of notification. If the information is verified, the
35 requirements of subsections 2, 3, and 4 regarding
36 employability and evaluations shall be applied by the
37 employer to determine whether or not the person's
38 employment is continued. The employer may continue to
39 employ the person pending the performance of an
40 evaluation by the department of human services to
41 determine whether prohibition of the person's
42 employment is warranted. A person who is required by
43 this subsection to inform the person's employer of a
44 conviction or entry of an abuse record and fails to do
45 so within the required period commits a serious
46 misdemeanor.

47 b. If a facility, service, or program employer
48 receives credible information, as determined by the
49 employer, that a person employed by the employer has
50 been convicted of a crime or a record of founded child

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1 or dependent adult abuse has been entered in the abuse
2 registry after employment from a person other than the
3 employee and the employee has not informed the
4 employer of such information within the period
5 required under paragraph "a", the employer shall act
6 to verify the credible information within forty-eight
7 hours of receipt of the credible information. If the
8 information is verified, the requirements of
9 subsections 2, 3, and 4 regarding employability and
10 evaluations shall be applied to determine whether or
11 not the person's employment is continued.

12 c. The employer may notify the county attorney for
13 the county where the employer is located of any
14 violation or failure by an employee to notify the
15 employer of a criminal conviction or entry of an abuse
16 record within the period required under paragraph "a".
17 Sec. 108. Section 135H.3, Code 2007, is amended to
18 read as follows:

19 135H.3 NATURE OF CARE.

20 1. A psychiatric medical institution for children
21 shall utilize a team of professionals to direct an
22 organized program of diagnostic services, psychiatric
23 services, nursing care, and rehabilitative services to
24 meet the needs of residents in accordance with a
25 medical care plan developed for each resident. Social
26 and rehabilitative services shall be provided under
27 the direction of a qualified mental health
28 professional.

29 2. A child who requires treatment for a
30 biologically based mental illness as defined in
31 section 514C.22, and meets the medical assistance
32 program criteria for admission to a psychiatric
33 medical institution for children shall be deemed to
34 meet the acuity criteria for inpatient benefits under
35 a group policy, contract, or plan providing for
36 third-party payment or prepayment of health, medical,
37 and surgical coverage benefits issued by a carrier, as
38 defined in section 513B.2, or by an organized delivery
39 system authorized under 1993 Iowa Acts, chapter 158,
40 that is subject to section 514C.22.

41 Sec. 109. Section 217.19, Code 2007, is amended by
42 adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. The department of
44 administrative services shall work with the department
45 of human services to develop and implement an expense
46 policy applicable to the members of a board,
47 commission, committee, or other body under the
48 auspices of the department of human services who meet
49 the income requirements for payment of per diem in
50 accordance with section 7E.6, subsection 2. The

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1 policy shall allow for the payment of the member's
2 expenses to be addressed through use of direct
3 billings, travel purchase card, prepaid expenses, or
4 other alternative means of addressing the expenses in
5 lieu of reimbursement of the member.

6 Sec. 110. Section 225C.40, Code 2007, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 4. If a family appeals the
9 termination of a family member who has attained the
10 age of eighteen years, family support subsidy payments
11 for that family member shall be withheld pending
12 resolution of the appeal.

13 Sec. 111. NEW SECTION. 234.47 STATE CHILD CARE
14 ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS –
15 EXPENDITURE PROJECTIONS. The department of human
16 services, the department of management, and the
17 legislative services agency shall utilize a joint
18 process to arrive at consensus projections for
19 expenditures for the state child care assistance
20 program under section 237A.13 and adoption subsidy and
21 other assistance provided under section 600.17.

22 Sec. 112. Section 235B.6, subsection 2, Code
23 Supplement 2007, is amended by adding the following
24 new paragraph:

25 NEW PARAGRAPH. f. To a person who submits written
26 authorization from an individual allowing the person
27 access to information on the determination only on
28 whether or not the individual who authorized the
29 access is named in a founded dependent adult abuse
30 report as having abused a dependent adult.

31 Sec. 113. Section 237A.3, Code 2007, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 3. The location at which the
34 child care is provided shall be a single-family
35 residence that is owned, rented, or leased by the
36 person or program providing the child care. For
37 purposes of this subsection, a "single-family
38 residence" includes an apartment, condominium,
39 townhouse, or other individual unit within a multiple
40 unit residential dwelling, but does not include a
41 commercial or industrial building that is primarily
42 used for purposes other than a residence.

43 Sec. 114. Section 237A.3A, subsection 3, Code
44 2007, is amended by adding the following new
45 paragraph:

46 NEW PARAGRAPH. d. The rules shall require a child
47 development home to be located in a single-family
48 residence that is owned, rented, or leased by the
49 person or, for dual registrations, at least one of the
50 persons who is named on the child development home's

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1 certificate of registration. For purposes of this
2 paragraph, a "single-family residence" includes an
3 apartment, condominium, townhouse, or other individual
4 unit within a multiple unit residential dwelling, but
5 does not include a commercial or industrial building
6 that is primarily used for purposes other than a
7 residence.

8 Sec. 115. Section 237A.5, subsection 2, Code 2007,
9 is amended by adding the following new paragraph:
10 NEW PARAGRAPH. cc. If a record check performed in
11 accordance with paragraph "b" or "c" identifies that
12 an individual is a person subject to an evaluation,
13 the department shall perform the evaluation in
14 accordance with this subsection, even if the
15 application which made the person subject to the
16 record check is withdrawn or the circumstances which
17 made the person subject to the record check are no
18 longer applicable. If the department's evaluation
19 determines that prohibition of the person's
20 involvement with child care is warranted, the
21 provisions of this subsection regarding such a
22 prohibition shall apply.

23 Sec. 116. Section 237A.13, subsection 8, Code
24 Supplement 2007, is amended by striking the
25 subsection.

26 Sec. 117. NEW SECTION. 249A.15A LICENSED MARITAL
27 AND FAMILY THERAPISTS AND LICENSED MASTER SOCIAL
28 WORKERS.

29 1. The department shall adopt rules pursuant to
30 chapter 17A entitling marital and family therapists
31 who are licensed pursuant to chapter 154D to payment
32 for behavioral health services provided to recipients
33 of medical assistance, subject to limitations and
34 exclusions the department finds necessary on the basis
35 of federal laws and regulations.

36 2. The department shall adopt rules pursuant to
37 chapter 17A entitling master social workers who hold a
38 master's degree approved by the board of social work,
39 are licensed as a master social worker pursuant to
40 section 154C.3, subsection 1, paragraph "b", and
41 provide treatment services under the supervision of an
42 independent social worker licensed pursuant to section
43 154C.3, subsection 1, paragraph "c", to payment for
44 behavioral health services provided to recipients of
45 medial assistance, subject to limitations and
46 exclusions the department finds necessary on the basis
47 of federal laws and regulations.

48 Sec. 118. Section 249J.20, subsections 2 and 4,
49 Code 2007, are amended to read as follows:

50 2. The council shall meet as often as deemed

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1 necessary, but shall meet at least ~~quarterly~~ annually
2 The council may use sources of information deemed
3 appropriate, and the department and other agencies of
4 state government shall provide information to the
5 council as requested. The legislative services agency
6 shall provide staff support to the council.

7 4. The council shall do all of the following:

8 a. Make ~~quarterly~~ cost projections for the medical
9 assistance program and the expansion population.

10 b. Review ~~quarterly~~ reports on all initiatives
11 under this chapter, including those provisions in the
12 design, development, and implementation phases, and
13 make additional recommendations for medical assistance
14 program and expansion population reform on an annual
15 basis.

16 c. Review annual audited financial statements
17 relating to the expansion population submitted by the
18 providers included in the expansion population
19 provider network.

20 d. Review ~~quarterly~~ reports on the success of the
21 Iowa Medicaid enterprise based upon the contractual
22 performance measures for each Iowa Medicaid enterprise
23 partner.

24 e. Assure that the expansion population is managed
25 at all times within funding limitations. In assuring
26 such compliance, the council shall assume that
27 supplemental funding will not be available for
28 coverage of services provided to the expansion
29 population.

30 Sec. 119. NEW SECTION. 256.35A IOWA AUTISM
31 COUNCIL.

32 1. An Iowa autism council is created to act in an
33 advisory capacity to the state in developing and
34 implementing a comprehensive, coordinated system to
35 provide appropriate diagnostic, intervention, and
36 support services for children with autism and to meet
37 the unique needs of adults with autism.

38 2. a. The council shall consist of thirteen
39 voting members appointed by the governor and confirmed
40 by the senate. The majority of the voting members
41 shall be individuals with autism or members of their
42 families. Additionally, each of the following shall
43 be represented among the voting members:

44 (1) Autism diagnostic and research specialists.

45 (2) Individuals with recognized expertise in
46 utilizing best practices for diagnosis, intervention,
47 education, and support services for individuals with
48 autism.

49 (3) Individuals providing residential services for
50 individuals with autism.

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1 (4) Mental health professionals with background or
2 expertise in a pertinent mental health field such as
3 psychiatry, psychology, or behavioral health.

4 (5) Private insurers.

5 (6) Teachers and representatives of area education
6 agencies.

7 b. In addition, representatives of the department
8 of education, the division of vocational
9 rehabilitation of the department of education, the
10 department of public health, the department of human
11 services, the governor's developmental disabilities
12 council, the division of insurance of the department
13 of commerce, and the state board of regents shall
14 serve as ex officio members of the advisory council.

15 Ex officio members shall work together in a
16 collaborative manner to serve as a resource to the
17 advisory council. The council may also form
18 workgroups as necessary to address specific issues
19 within the technical purview of individual members.

20 c. Voting members shall serve three-year terms
21 beginning and ending as provided in section 69.19, and
22 appointments shall comply with sections 69.16 and
23 69.16A. Vacancies on the council shall be filled in
24 the same manner as the original appointment. A person
25 appointed to fill a vacancy shall serve only for the
26 unexpired portion of the term. Public members shall
27 receive reimbursement for actual expenses incurred
28 while serving in their official capacity and may also
29 be eligible to receive compensation as provided in
30 section 7E.6.

31 d. The council shall elect a chairperson from its
32 voting members annually. A majority of the voting
33 members of the council shall constitute a quorum.

34 e. The department shall convene and provide
35 administrative support to the council.

36 3. The council shall focus its efforts on
37 addressing the unmet needs of individuals with autism
38 at various levels of severity and their families. The
39 council shall address all of the following:

40 a. Early identification by medical professionals
41 of autism, including education and training of health
42 care and mental health care professionals and the use
43 of best practice guidelines.

44 b. Appropriate early and intensive early
45 intervention services with access to models of
46 training.

47 c. Integration and coordination of the medical
48 community, community educators, childhood educators,
49 health care providers, and community-based services
50 into a seamless support system for individuals and

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1 their families.

2 d. General and special education support services.

3 e. In-home support services for families requiring
4 behavioral and other supports.

5 f. Training for educators, parents, siblings, and
6 other family members.

7 g. Enhancing of community agency responsiveness to
8 the living, learning, and employment needs of adults
9 with autism and provision of services including but
10 not limited to respite services, crisis intervention,
11 employment assistance, case management, and long-term
12 care options.

13 h. Financing options including but not limited to
14 medical assistance waivers and private health
15 insurance coverage.

16 i. Data collection.

17 4. The council shall meet quarterly. The council
18 shall submit a report to the governor and the general
19 assembly, annually by December 15, identifying the
20 needs and making recommendations for improving and
21 enhancing the lives of individuals with autism and
22 their families.

23 5. For the purposes of this section, "autism"
24 means a spectrum disorder that includes at various
25 levels of severity, autism, Asperger's disorder,
26 pervasive developmental disorder not otherwise
27 specified, Rett's syndrome, and childhood
28 disintegrative disorder.

29 Sec. 120. Section 514I.6, Code 2007, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 7. Provide qualified child health
32 plans to eligible children. A participating insurer
33 shall not require participation by a provider in other
34 health insurance products of the participating insurer
35 as a condition of participation in the qualified child
36 health plan.

37 Sec. 121. Section 642.2, subsection 4, Code 2007,
38 is amended to read as follows:

39 4. Notwithstanding subsections 2, 3, and 6, and 7,
40 any moneys owed to the child support obligor by the
41 state, with the exception of unclaimed property held
42 by the treasurer of state pursuant to chapter 556, and
43 payments owed to the child support obligor through the
44 Iowa public employees' retirement system are subject
45 to garnishment, attachment, execution, or assignment
46 by the child support recovery unit if the child
47 support recovery unit is providing enforcement
48 services pursuant to chapter 252B. Any moneys that
49 are determined payable by the treasurer pursuant to
50 section 556.20, subsection 2, to the child support

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1 obligor shall be subject to setoff pursuant to section
2 8A.504, notwithstanding any administrative rule
3 pertaining to the child support recovery unit limiting
4 the amount of the offset.

5 Sec. 122. 2005 Iowa Acts, chapter 167, section 61,
6 is amended by striking the section and inserting in
7 lieu thereof the following:

8 SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER
9 INMATES OF STATE INSTITUTIONS – REVIEW.

10 1. The president of the state board of regents
11 shall convene a workgroup comprised of the president
12 or the president's designee, the director of the
13 department of corrections or the director's designee,
14 the director of the department of human services or
15 the director's designee, and a representative of the
16 university of Iowa hospitals and clinics to review the
17 provision of treatment and care to the inmates,
18 students, patients, and former inmates specified in
19 sections 263.21 and 263.22. The review shall
20 determine all of the following:

21 a. The actual cost to the university of Iowa
22 hospitals and clinics to provide care and treatment to
23 the inmates, students, patients, and former inmates on
24 an annual basis. The actual cost shall be determined
25 utilizing Medicare cost accounting principles.

26 b. The number of inmates, students, patients, and
27 former inmates provided treatment at the university of
28 Iowa hospitals and clinics, annually.

29 c. The specific types of treatment and care
30 provided to the inmates, students, patients, and
31 former inmates.

32 d. The existing sources of revenue that may be
33 available to pay for the costs of providing care and
34 treatment to the inmates, students, patients, and
35 former inmates.

36 e. The cost to the department of human services,
37 the Iowa department of corrections, and the state
38 board of regents to provide transportation and
39 staffing relative to provision of care and treatment
40 to the inmates, students, patients, and former inmates
41 at the university of Iowa hospitals and clinics.

42 f. The effect of any proposed alternatives for
43 provision of care and treatment for inmates, students,
44 patients, or former inmates, including the proposed
45 completion of the hospital unit at the Iowa state
46 penitentiary at Fort Madison.

47 2. The workgroup shall submit a report of its
48 findings to the governor and the general assembly no
49 later than December 31, 2008. The report shall also
50 include any recommendations for improvement in the

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1 provision of care and treatment to inmates, students,
2 patients, and former inmates, under the control of the
3 department of human services, the Iowa department of
4 corrections, and the state board of regents.

5 Sec. 123. MEDICAID STATE PLAN – MARITAL AND
6 FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

7 1. The department of human services shall amend
8 the medical assistance state plan to allow marital and
9 family therapists licensed in the state to be
10 participating behavioral health providers under the
11 medical assistance program.

12 2. The department of human services shall amend
13 the medical assistance state plan to allow master
14 social workers who hold a master's degree approved by
15 the board of social work, are licensed as a master
16 social worker pursuant to section 154C.3, subsection
17 1, paragraph "b", and provide treatment services under
18 the supervision of an independent social worker
19 licensed pursuant to section 154C.3, subsection 1,
20 paragraph "c", to be participating behavioral health
21 services providers under the medical assistance
22 program.

23 DIVISION VIII

24 DOMESTIC VIOLENCE

25 Sec. 124. Section 236.2, Code 2007, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 4A. "Household pet" means pet as
28 defined in section 198.3.

29 Sec. 125. Section 236.3, subsection 6, Code 2007,
30 is amended to read as follows:

31 6. Name and age of each child under eighteen whose
32 welfare may be affected by the controversy. The
33 petition may also specify household pets which may be
34 affected by the controversy.

35 Sec. 126. Section 236.4, subsection 2, Code 2007,
36 is amended to read as follows:

37 2. The court may enter any temporary order it
38 deems necessary to protect the plaintiff from domestic
39 abuse prior to the hearing, including temporary
40 custody or visitation orders or temporary orders
41 relating to household pets, upon good cause shown in
42 an ex parte proceeding. Present danger of domestic
43 abuse to the plaintiff constitutes good cause for
44 purposes of this subsection.

45 a. The court may award temporary custody of or
46 establish temporary visitation rights with regard to
47 children under eighteen years of age. In awarding
48 temporary custody or temporary visitation rights, the
49 court shall give primary consideration to the safety
50 of the alleged victim and the children. Prior to the

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1 entry of any temporary order pursuant to this
2 subsection related to a child-custody determination as
3 defined in section 598B.102, the plaintiff shall
4 comply with the provisions of section 598B.209. If
5 the court finds that the safety of the alleged victim
6 will be jeopardized by unsupervised or unrestricted
7 visitation, the court shall set conditions or restrict
8 visitation as to time, place, duration, or
9 supervision, or deny visitation entirely, as needed to
10 guard the safety of the victim and the children. The
11 court shall also determine whether any other existing
12 orders awarding custody or visitation should be
13 modified.

14 b. The court may issue a temporary order granting
15 the petitioner the exclusive care, possession, or
16 control of a household pet specified in the petition
17 which may be affected by the controversy. In granting
18 temporary care, possession, or control of a household
19 pet, the court shall give primary consideration to the
20 safety of the alleged victim and the children.

21 Sec. 127. Section 236.5, subsection 2, Code 2007,
22 is amended by adding the following new paragraph:
23 NEW PARAGRAPH. bb. That the plaintiff or
24 defendant have exclusive care, possession, or control
25 of a household pet affected by the controversy.

DIVISION IX

TUITION ASSISTANCE – HEALTH CARE FACILITY EMPLOYEES

29 Sec. 128. TUITION ASSISTANCE FOR INDIVIDUALS
30 SERVING INDIVIDUALS WITH DISABILITIES – PILOT
31 PROGRAM.

32 1. If the general assembly appropriates moneys for
33 the establishment of a tuition assistance pilot
34 program for employees of health care facilities
35 serving adults with mental illness or mental
36 retardation, the department of education, in
37 consultation with the department of human services and
38 the community colleges, shall establish a statewide
39 pilot program to provide grants to community colleges
40 for the purpose of awarding tuition assistance to
41 individuals pursuing a course of study leading to a
42 degree applicable to the health care workforce and
43 employment by health care facilities that provide
44 services to adults with mental illness or mental
45 retardation.

46 2. Within the limits set by the appropriation for
47 this purpose, the departments of education and human
48 services shall work collaboratively to develop a
49 system for determining the number of hours a student
50 shall work in a health care facility in return for a

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1 percentage reduction in the student's tuition costs.
2 3. A participating community college shall enter
3 into an agreement with one or more participating
4 health care facilities, and may also enter into an
5 agreement with one or more local nonprofit public
6 agencies, to match state funds provided on a
7 dollar-for-dollar basis for tuition assistance for an
8 eligible student who is employed by a participating
9 health care facility to provide services to adults
10 with mental illness or mental retardation. A
11 participating health care facility shall agree to
12 provide the community college with the number of hours
13 the student has accrued in order that the community
14 college may determine the percentage reduction in the
15 student's tuition costs.

16 4. The grant recipient shall compile and submit
17 information regarding the program's implementation and
18 level of local participation in the program in the
19 manner prescribed by the department. The department
20 shall summarize the information and shall submit the
21 information and its findings and recommendations in a
22 report to the general assembly by January 15 of the
23 fiscal year following the completion of the pilot
24 program.

25 5. For purposes of this section, unless the
26 context otherwise requires:

27 a. "Eligible student" means an individual who is a
28 resident of Iowa, enrolled in a community college
29 pursuing a course of study leading to a degree
30 applicable to the health care workforce, and employed
31 by a participating health care facility to serve
32 adults with mental illness or mental retardation.

33 b. "Health care facility" means as defined in
34 section 135C.1.

35 c. "Participating health care facility" means a
36 health care facility that has entered into an
37 agreement with a community college in accordance with
38 this section and which employs an eligible student.

39 DIVISION X

40 JUVENILE COURT PROCEEDINGS

41 Sec. 129. Section 232.2, subsection 4, paragraph
42 e, Code Supplement 2007, is amended to read as
43 follows:

44 e. The most recent information available regarding
45 the child's health and education records, including
46 the date the records were supplied to the agency or
47 individual who is the child's foster care provider.
48 If the child remains in foster care until the age of
49 majority, the child is entitled to receive prior to
50 discharge the most recent information available

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1 regarding the child's health and educational records.

2 Sec. 130. Section 232.46, subsection 4, Code 2007,
3 is amended to read as follows:

4 4. A consent decree shall remain in force for ~~six~~
5 ~~months up to one year~~ unless the child is sooner
6 discharged by the court or by the juvenile court
7 officer or other agency or person supervising the
8 child. Upon application of a juvenile court officer
9 or other agency or person supervising the child made
10 prior to the expiration of the decree and after notice
11 and hearing, or upon agreement by the parties, a
12 consent decree may be extended for up to an additional
13 ~~six months year~~ by order of the court.

14 Sec. 131. Section 232.91, subsection 3, Code
15 Supplement 2007, is amended to read as follows:

16 3. Any person who is entitled under section 232.88
17 to receive notice of a hearing concerning a child
18 shall be given the opportunity to be heard in any
19 other review or hearing involving the child. A foster
20 parent, relative, or other individual with whom a
21 child has been placed for preadoptive care shall have
22 the right to be heard in any proceeding involving the
23 child. If a child is of an age appropriate to attend
24 the hearing but the child does not attend, the court
25 shall determine if the child was informed of the
26 child's right to attend the hearing.

27 DIVISION XI

28 INVESTIGATION OF DEATHS AT INSTITUTIONS

29 Sec. 132. NEW SECTION. 218.64 INVESTIGATION OF
30 DEATH.

31 1. For the purposes of this section, unless the
32 context otherwise requires, "institution" and
33 "resident" mean the same as defined in section 218.13.

34 2. Upon the death of a resident of an institution,
35 the county medical examiner shall conduct a
36 preliminary investigation of the death as provided in
37 section 331.802. The cost of the preliminary
38 investigation shall be paid by the department of human
39 services.

40 Sec. 133. Section 222.12, Code 2007, is amended to
41 read as follows:

42 222.12 DEATHS INVESTIGATED.

43 1. In the event of a sudden or mysterious Upon the
44 death of a patient of a resource center or the special
45 unit or any private institution for persons with
46 mental retardation, an, a preliminary investigation of
47 the death shall be held conducted as required by
48 section 218.64 by the county medical examiner as
49 provided in section 331.802. Such a preliminary
50 investigation shall also be conducted in the event of

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1 a sudden or mysterious death of a patient in a private
 2 institution for persons with mental retardation. The
 3 superintendent of a resource center or a special unit
 4 ~~or~~ chief administrative officer of any private
 5 institution may request an investigation of the death
 6 of any patient by the county medical examiner.

7 2. Notice of the death of the patient, and the
 8 cause ~~thereof of death~~, shall be sent to the county
 9 board of supervisors and to the judge of the court
 10 ~~having that~~ had jurisdiction over a committed patient.
 11 The fact of death with the time, place, and alleged
 12 cause shall be entered upon the docket of the court.

13 3. The parent, guardian, or other person
 14 responsible for the admission of a patient to ~~such~~
 15 ~~institutions~~ a private institution for persons with
 16 mental retardation may also request ~~an~~ such a
 17 preliminary investigation by the county medical
 18 examiner in the event of the death of the patient that
 19 is not sudden or mysterious. The person or persons
 20 making the request ~~shall be~~ are liable for the expense
 21 of such preliminary investigation and payment ~~therefor~~
 22 for the expense may be required in advance. ~~The~~
 23 ~~expense of a county medical examiner's investigation~~
 24 ~~when requested by the superintendent of a state~~
 25 ~~resource center or a special unit shall be paid from~~
 26 ~~support funds of that institution.~~

27 Sec. 134. Section 226.34, Code 2007, is amended to
 28 read as follows:

29 226.34 INVESTIGATION OF DEATH – NOTICE.

30 1. ~~An~~ Upon the death of a patient, the county
 31 medical examiner shall conduct a preliminary
 32 investigation by the county medical examiner shall be
 33 held in those cases where a death shall occur suddenly
 34 and without apparent cause, or a patient die and the
 35 patient's relatives so request, but in the latter case
 36 the relatives making the request shall be liable for
 37 the expense of the same, and payment therefor may be
 38 required in advance as required by section 218.64, in
 39 accordance with section 331.802.

40 2. ~~When~~ If a patient in any a mental heal th
 41 institute shall die dies from any cause, the
 42 superintendent of ~~said~~ the institute shall within
 43 three days of the date of death, send by certified
 44 mail a written notice of death to all of the
 45 following:

- 46 ~~1.~~ a. The decedent's nearest relative.
- 47 ~~2.~~ b. The clerk of the district court of the
- 48 county from which the patient was committed, ~~and,~~
- 49 ~~3.~~ c. The sheriff of the county from which the
- 50 patient was committed.

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1 Sec. 135. Section 331.802, subsection 2, Code
2 2007, is amended to read as follows:
3 2. a. If a person's death affects the public
4 interest, the county medical examiner shall conduct a
5 preliminary investigation of the cause and manner of
6 death, prepare a written report of the findings,
7 promptly submit the full report to the state medical
8 examiner on forms prescribed for that purpose, and
9 submit a copy of the report to the county attorney.
10 b. ~~For~~ Except as provided in section 21 or as
11 otherwise provided by law, for each preliminary
12 investigation and the preparation and submission of
13 the required reports, the county medical examiner
14 shall receive from the county of appointment a fee
15 determined by the board plus the examiner's actual
16 expenses. The fee and expenses paid by the county of
17 appointment shall be reimbursed to the county of
18 appointment by the county of the person's residence.
19 However, if the person's death is caused by a
20 defendant for whom a judgment of conviction and
21 sentence is rendered under section 707.2, 707.3,
22 707.4, 707.5, or 707.6A, the county of the person's
23 residence may recover from the defendant the fee and
24 expenses.

25 c. The fee and expenses of the county medical
26 examiner who performs an autopsy or conducts an
27 investigation of a person who dies after being brought
28 into this state for emergency medical treatment by or
29 at the direction of an out-of-state law enforcement
30 officer or public authority shall be paid by the
31 state. A claim for payment shall be filed with the
32 Iowa department of public health. If moneys are not
33 appropriated to the Iowa department of public health
34 for the payment of autopsies under this ~~subsection~~
35 paragraph, claims for payment shall be forwarded to
36 the state appeal board and, if authorized by the
37 board, shall be paid out of moneys in the general fund
38 of the state not otherwise appropriated.

39 Sec. 136. Section 331.802, subsection 3, Code
40 2007, is amended by adding the following new
41 paragraph:
42 NEW PARAGRAPH. k. Death of a person committed or
43 admitted to a state mental health institute, a state
44 resource center, the state training school, or the
45 Iowa juvenile home."

Amendment [H-8581](#) was adopted.

[SENATE FILE 2425](#) SUBSTITUTED FOR [HOUSE FILE 2697](#)

Foege of Linn asked and received unanimous consent to substitute [Senate File 2425](#) for [House File 2697](#).

[Senate File 2425](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, was taken up for consideration.

Foege of Linn offered amendment [H-8586](#) filed by him from the floor as follows:

[H-8586](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 24, by striking the figure
4 "4,851,698" and inserting the following: "5,251,698".

5 2. Page 2, by inserting after line 21 the
6 following:

7 "____. Of the funds appropriated in this section,
8 \$200,000 shall be used to replace federal funding for
9 the aging and disability resource center."

10 3. Page 2, by inserting after line 21 the
11 following:

12 "____. Of the funds appropriated in this section,
13 \$200,000 shall be used for expansion of the elder
14 abuse initiative program established pursuant to
15 section 231.56A to additional counties."

16 4. Page 4, by striking lines 1 through 8, and
17 inserting the following:

18 "____. Of the funds appropriated in this
19 subsection, \$100,000 shall be distributed to a
20 statewide coalition that has demonstrated
21 effectiveness in a research-based literacy program to
22 train parents and health care providers about the
23 importance of early childhood learning and literacy by
24 providing parents with age-appropriate counseling on
25 reading aloud to their children, giving children new
26 books, and providing a literacy-rich physician waiting
27 room environment."

28 5. Page 4, by striking lines 9 through 13.

29 6. Page 5, lines 30 and 31, by striking the words
30 and figures "pursuant to sections 135.102 and
31 135.103".

32 7. Page 6, line 13, by striking the figure

33 "2,798,513" and inserting the following: "2,961,013".

34 8. Page 6, line 24, by striking the figure
35 "100,000" and inserting the following: "262,500".

36 9. Page 8, by inserting after line 10 the
37 following:

38 "3. To enhance and standardize the availability,
39 delivery, and cost of delivery of gambling treatment
40 services statewide, the department shall implement a
41 transition process to transfer the delivery of
42 gambling treatment services to the network of licensed
43 substance abuse treatment providers funded by the
44 department. The transition process shall be completed
45 by July 1, 2009.

46 a. By December 1, 2008, licensed substance abuse
47 treatment providers funded by the department shall
48 submit to the department, plans and budgets that
49 address transitioning gambling treatment services,
50 providing gambling treatment services, and training

Page 2

1 staff to provide gambling treatment services. The
2 format for the plans and budgets shall be developed by
3 the department. Plans and budgets shall be approved
4 or disapproved by the department. The department
5 shall allocate funds to providers in accordance with
6 approved plans and budgets.

7 b. The transition process shall include the
8 establishment of joint licensure for gambling and
9 substance abuse treatment that includes one set of
10 standards, one licensure survey, comprehensive
11 technical assistance, and appropriately credentialed
12 counselors to support the following goals:

13 (1) Gambling treatment services are available to
14 Iowans statewide.

15 (2) The comorbidity and spectrum of conditions
16 involving substance use disorders, problematic and
17 pathological gambling, concerned persons, and mental
18 health disorders are readily acknowledged and service
19 providers have the skills to treat individuals who are
20 symptomatic with combinations of these conditions.

21 (3) Service providers also have the skills and
22 delivery structures to welcome and treat individuals
23 with single morbidity.

24 (4) Licensure standards for gambling treatment and
25 substance abuse treatment services are uniform to the
26 greatest possible extent, with no duplications or
27 contradictions.

28 (5) Client admissions to gambling treatment
29 services statewide are consistent with the incidence
30 of problematic and pathological gambling.

31 (6) Outcome measures for gambling treatment

32 services are uniform statewide.

33 (7) The costs to deliver gambling treatment
34 services are better aligned with the costs to deliver
35 substance abuse treatment services.

36 c. From the amounts appropriated in this section
37 and from other funding sources available for gambling
38 and substance abuse treatment, the department may
39 allocate up to \$100,000 for administrative costs to
40 develop and implement the transition process in
41 accordance with this subsection."

42 10. Page 10, by inserting after line 32 the
43 following:

44 "Notwithstanding section 8.33, moneys appropriated
45 in this subsection that remain unencumbered or
46 unobligated at the close of the fiscal year shall not
47 revert but shall remain available for expenditure for
48 the purposes designated until the close of the
49 succeeding fiscal year. However, unless such moneys
50 are encumbered or obligated on or before September 30,

Page 3

1 2009, the moneys shall revert."

2 11. Page 10, line 34, by striking the figure
3 "17,707,495" and inserting the following:
4 "19,707,495".

5 12. Page 11, by inserting before line 12 the
6 following:

7 "Of the funds appropriated in this subsection,
8 \$1,200,000 is allocated for additional income
9 maintenance workers and \$800,000 is allocated for
10 additional social workers."

11 13. Page 14, by striking lines 30 through 34.

12 14. Page 15, by inserting after line 19 the
13 following:

14 "The department shall amend the food stamp
15 employment and training state plan in order to
16 maximize to the fullest extent permitted by federal
17 law the use of the fifty-fifty match provisions for
18 the claiming of allowable federal matching funds from
19 the United States department of agriculture pursuant
20 to the federal food stamp employment and training
21 program for providing education, employment, and
22 training services for eligible food assistance program
23 participants, including but not limited to related
24 dependent care and transportation expenses."

25 15. Page 19, line 10, by striking the figure
26 "646,401,453" and inserting the following:
27 "643,005,671".

28 16. Page 24, line 35, by inserting after the word
29 "Act," the following: "beginning January 1, 2009,".

30 17. Page 25, line 3, by inserting after the word

31 "Act," the following: "beginning January 1, 2009,".

32 18. Page 25, by inserting after line 25 the
33 following:

34 "____. Of the funds appropriated in this section,
35 \$250,000 shall be used to implement the provisions in
36 2007 Iowa Acts, chapter 218, section 124, as amended
37 by the Eighty-second General Assembly, 2008 Session,
38 relating to eligibility for certain persons with
39 disabilities under the medical assistance program.

40 _____. The department of human services shall
41 conduct a review of the impact of broadening the list
42 of drugs prescribed for the treatment of diabetes on
43 the preferred drug list under the medical assistance
44 program in order to promote drugs that are appropriate
45 and therapeutically effective for persons with
46 diabetes. The review shall include, at a minimum, a
47 comparison of the effectiveness of drugs prescribed
48 for the treatment of diabetes and a cost analysis.
49 The department shall report its findings and
50 recommendations to the individuals specified in this

Page 4

1 Act to receive reports by December 15, 2008."

2 19. Page 27, line 27, by striking the figure
3 "15,873,103" and inserting the following:
4 "13,868,885".

5 20. Page 31, line 13, by striking the figure
6 "88,557,565" and inserting the following:
7 "88,210,005".

8 21. Page 31, line 34, by striking the figure
9 "36,441,744" and inserting the following:
10 "35,841,744".

11 22. Page 35, line 23, by striking the figure
12 "1,030,000" and inserting the following: "1,130,000".

13 23. Page 37, by inserting after line 21 the
14 following:

15 "25. Of the funds appropriated in this section,
16 \$152,440 shall be used for continuation of the funding
17 of one or more child welfare diversion and mediation
18 pilot projects as provided in 2004 Iowa Acts, chapter
19 1130, section 1."

20 24. Page 37, line 29, by striking the figure
21 "32,568,872" and inserting the following:
22 "33,168,872".

23 25. Page 44, by striking lines 2 through 13 and
24 inserting the following:

25 "6. Of the funds appropriated in this section,
26 \$260,000 shall be used for a grant to a statewide
27 association of counties for development and
28 implementation of the community services network to
29 replace the county management information system."

30 26. Page 45, line 26, by striking the figure

31 "16,682,067" and inserting the following:

32 "16,982,067".

33 27. Page 45, by inserting after line 33 the

34 following:

35 "3. Of the funds appropriated in this section,

36 \$300,000 is allocated for opening a new Alzheimer's

37 disease unit at one of the state mental health

38 institutes."

39 28. Page 48, by inserting after line 8 the

40 following:

41 "(4) A hospital is not eligible for an increase in

42 reimbursement under the medical assistance program for

43 the fiscal year beginning July 1, 2008, if at any time

44 within the 24-month period directly preceding the

45 start of that fiscal year, the hospital meets both of

46 the following criteria:

47 (a) Has been subject to a cease and desist order

48 or other adverse order or adverse decision by the

49 national labor relations board, either by the board or

50 by an administrative law judge under the board, in

Page 5

1 response to an unfair labor practice charge, and the

2 order or decision has not been subsequently overturned

3 by administrative or judicial review.

4 (b) Has been cited for a violation of the

5 occupational health and safety administration of the

6 United States department of labor pursuant to Iowa

7 Code chapter 88, and the citation has not been

8 subsequently overturned by administrative or judicial

9 review."

10 29. Page 48, line 21, by striking the figure

11 "2008" and inserting the following: "2009".

12 30. Page 54, by striking line 27 and inserting

13 the following: "provider entities, the state and

14 local offices of the long-term resident's care

15 advocate, the older Iowans' legislature, area agencies

16 on aging, the".

17 31. Page 55, by striking lines 13 through 25.

18 32. Page 55, by inserting before line 26 the

19 following:

20 "____. VISUAL INSPECTIONS AND REPAIR OF HAZARDS –

21 LEAD HAZARDS. The department of human services and

22 the department of education shall adopt rules to

23 require programs and facilities under the purview of

24 the respective department to conduct visual

25 assessments for lead hazards and to repair lead

26 hazards identified."

27 33. Page 63, line 7, by striking the figure

28 "500,000" and inserting the following: "1,000,000".

29 34. Page 63, by striking lines 32 through 35.

30 35. Page 89, line 20, by striking the figure

31 "113,690,856" and inserting the following:

32 "114,693,296".

33 36. Page 94, by striking lines 20 through 30 and

34 inserting the following:

35 "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

36 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

37 Sec.____. 2007 Iowa Acts, chapter 218, section 7,

38 subsection 3, is amended by adding the following new

39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

41 8.33, moneys appropriated in this subsection that

42 remain unencumbered or unobligated at the close of the

43 fiscal year shall not revert but shall remain

44 available for expenditure for the purposes designated

45 until the close of the succeeding fiscal year.

46 However, unless such moneys are encumbered or

47 obligated on or before September 30, 2008, the moneys

48 shall revert."

49 37. Page 98, by inserting after line 6 the

50 following:

Page 6

1 "MI/MR/DD STATE CASES

2 ADOPTION SUBSIDY

3 Sec.____. 2007 Iowa Acts, chapter 218, section 25,

4 subsection 3, is amended to read as follows:

5 3. Notwithstanding section 8.33, moneys

6 appropriated in this section that remain unencumbered

7 or unobligated at the close of the fiscal year shall

8 not revert but shall remain available for expenditure

9 for the purposes designated until the close of the

10 succeeding fiscal year. The first \$1,000,000 of such

11 moneys shall be transferred to the appropriation made

12 for adoption subsidy for the fiscal year beginning

13 July 1, 2008."

14 38. Page 100, line 10, by striking the word

15 "subsection" and inserting the following:

16 "subsections".

17 39. Page 100, by inserting after line 20 the

18 following:

19 "NEW SUBSECTION. 9. For the medical assistance

20 program only to the extent all other appropriations

21 made for the program are insufficient:

22 \$ 2,500,000"

23 40. Page 107, by inserting after line 14 the

24 following:

25 "Sec.____. Section 135.150, subsection 2, Code

26 Supplement 2007, is amended to read as follows:

27 2. a. Moneys appropriated to the department under

28 this section shall be for the purpose of operating a
 29 gambling treatment program and shall be used for
 30 funding of administrative costs and to provide
 31 programs which may include, but are not limited to,
 32 outpatient and follow-up treatment for persons
 33 affected by problem gambling, rehabilitation and
 34 residential treatment programs, information and
 35 referral services, crisis call access, education and
 36 preventive services, and financial management ~~and~~
 37 ~~credit counseling~~ services.

38 b. A person shall not maintain or conduct a
 39 gambling treatment program funded under this section
 40 unless the person has obtained a license for the
 41 program from the department. The department shall
 42 adopt rules to establish standards for the licensing
 43 and operation of gambling treatment programs under
 44 this section. The rules shall specify, but are not
 45 limited to specifying, the qualifications for persons
 46 providing gambling treatment services, standards for
 47 the organization and administration of gambling
 48 treatment programs, and a mechanism to monitor
 49 compliance with this section and the rules adopted
 50 under this section. Effective on or after July 1,

Page 7

1 2009, the department shall adopt rules regarding the
 2 joint licensure of gambling treatment and substance
 3 abuse treatment programs including qualifications for
 4 persons providing the services."

5 41. Page 107, line 26, by inserting after the
 6 word "policy" the following: "bodies".

7 42. Page 123, by inserting after line 8 the
 8 following:

9 "Sec. ____ NEW SECTION. 249A.36 HEALTH CARE
 10 INFORMATION SHARING.

11 1. As a condition of doing business in the state,
 12 health insurers including self-insured plans, group
 13 health plans as defined in the federal Employee
 14 Retirement Income Security Act of 1974, Pub. L. No.
 15 93-406, service benefit plans, managed care
 16 organizations, pharmacy benefits managers, and other
 17 parties that are, by statute, contract, or agreement,
 18 legally responsible for payment of a claim for a
 19 health care item or service, shall do all of the
 20 following:

21 a. Provide, with respect to individuals who are
 22 eligible for or are provided medical assistance under
 23 the state's medical assistance state plan, upon the
 24 request of the state, information to determine during
 25 what period the individual or the individual's spouse
 26 or dependents may be or may have been covered by a

27 health insurer and the nature of the coverage that is
28 or was provided by the health insurer, including the
29 name, address, and identifying number of the plan, in
30 accordance with section 505.25, in a manner prescribed
31 by the department of human services or as agreed upon
32 by the department and the entity specified in this
33 section.

34 b. Accept the state's right of recovery and the
35 assignment to the state of any right of an individual
36 or other entity to payment from the party for an item
37 or service for which payment has been made under the
38 medical assistance state plan.

39 c. Respond to any inquiry by the state regarding a
40 claim for payment for any health care item or service
41 that is submitted no later than three years after the
42 date of the provision of such health care item or
43 service.

44 d. Agree not to deny any claim submitted by the
45 state solely on the basis of the date of submission of
46 the claim, the type or format of the claim form, or a
47 failure to present proper documentation at the
48 point-of-sale that is the basis of the claim, if all
49 of the following conditions are met:

50 (1) The claim is submitted to the entity by the

Page 8

1 state within the three-year period beginning on the
2 date on which the item or service was furnished.

3 (2) Any action by the state to enforce its rights
4 with respect to such claim is commenced within six
5 years of the date that the claim was submitted by the
6 state.

7 2. The department of human services may adopt
8 rules pursuant to chapter 17A as necessary to
9 implement this section. Rules governing the exchange
10 of information under this section shall be consistent
11 with all laws, regulations, and rules relating to the
12 confidentiality or privacy of personal information or
13 medical records, including but not limited to the
14 federal Health Insurance Portability and
15 Accountability Act of 1996, Pub. L. No. 104-191, and
16 regulations promulgated in accordance with that Act
17 and published in 45 C.F.R. pts. 160 through 164."

18 43. Page 126, by striking lines 18 through 24.

19 44. By renumbering as necessary.

Foege of Linn offered the following amendment [H-8603](#), to amendment [H-8586](#), filed by him, Oldson of Polk, Kressig of Black Hawk, Kelley of Black Hawk, Gayman of Scott, Palmer of Mahaska, Smith of Marshall, Staed of Linn, Whitead of Woodbury, Bell of

Jasper , Wenthe of Fayette and Reichert of Muscatine from the floor and moved its adoption:

[H-8603](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 27, by striking the figure
5 "643,005,671" and inserting the following:
6 "649,497,984".
7 2. Page 4, by inserting after line 38 the
8 following:
9 "____. Page 46, line 32, by striking the figure
10 "2007." and inserting the following: "2007, plus 1
11 percent. Nursing facility rates calculated in
12 accordance with this subparagraph shall in no instance
13 exceed the rate component limits as defined in 441 IAC
14 81.6(16)."
15 _____. Page 47, line 23, by striking the figure
16 "4.52" and inserting the following: "4.57".
17 _____. Page 47, line 27, by striking the words
18 "remain at" and inserting the following: "be
19 increased by 1 percent over".
20 3. Page 5, by inserting after line 9 the
21 following:
22 "____. Page 48, line 16, by striking the words
23 "remain at" and inserting the following: "be
24 increased by 1 percent over".
25 4. Page 5, by inserting after line 11 the
26 following:
27 "____. Page 48, line 27, by striking the words
28 "remain at" and inserting the following: "be
29 increased by 1 percent over".
30 _____. Page 48, line 31, by striking the figure
31 "160.71" and inserting the following: "167.19".
32 _____. Page 48, line 34, by striking the words
33 "remain at" and inserting the following: "be
34 increased by 1 percent over".
35 _____. Page 49, line 8, by striking the words
36 "remain at" and inserting the following: "be
37 increased by 1 percent over".

Amendment [H-8603](#) was adopted.

L. Miller of Scott offered the following amendment [H-8607](#), to amendment [H-8586](#), filed by her from the floor and moved its adoption:

[H-8607](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 39 the
5 following:
6 "22. It is the intent of the general assembly that
7 if federal funding for the medical assistance program
8 is increased during the fiscal year beginning July 1,
9 2008, priority in utilization of the increased funding
10 shall be to eliminate the medical assistance home and
11 community-based services waivers waiting lists, with
12 any remaining funds being used to provide an
13 across-the-board percentage increase, up to 3 percent
14 above the rates existing on June 30, 2008, in the
15 reimbursement rates of medical assistance providers."

Amendment [H-8607](#) was adopted.

Wiencek of Black Hawk offered the following amendment [H-8608](#),
to amendment [H-8586](#), filed by her from the floor and moved its
adoption:

[H-8608](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 19 the
5 following:
6 "____. The department shall review the processes
7 for drug testing of persons responsible for the care
8 of a child in child abuse cases to evaluate the
9 effectiveness of the testing, whether it is applied in
10 the same manner in all service areas, identify how the
11 funding designated for drug testing is utilized, and
12 address other issues associated with the testing. The
13 department shall report concerning the review to the
14 persons designated by this Act to receive reports."
15 2. By renumbering as necessary.

Amendment [H-8608](#) was adopted.

Foege of Linn offered the following amendment [H-8598](#), to
amendment [H-8586](#), filed by him from the floor and moved its
adoption:

[H-8598](#)

- 1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 32, by striking the figure
5 "114,693,296" and inserting the following:
6 "114,953,296".
7 2. Page 7, by inserting after line 6 the
8 following:
9 "____. By striking page 119, line 35, through page
10 120, line 21."
11 3. By renumbering as necessary.

Amendment [H-8598](#) was adopted.

Heaton of Henry offered the following amendment [H-8606](#), to amendment [H-8586](#), filed by him from the floor and moved its adoption:

[H-8606](#)

- 1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, by inserting after line 8 the
5 following:
6 "Sec.____. Section 249A.20A, subsection 2, Code
7 2007, is amended by adding the following new
8 paragraph:
9 NEW PARAGRAPH. d. A member of the committee shall
10 disclose to the department, in a format and in
11 accordance with a schedule prescribed by rule of the
12 department, any financial relationship or affiliation
13 with a pharmaceutical manufacturer, including but not
14 limited to any payments or contributions for lectures,
15 consulting, research, or other services. The
16 disclosure requirements shall be at least as stringent
17 as the campaign disclosure requirements applicable to
18 a member of the general assembly pursuant to chapter
19 68A.
20 Sec.____. Section 249A.24, Code 2007, is amended
21 by adding the following new subsection:
22 NEW SUBSECTION. 4. A member of the commission
23 shall disclose to the department, in a format and in
24 accordance with a schedule prescribed by rule of the
25 department, any financial relationship or affiliation
26 with a pharmaceutical manufacturer, including but not
27 limited to any payments or contributions for lectures,
28 consulting, research, or other services. The

29 disclosure requirements shall be at least as stringent
30 as the campaign disclosure requirements applicable to
31 a member of the general assembly pursuant to chapter
32 68A."
33 2. By renumbering as necessary.

Amendment [H-8606](#) was adopted.

The House stood at ease at 9:50 p.m., until the fall of the gavel.

The House resumed session at 9:55 p.m., Speaker Murphy in the chair.

Kressig of Black Hawk in the chair at 9:59 p.m.

Van Fossen of Scott offered the following amendment [H-8612](#), to amendment [H-8586](#), filed by him from the floor and moved its adoption:

[H-8612](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 28 through 31 and
5 inserting the following
6 "____. By striking page 24, line 33, through page
7 25, line 6, and inserting the following:
8 "(1) For transfer to the appropriation made in
9 2007 Iowa Acts, chapter 215, section 1, subsection 1,
10 as amended by this Act, for allocation as additional
11 funding under new subsection 3 of that section, as
12 enacted by this Act, \$3,000,000."
13 2. Page 4, by inserting after line 22 the
14 following:
15 "____. Page 42, by inserting after line 16 the
16 following:
17 "4. Of the funds appropriated in this section,
18 \$1,000,000 is transferred to the appropriation made in
19 2007 Iowa Acts, chapter 215, section 1, subsection 1,
20 as amended by this Act, for allocation as additional
21 funding under new subsection 3 of that section, as
22 enacted by this Act."
23 3. Page 5, by inserting after line 28 the
24 following:
25 "____. Page 63, by striking lines 17 and 18 and
26 inserting the following:
27 "7. For transfer to the appropriation made in 2007

28 Iowa Acts, chapter 215, section 1, subsection 1, as
 29 amended by this Act, for allocation as additional
 30 funding under new subsection 3 of that section, as
 31 enacted by this Act:
 32 \$ 250,000"

Speaker Murphy in the chair at 10:00 p.m.

Roll call was requested by Van Fossen of Scott and Rants of Woodbury.

On the question "Shall amendment [H-8612](#) to amendment [H-8586](#), be adopted?" ([H.F. 2425](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rasmussen	Rayhons
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Windschitl	Worthan		

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Staed	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Clute	Roberts
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Amendment [H-8612](#) lost.

Heaton of Henry offered the following amendment [H-8609](#), to amendment [H-8586](#), filed by him from the floor and moved its adoption:

[H-8609](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 1 the
5 following:
6 "____. The department of human services shall
7 conduct a review of the medical assistance home and
8 community-based services waivers, including but not
9 limited to the upper limit of reimbursement for each
10 waiver and the services provided under each waiver,
11 and shall make recommendations to the individuals
12 specified in this Act to receive reports by December
13 15, 2008, regarding revising the upper limits of
14 reimbursement and services provided."

Amendment [H-8609](#) was adopted.

Jacobs of Polk offered the following amendment [H-8613](#), to amendment [H-8586](#), filed by her from the floor and moved its adoption:

[H-8613](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 1 the
5 following:
6 "____. To the extent allowed by federal law, it is
7 the intent of the general assembly that individuals
8 with amyotrophic lateral sclerosis who are eligible
9 for such services are given priority status in
10 receiving services under the medical assistance home
11 and community-based services waivers."

Amendment [H-8613](#) lost.

Heaton of Henry offered the following amendment [H-8618](#), to amendment [H-8586](#), filed by him from the floor and moved its adoption:

[H-8618](#)

1 Amend the amendment, [H-8586](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 10 the
5 following:

6 "____. Page 11, line 13, by striking the figure
7 "3,744,000" and inserting the following:
8 "4,616,130"."

9 2. Page 4, by inserting after line 4 the
10 following:

11 "____. Page 30, line 29, by striking the figure
12 "7,579,484" and inserting the following: "7,663,642".

13 _____. Page 30, line 34, by striking the figure
14 "11,948,327" and inserting the following:
15 "12,040,991"."

16 3. Page 4, by inserting after line 22 the
17 following:

18 "____. Page 39, line 29, by striking the figure
19 "5,727,743" and inserting the following: "5,840,220".

20 _____. Page 39, line 35, by striking the figure
21 "7,023,073" and inserting the following: "7,124,187".

22 _____. Page 40, line 6, by striking the figure
23 "10,495,879" and inserting the following:
24 "10,676,040".

25 _____. Page 40, line 12, by striking the figure
26 "1,874,721" and inserting the following: "1,935,276".

27 _____. Page 40, line 22, by striking the figure
28 "17,102,330" and inserting the following:
29 "17,251,783".

30 _____. Page 40, line 25, by striking the figure
31 "11,266,164" and inserting the following:
32 "11,345,002"."

33 4. Page 4, by inserting after line 29 the
34 following:

35 "____. Page 44, line 29, by striking the figure
36 "6,492,008" and inserting the following:
37 "6,504,718"."

38 5. Page 4, line 32, by striking the figure
39 "16,982,067" and inserting the following:
40 "15,809,937".

Amendment [H-8618](#) lost.

Division of amendment [H-8586](#), as amended, was requested as follows:

Page 1, lines 36 through page 2 line 41, page 6 lines 23 through page 7 line 4, Division A.

Page 4 lines 2 through 4, page 5 line 17 through page 8 line 18, Division B.

Page 4 line 39 through page 5 line 9, Division C.

Page 1 lines 3-35, page 2 line 42 through page 4 line 1, page 4 lines 5-38, page 5 lines 10 through 16, page 5 line 18 through page 6 line 22, page 7 lines 5 to page 8 line 17, page 8 line 18, Division D.

Foege of Linn moved the adoption of amendment [H-8586A](#).

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 51, nays 47.

Amendment [H-8586A](#) was adopted.

Foege of Linn moved the adoption of amendment [H-8586B](#).

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8586B](#) be adopted?" ([S.F. 2425](#))

The ayes were, 54:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert

Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Mr. Speaker Murphy		

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencsek	Windschitl	Worthan

Absent or not voting, 2:

Clute	Roberts
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Amendment [H-8586B](#) was adopted.

Foege of Linn moved the adoption of amendment [H-8586C](#), as amended.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8586C](#), as amended, be adopted?" ([S.F. 2425](#))

The ayes were, 50:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Kelley	Kressig	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell

Whitaker Zirkelbach	Whitead Mr. Speaker Murphy	Winckler	Wise
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The nays were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gipp
Granzow	Grassley	Greiner	Heaton
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

Absent or not voting, 5:

Clute Schueller	Jochum	Kuhn	Roberts
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Amendment [H-8586C](#), as amended, was adopted.

Foege of Linn moved the adoption of amendment [H-8586D](#).

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8586D](#), as amended, be adopted?" ([S.F. 2425](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill

Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencek	Winckler
Windschitl	Wise	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 3:

Clute	Roberts	Schueller
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Amendment [H-8586D](#), as amended was adopted, placing out of order the following amendments:

Amendment [H-8590](#) filed by Heaton of Henry, Anderson of Page, Granzow of Hardin, Rasmussen of Buchanan, Huseman of Cherokee, Horbach of Tama and Watts of Dallas from the floor.

Amendment [H-8592](#) filed by Van Fossen of Scott, Alons of Sioux, Anderson of Page, Arnold of Lucas, Baudler of Adair, Boal of Polk, Chambers of O'Brien, De Boef of Keokuk, Deyoe of Story, Dolecheck of Ringgold, Drake of Pottawattamie, Gipp of Winneshiek, Granzow of Hardin, Grassley of Butler, Greiner of Washington, Heaton of Henry, Hoffman of Crawford, Horbach of Tama, Huseman of Cherokee, Jacobs of Polk, Kaufmann of Cedar, Lukan of Dubuque, May of Dickinson, L. Miller of Scott, S. Olson of Clinton, Paulsen of Linn, Pettengill of Benton, Raecker of Polk, Rants of Woodbury, Rasmussen of Buchanan, Rayhons of Hancock, Sands of Louisa, Schickel of Cerro Gordo, Soderberg of Plymouth, Struyk of Pottawattamie, Tjepkes of Webster, Tomenga of Polk, Tymeson of Madison, Upmeyer of Hancock, Van Engelenhoven of Marion, Watts of Dallas, Wiencek of Black Hawk, Windschitl of Harrison and Worthan of Buena Vista from the floor.

Amendment [H-8595](#) filed by L. Miller of Scott from the floor.

Amendment [H-8596](#) filed by Jacobs of Polk from the floor.

Amendment [H-8602](#) filed by Wiencek of Black Hawk from the floor.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Struyk of Pottawattamie.

Raecker of Polk asked and received unanimous consent that amendment [H-8610](#) be deferred.

Tymeson of Madison offered the following amendment [H-8589](#) filed by her from the floor and moved its adoption:

[H-8589](#)

- 1 Amend [Senate File 2425](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by striking lines 2 through 6.

Amendment [H-8589](#) lost.

Heaton of Henry offered the following amendment [H-8591](#) filed by him from the floor and moved its adoption:

[H-8591](#)

- 1 Amend [Senate File 2425](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, by striking lines 4 through 9, and
- 4 inserting the following:
- 5 "5. Of the funds appropriated in this section, in
- 6 addition to any other funds appropriated or allocated
- 7 for this purpose, up to \$3,050,082 shall be used to
- 8 reduce the waiting lists of the home and
- 9 community-based services waivers under the medical
- 10 assistance program. The department shall distribute
- 11 the funding allocated in this subsection
- 12 proportionately among all home and community-based
- 13 services waivers."

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment [H-8591](#) lost.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-8593](#) filed by him from the floor.

Foege of Linn asked and received unanimous consent that amendment [H-8605](#) be deferred.

Foege of Linn offered the following amendment [H-8616](#) filed by him from the floor and moved its adoption:

[H-8616](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 46, by striking lines 6 through 20 and
4 inserting the following:
5 "Sec. ___. ALLOWED GROWTH – ADDITIONAL FUNDING.
6 There is appropriated from the general fund of the
7 state to the department of human services for the
8 fiscal year beginning July 1, 2008, and ending June
9 30, 2009, the following amount, or so much thereof as
10 is necessary, to be used for the purposes designated:
11 To be credited to the appropriation made in 2007
12 Iowa Acts, chapter 215, section 1, subsection 1, as
13 amended by this Act, for allocation as additional
14 funding under new subsection 3 of that section, as
15 enacted by this Act:
16 \$ 750,000"
17 2. Page 64, by striking lines 1 through 19 and
18 inserting the following:
19 "11. For transfer to the appropriation made in
20 2007 Iowa Acts, chapter 215, section 1, subsection 1,
21 as amended by this Act, for allocation as additional
22 funding under new subsection 3 of that section, as
23 enacted by this Act:
24 \$ 200,000"

Amendment [H-8616](#) was adopted, placing out of order amendment [H-8605](#), previously deferred, filed by Foege of Linn from the floor.

Upmeyer of Hancock offered the following amendment [H-8617](#) filed by her and L. Miller of Scott from the floor and moved its adoption:

[H-8617](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 49, by inserting after line 3 the

4 following:
5 "ii. Notwithstanding any provision to the
6 contrary, for the fiscal year beginning July 1, 2008,
7 the reimbursement rate for anesthesiologists shall be
8 increased by 1 percent over the medical assistance
9 rate for anesthesiologists in effect on July 1, 2007."

Amendment [H-8617](#) was adopted.

Heddens of Story offered amendment [H-8587](#) filed by her from the floor and requested division as follows:

[H-8587](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

[H-8587A](#)

3 1. Page 67, by striking lines 24 and 25 and
4 inserting the following:
5 "2. a. A statewide emergency mental health crisis
6 services system shall be implemented through counties
7 in accordance with this section."
8 2. Page 68, by striking line 24 and inserting the
9 following:
10 "b. Identification of county groupings, geographic
11 regions,".

[H-8587B](#)

12 3. Page 69, line 16, by striking the word
13 "division" and inserting the following: "commission".

On motion by Heddens of Story, amendment [H-8587A](#) was adopted.

Heddens of Story asked and received unanimous consent to withdraw amendment [H-8587B](#).

Gayman of Scott asked and received unanimous consent to withdraw amendment [H-8615](#) filed by her from the floor.

Heddens of Story offered amendment [H-8588](#) filed by her from the floor as follows:

[H-8588](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 82, line 10, through page 84,
4 line 2, and inserting the following:

5 "Sec. _____. COMMUNITY MENTAL HEALTH CENTER LAW
6 UPDATE.

7 1. The mental health, mental retardation,
8 developmental disabilities, and brain injury
9 commission, as part of fulfilling its responsibilities
10 under chapter 225C, shall develop a proposal for
11 updating and revising Code chapter 230A, relating to
12 community mental health centers, and for revising the
13 accreditation standards in rule that would result from
14 the statutory revisions.

15 2. The proposal content shall include but is not
16 limited to addressing Code chapter 230A requirements
17 in the following areas: establishment and support of
18 community mental health centers, services offered,
19 consumer and family involvement, capability to address
20 co-occurring disorders, forms of organization, board
21 of directors, organization meetings, duties and powers
22 of directors, center organization as a nonprofit
23 entity, annual budget, financial support of centers
24 through federal and state block grants, comprehensive
25 community mental health programs, target populations
26 to be served, emergency mental health crisis services,
27 quality improvement programs, use of evidence-based
28 practices, use of functional assessments and outcomes
29 measures, establishment of standards, and review and
30 evaluation processes.

31 3. The commission shall submit the proposal with
32 findings and recommendations to the governor and
33 general assembly on or before December 1, 2008. Until
34 the report has been considered and acted upon by the
35 general assembly, the division administrator may defer
36 consideration of requests for accreditation of a new
37 community mental health center or for approval of a
38 provider to fill the role of a community mental health
39 center."

Heddens of Story offered the following amendment [H-8620](#), to
amendment [H-8588](#), filed by her from the floor and moved its
adoption:

[H-8620](#)

1 Amend the amendment, [H-8588](#), to [Senate File 2425](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 14, by inserting after the word
5 "revisions." the following: "The commission shall
6 utilize an advisory committee in developing the
7 proposal. In addition to the interests represented on
8 the commission, the advisory committee membership
9 shall include but is not limited to representatives of
10 the following: the child welfare advisory committee
11 established pursuant to section 234.3, the coalition
12 for family and children's services in Iowa, the Iowa
13 chapter of the national association of social workers,
14 the Iowa psychological society, and the Iowa
15 psychiatric society."

Amendment [H-8620](#) was adopted.

On motion by Heddens of Story, amendment [H-8588](#), as amended, was adopted.

Granzow of Hardin offered the following amendment [H-8597](#) filed by her from the floor and moved its adoption:

[H-8597](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 84, by inserting after line 2 the
4 following:
5 "Sec. ___. MENTAL HEALTH PATIENT ADVOCATE INTERIM
6 STUDY. The legislative council shall authorize a 2008
7 legislative interim study of the duties,
8 responsibilities, funding, and authority for the
9 mental health patient advocates appointed by the
10 courts under chapter 229. In addition to legislators,
11 the study committee membership shall include
12 representatives of counties, the judicial branch,
13 mental health patient advocates, and the department of
14 human services. The study committee shall
15 specifically identify the appropriate appointing
16 authority and funding source for the advocates in the
17 study recommendations."
18 2. By renumbering as necessary.

Amendment [H-8597](#) was adopted.

Raecker of Polk offered the following amendment [H-8599](#) filed by him from the floor and moved its adoption:

H-8599

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 91, by inserting after line 2 the
4 following:

5 "GENERAL FUND OF THE STATE
6 Sec.____. RISK POOL SUPPLEMENTAL. There is
7 appropriated from the general fund of the state to the
8 department of human services for the fiscal year
9 beginning July 1, 2007, and ending June 30, 2008, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 For deposit in the risk pool of the property tax
13 relief fund:

14 § 1,331,933

15 The department shall distribute the amount
16 appropriated in this section to the counties that
17 applied for and received awards from the risk pool
18 board in February 2008. Each such county shall
19 receive the remainder of the eligible amount as
20 determined for the county by the risk pool board that
21 was not awarded by the board in February 2008."
22 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 50.

Amendment [H-8599](#) lost.

Chambers of O'Brien asked and received unanimous consent to
withdraw amendment [H-8611](#) filed by him from the floor.

Van Engelenhoven of Marion offered the following amendment [H-8600](#)
filed by him and Upmeyer of Hancock from the floor and moved
its adoption:

H-8600

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 121, by inserting after line 21 the
4 following:

5 "Sec.____. Section 235B.19, subsection 1, Code
6 2007, is amended to read as follows:

7 1. If the department determines that a dependent
8 adult is suffering from dependent adult abuse which

9 presents an immediate danger to the health or safety
10 of the dependent adult or which results in irreparable
11 harm to the physical or financial resources or
12 property of the dependent adult, and that the
13 dependent adult lacks capacity to consent to receive
14 protective services and that no consent can be
15 obtained, the department ~~may~~ shall petition the court
16 with probate jurisdiction in the county in which the
17 dependent adult resides for an emergency order
18 authorizing protective services.

19 Sec. ____ Section 235B.19, subsection 3, paragraph
20 c, Code 2007, is amended to read as follows:

21 c. Order the provision of other available services
22 necessary to remove conditions creating the danger to
23 health or safety, including the services of peace
24 officers or emergency services personnel, and
25 including the termination of a guardianship or a
26 conservatorship pursuant to the requirements of
27 section 633.675."

28 2. By renumbering as necessary.

Amendment [H-8600](#) was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment [H-8601](#) filed by him from the floor.

Granzow of Hardin offered the following amendment [H-8619](#) filed by her from the floor and moved its adoption:

[H-8619](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 126, by inserting after line 17 the
4 following:

5 "Sec. ____. NEW SECTION. 284.15 DEPARTMENT OF
6 HUMAN SERVICES INSTITUTIONS – PRACTITIONERS.

7 1. For purposes of this chapter, an individual who
8 holds a practitioner's license issued under chapter
9 272 and who is employed in a nonadministrative
10 position by the department of human services at the
11 state training school, the Iowa juvenile home, or the
12 state mental health institutes located in Cherokee and
13 Independence shall be considered a teacher if the
14 individual and the institution in which the individual
15 practices meet the requirements of this chapter. If
16 an institution and a practitioner employed by the
17 institution are determined by the department to meet
18 the requirements of this chapter, the department shall
19 annually distribute funds to the institution in the

20 manner prescribed for school districts pursuant to
 21 section 284.13.
 22 2. The area education agencies in which the
 23 institutions are located shall work with the
 24 institutions to develop a plan for meeting the
 25 requirements of this chapter, which shall be submitted
 26 to the department of education, the department of
 27 human services, and the general assembly by January
 28 14, 2009. This subsection is repealed July 1, 2009."
 29 2. By renumbering as necessary.

Amendment [H-8619](#) lost.

Heaton of Henry offered the following amendment [H-8594](#) filed by
 him and Tymeson of Madison from the floor and moved its adoption:

[H-8594](#)

1 Amend [Senate File 2425](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 135, by inserting after line 32 the
 4 following:
 5 "DIVISION _____
 6 CHILD CARE NATIONAL CRIMINAL RECORD CHECKS
 7 Sec.____. Section 237A.3, subsection 2, Code 2007,
 8 is amended to read as follows:
 9 2. a. A person shall not provide child care as a
 10 child care home provider unless the person and any
 11 person who resides or will reside in the child care
 12 home have been subject to a fingerprint-based national
 13 criminal history record check in accordance with
 14 section 237A.5.
 15 b. If a person or program does not comply with
 16 paragraph "a" or has been prohibited by the department
 17 from involvement with child care, the person or
 18 program shall not provide child care as a child care
 19 home provider and is subject to penalty under section
 20 237A.19 or injunction under section 237A.20 for doing
 21 so.
 22 Sec.____. Section 237A.5, subsection 2, paragraph
 23 a, subparagraph (1), subparagraph subdivision (e),
 24 Code 2007, is amended to read as follows:
 25 (e) The person will provide or is providing child
 26 care as a child care home provider or will reside or
 27 resides in a child care home that is not registered
 28 under this chapter but that receives public funding
 29 for providing child care.
 30 Sec.____. Section 237A.5, subsection 2, paragraphs
 31 b and c, Code 2007, are amended to read as follows:
 32 b. If an individual person subject to a record

33 check is being considered for employment by a child
34 care facility or child care home, ~~in lieu of prior to~~
35 requesting a fingerprint-based record check to be
36 conducted by the department under paragraph "c", the
37 child care facility or child care home may access the
38 single contact repository established pursuant to
39 section 135C.33 as necessary to conduct a criminal and
40 child abuse record check of the individual in this
41 state. A copy of the results of the record check
42 conducted through the single contact repository shall
43 also be provided to the department. If the record
44 check indicates the individual is a person subject to
45 an evaluation, the child care facility or child care
46 home may request that the department perform an
47 evaluation as provided in this subsection. Otherwise,
48 the individual shall not be employed by the child care
49 facility or child care home. The cost of accessing
50 the single contact repository is the responsibility of

Page 2

1 the child care facility or home.
2 c. (1) ~~Unless a record check has already been~~
3 ~~conducted in accordance with paragraph "b", For a~~
4 person subject to a record check, in addition to any
5 record check conducted pursuant to paragraph "b" and
6 the record checks conducted under subparagraph (2),
7 the person's fingerprints shall be provided to the
8 department of public safety for submission through the
9 state criminal history repository to the United States
10 department of justice, federal bureau of investigation
11 for a national criminal history record check. For a
12 child care home that is not registered under this
13 chapter, the cost of the national criminal history
14 record check for a person who will provide or is
15 providing child care or will reside or resides in that
16 child care home shall be paid by the person.
17 Otherwise, the cost of the national criminal history
18 record check and any other record checks conducted
19 under this lettered paragraph is the responsibility of
20 the department.
21 (2) In addition to the national criminal history
22 record check, the department shall conduct a criminal
23 and child abuse record check in this state for a
24 person who is subject to a record check and may
25 conduct such a child abuse record check in other
26 states. In addition, the department may conduct a
27 dependent adult abuse, sex offender registry, or other
28 public or civil offense record check in this state or
29 in other states for a person who is subject to a
30 record check. If record checks of a person who is
31 subject to a record check have been conducted through

32 the single contact repository as described in
33 paragraph "b", the department may forego the record
34 checks addressed by this subparagraph.

35 (3) If a record check performed pursuant to this
36 lettered paragraph identifies an individual as a
37 person subject to an evaluation, an evaluation shall
38 be performed to determine whether prohibition of the
39 person's involvement with child care is warranted.
40 The evaluation shall be performed in accordance with
41 procedures adopted for this purpose by the department.

42 (4) Prior to performing an evaluation, the
43 department shall notify the affected person, licensee,
44 registrant, or child care home applying for or
45 receiving public funding for providing child care,
46 that an evaluation will be conducted to determine
47 whether prohibition of the person's involvement with
48 child care is warranted.

49 Sec. ____ 2007 Iowa Acts, chapter 218, section 26,
50 subsection 6, is amended to read as follows:

Page 3

1 6. Of the funds appropriated in this section,
2 \$260,000 is allocated to the department for continuing
3 the development of an assessment process for use
4 beginning in a subsequent fiscal year as authorized
5 specifically by a statute to be enacted in a
6 subsequent fiscal year, determining on a consistent
7 basis the needs and capacities of persons seeking or
8 receiving mental health, mental retardation,
9 developmental disabilities, or brain injury services
10 that are paid for in whole or in part by the state or
11 a county. The assessment process shall be developed
12 with the involvement of counties and the mental
13 health, mental retardation, developmental
14 disabilities, and brain injury commission.
15 Notwithstanding section 8.33, moneys allocated in this
16 subsection that remain unencumbered or unobligated at
17 the close of the fiscal year shall not revert but
18 shall remain available for expenditure to defray the
19 costs of required fingerprint-based national criminal
20 history record checks of child care providers until
21 the close of the succeeding fiscal year.

22 Sec. ____ 2007 Iowa Acts, chapter 218, section 74,
23 subsection 3, is amended to read as follows:

24 3. For the mental health transformation pilot
25 program:

26 \$ 250,000

27 Notwithstanding section 8.33, moneys appropriated
28 in this subsection that remain unencumbered or
29 unobligated at the close of the fiscal year shall not
30 revert but shall remain available for expenditure to

31 defray the costs of required fingerprint-based
 32 national criminal history record checks of child care
 33 providers until the close of the succeeding fiscal
 34 year.
 35 Sec.____. APPLICABILITY. The sections of this
 36 division of this Act amending chapter 237A are
 37 applicable beginning January 1, 2009. The department
 38 of human services shall adopt rules and take other
 39 administrative steps prior to January 1, 2009, as
 40 necessary for implementation of this division of this
 41 Act on the applicability date."
 42 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall amendment [H-8594](#) be adopted?" ([S.F. 2425](#))

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 5:

Clute
Roberts

De Boef

Jochum

Mertz

Amendment [H-8594](#) lost.

Huser of Polk offered the following amendment [H-8614](#) filed by her, Wessel-Kroeschell of Story, Mascher of Johnson, Lensing of Johnson, Winckler of Scott and Heddens of Story from the floor and moved its adoption:

[H-8614](#)

- 1 Amend [Senate File 2425](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 135, by inserting after line 32 the
 4 following:
 5 "DIVISION _____
 6 MASS TRANSIT
 7 Sec.____. MASS TRANSIT INTERIM COMMITTEE. The
 8 legislative council is requested to establish a
 9 legislative interim study committee to conduct a
 10 comprehensive study of the ways in which mass transit
 11 might be employed to provide public transportation
 12 services among Iowa communities. The study should
 13 include but not be limited to an examination of the
 14 following:
 15 1. The ways in which the availability of mass
 16 transit affects various populations within rural and
 17 urban communities. In particular, the study should
 18 examine the benefits of mass transit for poor,
 19 elderly, and disabled individuals who are unable to
 20 drive or cannot afford to own a motor vehicle.
 21 2. Any impact that mass transit services among
 22 Iowa communities might have on population levels,
 23 quality of life, and economic development in urban job
 24 centers, smaller satellite communities, and rural
 25 towns.
 26 3. The effect of mass transit on statewide
 27 greenhouse gas emissions and overall air quality,
 28 including the role that mass transit can play in
 29 meeting the goals of the Iowa energy independence
 30 plan.
 31 4. The level of public need for mass transit among
 32 Iowa communities, including any specific areas of the
 33 state where the need is most immediate.
 34 5. The feasibility of expanding mass transit
 35 services and the types and combinations of services
 36 that might comprise a mass transit system for Iowa.

37 6. The potential costs and possible funding
38 mechanisms for developing and maintaining specific
39 mass transit services.
40 7. The attitudes and habits of Iowans concerning
41 personal transportation. The study should include a
42 component for educating the public about the economic,
43 social, and environmental advantages of mass transit.
44 The committee membership should include ten members
45 representing both political parties and both houses of
46 the general assembly. The committee should consult
47 with the department of transportation, the office of
48 energy independence, the department of human services,
49 local officials, members of the general public who are
50 knowledgeable concerning intercity public transit and

Page 2

1 passenger rail, and other interested parties as
2 necessary to accomplish the work of the committee.
3 The committee, if authorized, shall submit a written
4 report of its findings and recommendations to the
5 governor and the general assembly by December 31,
6 2008."

Amendment [H-8614](#) was adopted.

Raecker of Polk offered the following amendment [H-8610](#), previously deferred, filed by him from the floor and moved its adoption:

[H-8610](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 25, by striking the figure
4 "4,678,000" and inserting the following: "1,690,000".
5 2. Page 7, line 26, by striking the words "a.
6 It" and inserting the following: "It".
7 3. Page 7, by striking lines 32 through 34.

Amendment [H-8610](#) was adopted.

Heaton of Henry offered the following amendment [H-8621](#) filed by him from the floor and moved its adoption:

[H-8621](#)

1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 52, by inserting after line 12, the
4 following:
5 "____. a. The department of human services, in
6 cooperation with assisted living program providers,
7 advocates, and policymakers, shall develop an
8 alternative rate setting approach for tenants in
9 congregate residential care settings such as assisted
10 living programs and elder group homes under the home
11 and community-based services waiver for the elderly.
12 The alternative rate setting approaches considered may
13 include but are not limited to flat-fee, tiered, or
14 case-mix methodologies. The department shall submit a
15 plan of recommendations to the individuals specified
16 in this Act to receive reports by October 1, 2008.
17 b. Beginning July 1, 2008, the department of human
18 services shall provide congregate residential care
19 setting providers such as assisted living programs and
20 elder group homes, with the form required by the
21 medical assistance program for documentation of home
22 and community-based services waiver for the elderly
23 services provided to consumers in these settings. The
24 form shall reflect the distinction between in-home
25 care and care in the congregate residential setting
26 and the 24-hours-per-day, seven-days-per-week service
27 requirements of consumers in these settings."
28 2. By renumbering as necessary.

Amendment [H-8621](#) lost.

The House stood at ease at 1:08 a.m., until the fall of the gavel.

The House resumed session at 1:24 a.m., Speaker Murphy in the chair.

Foegen of Linn offered the following amendment [H-8622](#) filed by him from the floor and moved its adoption:

[H-8622](#)

- 1 Amend [Senate File 2425](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 128, line 32, through page
4 130, line 10.
5 2. By renumbering as necessary.

Amendment [H-8622](#) was adopted.

Foege of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2425](#))

The ayes were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Jacoby	Jochum	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Jacobs	Kaufmann
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rasmussen	Rayhons	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wiencek	Windschitl	Worthan

Absent or not voting, 3:

Clute	De Boef	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE JOINT RESOLUTIONS 2006 and 2007 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House Joint Resolutions 2006 and 2007 from further consideration by the House.

HOUSE FILE 2697 WITHDRAWN

Foege of Linn asked and received unanimous consent to withdraw House File 2697 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that Senate File 2425 be immediately messaged to the Senate.

MOTION TO RECONSIDER

(House File 2662)

I move to reconsider the vote by which House File 2662 passed the House on April 21, 2008.

MCCARTHY of Polk

SPONSORS ADDED

(Amendment H-8587 to Senate File 2425)

Gaskill of Wapello requested to be added as a sponsor of amendment H-8587 to Senate File 2425.

D. Olson of Boone requested to be added as a sponsor of amendment H-8587 to Senate File 2425.

(Amendment H-8588 to Senate File 2425)

Gaskill of Wapello requested to be added as a sponsor of amendment H-8588 to Senate File 2425.

D. Olson of Boone requested to be added as a sponsor of amendment H-8588 to Senate File 2425.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 2008: House Files 2338 and 2620.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 2008, he approved and transmitted to the Secretary of State the following bill:

[House File 2393](#), an Act providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates.

Also: the Governor announced that on April 18, 2008 he approved and transmitted to the Secretary of State the following bills:

[House File 2103](#), an Act relating to appointments to the college student aid commission and including an effective date and applicability provision.

[House File 2145](#), an Act to require insurers offering certain individual or group health insurance contracts, policies, or plans to provide coverage for vaccinations for human papilloma virus.

[House File 2570](#), an Act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council, and modifying fees and allocations of funds.

[Senate File 2133](#), an Act relating to the Iowa crop improvement association.

[Senate File 2136](#), an Act relating to real estate broker trust accounts and abolishing the local housing assistance program.

[Senate File 2212](#), an Act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

[Senate File 2250](#), an Act relating to the licensure of real estate brokers and salespersons.

[Senate File 2251](#), an Act relating to student eye care and including an applicability date provision.

[Senate File 2307](#), an Act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.

[Senate File 2325](#), an Act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

[Senate File 2349](#), an Act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

[Senate File 2361](#), an Act providing for the procurement of designated biobased products by state government.

[Senate File 2367](#), an Act relating to the compliance advisory panel, including the appointment of its members and its powers and duties.

[Senate File 2379](#), an Act relating to the regulation of the practice of certified public accounting and providing an effective date.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|--|
| 2008\2887 | Myron and Marilyn Heitman, Williamsburg – For celebrating their 50 th wedding anniversary. |
| 2008\2888 | Ed and Linda Ehlers, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2008\2889 | Lolita Steele, Dubuque – For celebrating her 85 th birthday. |
| 2008\2890 | Lloyd and Barbara Auderer, Dubuque – For celebrating their 50 th wedding anniversary. |
| 2008\2891 | Tom and Donna May – For celebrating their 50 th wedding anniversary. |
| 2008\2892 | Wade Gibson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2008\2893 West Lyon High School and Superintendent Jim Hargens, Inwood – For ranking the top 10 percent and for receiving a Bronze Award in the U.S. News and World Report magazine's list of America's Best High Schools.
- 2008\2894 Phyllis Voss, Rock Rapids – For her 55 years of service in elementary education in Minnesota, South Dakota, Nebraska, Florida, and Iowa, with her last 13 years with preschoolers in Rock Rapids.
- 2008\2895 Al Vande Kamp, Rock Valley – For his 36 years of service as an EMT with the Rock Valley ambulance unit.
- 2008\2896 Ashton Wickett, New Virginia – For celebrating his 100th birthday.
- 2008\2897 La Vere Cumings, Truro – For celebrating her 95th birthday.
- 2008\2898 Mr. and Mrs. Reynold Stearns, Davenport – For celebrating their 60th wedding anniversary.
- 2008\2899 Darwin and Jeanette Collins, Aredale – For celebrating their 60th wedding anniversary.
- 2008\2900 Harold and Peggy Gallagher, Hampton – For celebrating their 60th wedding anniversary.
- 2008\2901 George and Pearl Simkins, Clear Lake – For celebrating their 60th wedding anniversary.
- 2008\2902 Eric Hild, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2903 Chris Sorensen, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2904 Helen Means, Fontanelle – For celebrating her 90th birthday.
- 2008\2905 Lorraine Homan, Fontanelle – For celebrating her 85th birthday.
- 2008\2906 Wayne Findley, Stuart – For celebrating his 80th birthday.
- 2008\2907 Dorothy Zaiger, Audubon – For celebrating her 82nd birthday.
- 2008\2908 Delilah Andreasen, Guthrie Center – For celebrating her 90th birthday.
- 2008\2909 Rosa Eddy, Greenfield – For celebrating her 90th birthday.
- 2008\2910 Harvey Jensen, Exira – For 60 years of continuous membership in the American Legion.
- 2008\2911 Eileen Langel, Le Mars – For celebrating her 90th birthday.

- 2008\2912 Clifford and Margaret Ferrin, Le Mars – For celebrating their 60th wedding anniversary.
- 2008\2913 Bill and Jeanette Doppenberg, Orange City – For celebrating their 70th wedding anniversary.
- 2008\2914 Gwendolyn Peterson, Mason City – For celebrating her 85th birthday.
- 2008\2915 Marilyn Garl, Mason City – For celebrating her 80th birthday.
- 2008\2916 Della Brungardt, Mason City – For celebrating her 95th birthday.
- 2008\2917 Lois Severson, Mason City – For celebrating her 80th birthday.
- 2008\2918 Lloyd and Carol Tinkey, Mason City – For celebrating their 50th wedding anniversary.
- 2008\2919 Gerri Trebil, Mason City – For celebrating her 85th birthday.
- 2008\2920 Mahlon Thomas Whitead, Sioux City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2921 Lorna Ann Hagenbucher, Paullina – For celebrating her 100th birthday.
- 2008\2922 Larry and Shirley Vogt, Tripoli – For celebrating their 50th wedding anniversary.
- 2008\2923 Roy and Karen Engelhardt, Manchester – For celebrating their 50th wedding anniversary.
- 2008\2924 Darlene Dobson Hanner, Paullina – For celebrating her 80th birthday.
- 2008\2925 Fran and Madeline Matney, Gilman – For celebrating their 50th wedding anniversary.
- 2008\2926 Ann Crosser, Iowa Falls – For celebrating her 90th birthday.
- 2008\2927 Kathryn Henze, State Center – For celebrating her 90th birthday.
- 2008\2928 Margaret Johns, Ackley – For celebrating her 90th birthday.
- 2008\2929 Dorothy Roelfs, Ackley – For celebrating her 90th birthday.
- 2008\2930 Doris Schaap, Eldora – For celebrating her 85th birthday.
- 2008\2931 John Bernard, Eldora – For celebrating his 80th birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 794 Appropriations

Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

H.S.B. 795 Appropriations

Relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 795](#)), relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 17, 2008.

COMMITTEE ON EDUCATION

[Senate File 2413](#), a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2008.

COMMITTEE ON GOVERNMENT OVERSIGHT

[Senate File 2423](#), a bill for an act concerning department of administrative services operations.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2008.

COMMITTEE ON LABOR

[House File 2693](#), a bill for an act pertaining to employers' participation in unemployment insurance adjudications.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8574](#) April 17, 2008.

COMMITTEE ON STATE GOVERNMENT

[Senate File 2424](#), a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8578](#) April 21, 2008.

RESOLUTIONS FILED

[HR 156](#), by Bell, Gipp, Roberts and H. Miller, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

Laid over under **Rule 25**.

[HR 157](#), by Bell, Gipp, Bailey, Roberts and H. Miller, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Laid over under **Rule 25**.

[HR 158](#), by Raecker, a resolution to honor Coach Kim Muhl and the Kirkwood Community College Women's Basketball team.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8572	S.F.	2406	Quirk of Chickasaw
H-8574	H.F.	2693	Committee on Labor
H-8575	S.F.	2424	Baudler of Adair
H-8576	S.F.	2424	Jacobs of Polk
H-8577	H.F.	2539	Heddens of Story
H-8578	S.F.	2424	Committee on State Government
H-8579	H.F.	2693	Horbach of Tama
H-8580	H.F.	2695	Van Fossen of Scott
H-8582	H.F.	2689	Reasoner of Union
			S. Olson of Clinton
H-8583	S. F.	2424	Jochum of Dubuque
H-8584	H.F.	2696	Jochum of Dubuque
H-8585	S.F.	2423	Baudler of Adair
H-8604	H.F.	2539	Heddens of Story

On motion by McCarthy of Polk the House adjourned at 1:42 a.m., until 10:30 a.m., Tuesday, April 22, 2008