

House File 2577

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HOUSE FILE 2577

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AN ACT
RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS
TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND AND
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS
TO DEPARTMENTS. There is appropriated from the healthy Iowans
tobacco trust created in section 12.65 to the following
departments for the fiscal year beginning July 1, 2004, and
ending June 30, 2005, the following amounts, or so much
thereof as is necessary, to be used for the purposes
designated:

1. To the department of human services:
a. Unless otherwise provided, to maintain the
reimbursement rate for all noninstitutional medical assistance
providers, with the exception of anesthesia and dental
services, at the rate provided under the federal Medicare
program for such providers during the fiscal year beginning
July 1, 2000, and ending June 30, 2001, as specified in 2000
Iowa Acts, chapter 1221, section 1, subsection 1, paragraph
"a", for the fiscal year July 1, 2004, through June 30, 2005,
and to continue the resource-based relative value system of
reimbursement under the medical assistance program:

..... \$ 8,095,718

b. To maintain the reimbursement rate at the usual and
customary rate as established in 2000 Iowa Acts, chapter 1221,
section 1, subsection 1, paragraph "b", for the fiscal year
July 1, 2004, through June 30, 2005, for dental services under
the medical assistance program:

..... \$ 3,814,973

c. To maintain the reimbursement rate as established in
2000 Iowa Acts, chapter 1221, section 1, subsection 1,
paragraph "e", for the fiscal year July 1, 2004, through June
30, 2005, for hospitals under the medical assistance program:

..... \$ 3,035,278

d. To maintain the reimbursement rate as established in
2000 Iowa Acts, chapter 1221, section 1, subsection 1,
paragraph "f", for the fiscal year July 1, 2004, through June
30, 2005, for home health care services under the medical
assistance program:

..... \$ 2,108,279

e. To maintain the reimbursement rate as established in
2000 Iowa Acts, chapter 1221, section 1, subsection 1,
paragraph "g", for the fiscal year July 1, 2004, through June
30, 2005, for critical access hospitals under the medical
assistance program:

..... \$ 250,000

f. To maintain the expansion of home health care services
and habilitative day care as established in 2000 Iowa Acts,
chapter 1221, section 1, subsection 1, paragraph "h", under
the medical assistance program for children with special
needs:

..... \$ 1,975,496

g. To maintain the expansion of respite care services
provided through home and community-based waivers as
established in 2000 Iowa Acts, chapter 1221, section 1,
subsection 1, paragraph "i", under the medical assistance
program:

..... \$ 1,137,309

h. To maintain the cost-of-living adjustment as
established in 2000 Iowa Acts, chapter 1221, section 1,
subsection 1, paragraph "c", for the fiscal year July 1, 2004,
through June 30, 2005, for rehabilitative treatment and
support services providers under child and family services:

..... \$ 3,243,026

i. To maintain the cost-of-living adjustment as
established in 2000 Iowa Acts, chapter 1221, section 1,
subsection 1, paragraph "d", for the fiscal year July 1, 2004,
through June 30, 2005, for adoption, independent living,
shelter care, and home studies services providers:

..... \$ 468,967

3 6 j. To maintain the reimbursement rate as established in
 3 7 2000 Iowa Acts, chapter 1221, section 1, subsection 1,
 3 8 paragraph "j", for the fiscal year July 1, 2004, through June
 3 9 30, 2005, to service providers under the purview of the
 3 10 department of human services:
 3 11 \$ 545,630
 3 12 2. To the department of human services to continue the
 3 13 supplementation of the children's health insurance program
 3 14 appropriation:
 3 15 \$ 200,000
 3 16 3. To the department of human services to provide coverage
 3 17 under the medical assistance program to women who require
 3 18 treatment for breast or cervical cancer as provided in section
 3 19 249A.3, subsection 2, paragraph "b":
 3 20 \$ 250,000
 3 21 4. To the department of human services to continue the
 3 22 supplementation of the medical assistance appropriation:
 3 23 \$ 14,346,750
 3 24 Of the amount appropriated in this subsection, \$50,000
 3 25 shall be used to continue the efforts of the Iowa chronic care
 3 26 consortium pursuant to 2003 Iowa Acts, chapter 112, section
 3 27 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
 3 28 and 167.
 3 29 5. To the department of human services for general
 3 30 administration of health-related programs:
 3 31 \$ 274,000
 3 32 6. To the Iowa department of public health:
 3 33 a. For the tobacco use prevention and control initiative,
 3 34 including efforts at the state and local levels, as provided
 3 35 in chapter 142A and for not more than the following full-time
 4 1 equivalent positions:
 4 2 \$ 5,011,565
 4 3 FTEs 7.00
 4 4 (1) The director of public health shall dedicate
 4 5 sufficient resources to promote and ensure retailer compliance
 4 6 with tobacco laws and ordinances relating to persons under 18
 4 7 years of age, and shall prioritize the state's compliance in
 4 8 the allocation of available funds to comply with 42 U.S.C. }
 4 9 300x=26 and section 453A.2.
 4 10 (2) Of the full-time equivalent positions funded under
 4 11 this section, two full-time equivalent positions shall be
 4 12 utilized to provide for enforcement of tobacco laws,
 4 13 regulations, and ordinances under a chapter 28D agreement
 4 14 entered into between the Iowa department of public health and
 4 15 the alcoholic beverages division of the department of
 4 16 commerce.
 4 17 (3) Of the funds appropriated in this paragraph "a", not
 4 18 more than \$525,759 shall be expended on administration and
 4 19 management of the program.
 4 20 (4) Of the funds appropriated in this paragraph "a", not
 4 21 less than 80 percent of the amount expended in the fiscal year
 4 22 beginning July 1, 2001, for community partnerships shall be
 4 23 expended in the fiscal year beginning July 1, 2004, for that
 4 24 purpose.
 4 25 b. For provision of smoking cessation and smoking-related
 4 26 diseases products as provided in this paragraph:
 4 27 \$ 75,000
 4 28 The department shall award grants to free health clinics
 4 29 that are tax-exempt organizations pursuant to 26 U.S.C. } 501
 4 30 (c)(3) to fund the provision of smoking cessation and smoking-
 4 31 related diseases products to patients. The department shall
 4 32 adopt a methodology for the awarding of the grants to the
 4 33 health clinics based upon the order of receipt of
 4 34 applications.
 4 35 c. For additional substance abuse treatment under the
 5 1 substance abuse treatment program:
 5 2 \$ 11,800,000
 5 3 (1) The department shall use funds appropriated in this
 5 4 paragraph "c" to enhance the quality of and to expand the
 5 5 capacity to provide 24-hour substance abuse treatment
 5 6 programs.
 5 7 (2) The department shall use funds appropriated in this
 5 8 paragraph "c" to expand the length of individual client
 5 9 substance abuse treatment plans, as necessary to reduce
 5 10 program recidivism.
 5 11 (3) The department shall use funds appropriated in this
 5 12 paragraph "c" to share research-based best practices for
 5 13 treatment with substance abuse treatment facilities.
 5 14 (4) The department shall use funds appropriated in this
 5 15 paragraph "c" to develop a results-based funding approach for
 5 16 substance abuse treatment services.

5 17 (5) The department shall use funds appropriated in this
5 18 paragraph "c" to develop a program to encourage individuals
5 19 who are successfully managing their substance abuse problems
5 20 to serve as role models.

5 21 (6) The department shall submit a report annually by March
5 22 1, to the governor and the general assembly delineating the
5 23 success rates of the substance abuse treatment programs that
5 24 receive funding under this paragraph "c".

5 25 d. For the healthy Iowans 2010 plan within the Iowa
5 26 department of public health and for not more than the
5 27 following full-time equivalent positions:

5 28 \$ 2,346,960
5 29 FTEs 4.00

5 30 (1) Of the funds appropriated in this paragraph "d", not
5 31 more than \$1,157,482 shall be used for core public health
5 32 functions, including home health care and public health
5 33 nursing services, contracted through a formula by local boards
5 34 of health, to enhance disease and injury prevention services.

5 35 (2) Of the funds appropriated in this paragraph "d", not
6 1 more than \$387,320 shall be used for the continuation and
6 2 support of a coordinated system of delivery of trauma and
6 3 emergency medical services.

6 4 (3) Of the funds appropriated in this paragraph "d", not
6 5 more than \$437,000 shall be used for the state poison control
6 6 center.

6 7 (4) Of the funds appropriated in this paragraph "d", not
6 8 more than \$288,770 shall be used for the development of
6 9 scientific and medical expertise in environmental
6 10 epidemiology.

6 11 (5) Of the funds appropriated in this paragraph "d", not
6 12 more than \$76,388 shall be used for the childhood lead
6 13 poisoning prevention program.

6 14 e. For the automated external defibrillator grant program
6 15 established by 2004 Iowa Acts, House File 2464, if enacted:

6 16 \$ 250,000

6 17 f. For the center for congenital and inherited disorders:

6 18 \$ 26,000

6 19 7. To the department of corrections:

6 20 \$ 980,000

6 21 a. Of the funds appropriated in this subsection, \$127,217
6 22 is allocated to the second judicial district department of
6 23 correctional services to replace expired federal funding for
6 24 day programming.

6 25 b. Of the funds appropriated in this subsection, \$35,359
6 26 is allocated to the third judicial district department of
6 27 correctional services to replace expired federal funding for
6 28 the drug court program.

6 29 c. Of the funds appropriated in this subsection, \$191,731
6 30 is allocated to the fourth judicial district department of
6 31 correctional services for a drug court program.

6 32 d. Of the funds appropriated in this subsection, \$255,693
6 33 is allocated to the fifth judicial district department of
6 34 correctional services to replace expired funding for the drug
6 35 court program.

7 1 e. Of the funds appropriated in this subsection, \$370,000
7 2 is allocated to the Newton correctional facility for a value=
7 3 based treatment program. Of the funds allocated in this
7 4 paragraph, \$60,000 shall be used to operate a similar value=
7 5 based treatment program at the Iowa correctional institution
7 6 for women at Mitchellville. Moneys allocated for the program
7 7 at Mitchellville that remain unencumbered or unobligated for
7 8 that purpose at the close of the fiscal year shall revert.

7 9 8. To the department for the blind:

7 10 \$ 130,000

7 11 To plan, establish, administer, and promote a statewide
7 12 program to provide audio news and information services to
7 13 blind or visually impaired persons residing in this state.

7 14 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS ==
7 15 REIMBURSEMENT INCREASE. There is appropriated from the
7 16 healthy Iowans tobacco trust created in section 12.65 to the
7 17 property tax relief fund created in section 426B.1 for the
7 18 fiscal year beginning July 1, 2004, and ending June 30, 2005,
7 19 the following amount, or so much thereof as is necessary, to
7 20 be used for the purposes designated:

7 21 For assistance to the counties with limited county mental
7 22 health, mental retardation, and developmental disabilities
7 23 services fund balances which were selected in accordance with
7 24 2000 Iowa Acts, chapter 1221, section 3, to receive such
7 25 assistance in the same amount provided during the fiscal year
7 26 beginning July 1, 2000, and ending June 30, 2001, to pay
7 27 reimbursement increases in accordance with 2000 Iowa Acts,

7 28 chapter 1221, section 3:
7 29 \$ 146,750
7 30 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from
7 31 the healthy Iowans tobacco trust created in section 12.65, to
7 32 the Iowa empowerment fund created in section 28.9 for the
7 33 fiscal year beginning July 1, 2004, and ending June 30, 2005,
7 34 for deposit in the school ready children grants account and
7 35 for distribution as provided in this section:
8 1 \$ 2,153,250
8 2 Sec. 4. DEPARTMENT OF CORRECTIONS == SPECIAL NEEDS UNIT.
8 3 There is appropriated from the healthy Iowans tobacco trust
8 4 created in section 12.65, to the department of corrections for
8 5 the fiscal year beginning July 1, 2004, and ending June 30,
8 6 2005, the following amount, or so much thereof as is
8 7 necessary, to be used for the purpose designated:
8 8 For operating the special needs unit at the Fort Madison
8 9 correctional facility:
8 10 \$ 1,187,285
8 11 Sec. 5. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER.
8 12 In addition to the amount transferred pursuant to section
8 13 12E.12, subsection 1, paragraph "b", subparagraph (2),
8 14 subparagraph subdivision (b), \$6,316,077 is transferred from
8 15 the endowment for Iowa's health account of the tobacco
8 16 settlement trust fund created in section 12E.12 to the healthy
8 17 Iowans tobacco trust created in section 12.65 for the fiscal
8 18 year beginning July 1, 2004, and ending June 30, 2005.
8 19 Sec. 6. Section 142A.3, subsection 2, Code 2003, is
8 20 amended to read as follows:
8 21 2. A commission on tobacco use prevention and control is
8 22 established to develop policy, provide direction for the
8 23 initiative, and perform all other duties related to the
8 24 initiative and other tobacco use prevention and control
8 25 activities as directed by this chapter or referred to the
8 26 commission by the director of public health.
8 27 Sec. 7. Section 142A.4, Code 2003, is amended by adding
8 28 the following new subsection:
8 29 NEW SUBSECTION. 12A. Represented by the chairperson of
8 30 the commission, annually appear before the joint
8 31 appropriations subcommittee that makes recommendations
8 32 concerning the commission's budget to report on budget
8 33 expenditures and division operations relative to the prior
8 34 fiscal year and the current fiscal year.
8 35 Sec. 8. Section 142A.5, subsection 1, paragraph b, Code
9 1 Supplement 2003, is amended to read as follows:
9 2 b. Employ a separate division administrator who, in
9 3 accordance with the requirements of section 142A.4, subsection
9 4 14, in a full-time equivalent position whose sole
9 5 responsibility and duty shall be responsible for the
9 6 administration and oversight of the division. The division
9 7 administrator shall report to and shall serve at the pleasure
9 8 of the director. The administrator shall be exempt from the
9 9 merit system provisions of chapter 8A, subchapter IV.
9 10 Sec. 9. Section 142A.5, subsection 2, Code Supplement
9 11 2003, is amended by adding the following new paragraph:
9 12 NEW PARAGRAPH. g. Provide necessary information to the
9 13 commission to assist the commission in making its annual
9 14 report to the joint appropriations subcommittee pursuant to
9 15 section 142A.4, subsection 12A, and in fulfilling other
9 16 commission duties pursuant to section 142A.4.
9 17 Sec. 10. Section 216B.3, Code Supplement 2003, is amended
9 18 by adding the following new subsection:
9 19 NEW SUBSECTION. 18. Plan, establish, administer, and
9 20 promote a statewide program to provide audio news and
9 21 information services to blind or visually impaired persons
9 22 residing in this state.
9 23 a. The commission may enter into necessary contracts and
9 24 arrangements with the national federation for the blind to
9 25 provide for the delivery of newspapers over the telephone,
9 26 furnished by the national federation for the blind.
9 27 b. The commission may enter into necessary contracts and
9 28 arrangements with the Iowa radio reading information service
9 29 for the blind and print handicapped to provide for the
9 30 delivery of newspapers, magazines, and other printed materials
9 31 over the radio, furnished by the Iowa radio reading
9 32 information service for the blind and print handicapped.
9 33 Sec. 11. Section 216B.4, unnumbered paragraph 1, Code
9 34 2003, is amended to read as follows:
9 35 The director may accept financial aid from the government
10 1 of the United States for carrying out rehabilitation and
10 2 physical restoration of the blind and for providing library,
10 3 news, and information services to persons who are blind and

10 4 persons with physical disabilities.
10 5 Sec. 12. Section 234.39, subsection 6, if enacted by 2004
10 6 Iowa Acts, Senate File 2298, is amended by striking the
10 7 subsection.

10 8 Sec. 13. Section 272C.3, subsection 1, paragraph k, Code
10 9 Supplement 2003, is amended to read as follows:

10 10 k. Establish a licensee review committee for the purpose
10 11 of evaluating and monitoring licensees who are impaired as a
10 12 result of alcohol or drug abuse, dependency, or addiction, or
10 13 by any mental or physical disorder or disability, and who
10 14 self-report the impairment to the committee, or who are
10 15 referred by the board to the committee. Members of the
10 16 committee shall receive actual expenses for the performance of
10 17 their duties and shall be eligible to receive per diem
10 18 compensation pursuant to section 7E.6. The board shall adopt
10 19 rules for the establishment and administration of the
10 20 committee, including but not limited to establishment of the
10 21 criteria for eligibility for referral to the committee and the
10 22 grounds for disciplinary action for noncompliance with
10 23 committee decisions. Information in the possession of the
10 24 board or the licensee review committee, under this paragraph,
10 25 shall be subject to the confidentiality requirements of
10 26 section 272C.6. Referral of a licensee by the board to a
10 27 licensee review committee shall not relieve the board of any
10 28 duties of the board and shall not divest the board of any
10 29 authority or jurisdiction otherwise provided. A licensee who
10 30 violates section 272C.10 or the rules of the board while under
10 31 review by the licensee review committee shall be referred to
10 32 the board for appropriate action.

10 33 Sec. 14. 2003 Iowa Acts, chapter 183, section 1,
10 34 subsection 5, paragraph b, is amended to read as follows:

10 35 b. For a grant to a program that utilizes high school
11 1 mentors to teach life skills, violence prevention, and
11 2 character education in an effort to reduce the illegal use of
11 3 alcohol, tobacco, and other substances:

11 4 \$ 400,000
11 5 (1) The program described in this paragraph "b" shall meet
11 6 all of the following requirements:

11 7 (a) The program shall be a statewide mentoring program
11 8 that is an alternative to mentoring programs that utilize the
11 9 standards of effective practice.

11 10 (b) The program shall contract with a university to assist
11 11 in curriculum development and performance evaluation.

11 12 (c) The program shall provide for some level of public-
11 13 private partnership.

11 14 (d) The program shall obtain the assistance of the Iowa
11 15 department of public health in the development of the
11 16 performance evaluation design.

11 17 (e) The program shall demonstrate improvement in meeting
11 18 the current standards.

11 19 (2) The Iowa department of public health shall negotiate a
11 20 sole source contract with a nonprofit corporation that mentors
11 21 through live music and receives funds through private
11 22 partnership to implement this paragraph "b".

11 23 (3) The Iowa department of public health may use up to
11 24 \$50,000 of the moneys appropriated under this paragraph "b" to
11 25 provide technical assistance to and monitoring of the program.

11 26 (4) Notwithstanding section 8.33, moneys appropriated
11 27 under this paragraph "b" that remain unencumbered or
11 28 unobligated at the close of the fiscal year shall not revert
11 29 but shall remain available for the purpose designated in the
11 30 succeeding fiscal year.

11 31 Sec. 15. EFFECTIVE DATE. The section of this Act amending
11 32 2003 Iowa Acts, chapter 183, being deemed of immediate
11 33 importance, takes effect upon enactment.

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CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

12 10 I hereby certify that this bill originated in the House and
12 11 is known as House File 2577, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

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12 17 Approved _____, 2004

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12 20 _____
12 21 THOMAS J. VILSACK
12 22 Governor