



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 17, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2378, an Act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

House File 2551, an Act relating to programs under the authority of the Department of Public Health.

House File 2555, an Act providing for specified changes regarding programs under the purview of the Department of Public Health, providing a penalty, and making an appropriation.

The above House Files are hereby approved this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc
cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2378

AN ACT

RELATING TO THE DISPOSITION OF MEDICAL ASSISTANCE SPECIAL
NEEDS TRUSTS, INCLUDING THE PAYMENT RATE FOR NURSING
FACILITY LEVELS OF CARE.

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

Section 1. Section 633.707, subsections 10 and 11, Code 2003, are amended by striking the subsections.

Sec. 2. Section 633.709, subsection 3, Code 2003, is amended to read as follows:

3. Subsections 1 and 2 shall apply to the following beneficiaries; however, the following amounts indicated shall be applied in lieu of the statewide average charge for nursing facility services:

a. For a beneficiary who meets the medical assistance level of care requirements for services in an intermediate care facility for persons with mental retardation and who either resides in an intermediate care facility for persons with mental retardation or is eligible for medical assistance home and community-based waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the maximum monthly medical assistance

payment rate for services in an intermediate care facility for persons with mental retardation.

~~b. -- For a beneficiary who meets the medical assistance level of care requirements for hospital-based, medicare-certified, skilled nursing facility care and who either resides in a hospital-based, medicare-certified, skilled nursing facility or is eligible for medical assistance home and community-based waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge to private-pay patients for hospital-based, medicare-certified, skilled nursing facility care.~~

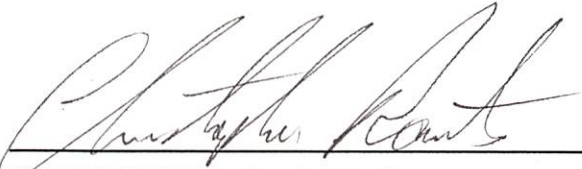
~~c. -- For a beneficiary who meets the medical assistance level of care requirements for nonhospital-based, medicare-certified, skilled nursing facility care and who either resides in a nonhospital-based, medicare-certified, skilled nursing facility or is eligible for medical assistance home and community-based waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge to private-pay patients for nonhospital-based, medicare-certified, skilled nursing facility care.~~

d. b. For a beneficiary who meets the medical assistance level of care requirements for services in a psychiatric medical institution for children and who resides in a psychiatric medical institution for children, the applicable rate is the statewide average charge to private-pay patients for psychiatric medical institution for children care.

e. c. For a beneficiary who meets the medical assistance level of care requirements for services in a state mental health institute and who either resides in a state mental health institute or is eligible for medical assistance home and community-based waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge for state mental health institute care.

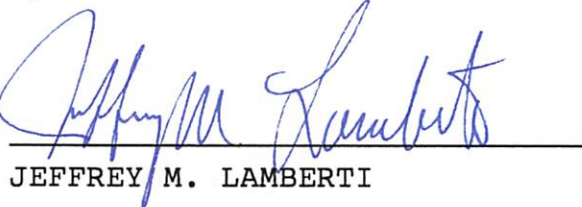
d. For a beneficiary who meets the medical assistance level of care requirements for services in a nursing facility and is receiving care or is receiving specialized care such as an adult receiving Alzheimer's care, a child receiving skilled nursing facility care, or an adult or child receiving skilled nursing facility care for neurological disorders, the

applicable rate is the statewide average charge for nursing facility services for the services or specialized services provided.



CHRISTOPHER C. RANTS

Speaker of the House



JEFFREY M. LAMBERTI

President of the Senate

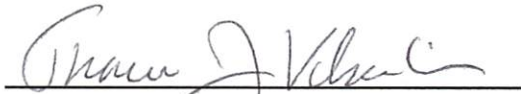
I hereby certify that this bill originated in the House and is known as House File 2378, Eightieth General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved May 19, 2004



THOMAS J. VILSACK

Governor