



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 24 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 489, an Act relating to programs and services under the purview of the Department of Human Services, and providing for retroactive applicability and effective dates.

The above House File is hereby approved this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 489

AN ACT

RELATING TO PROGRAMS AND SERVICES UNDER THE PURVIEW OF THE DEPARTMENT OF HUMAN SERVICES, AND PROVIDING FOR RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

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

Section 1. Section 235A.13, subsection 8, Code 2003, is amended to read as follows:

8. "Multidisciplinary team" means a group of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of child abuse cases and who are professionals practicing in the disciplines of medicine, nursing, public health, substance abuse, domestic violence, mental health, social work, child development, education, law, juvenile probation, or law enforcement, or a group established pursuant to section 235B.1, subsection 1.

Sec. 2. Section 249A.3, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty-five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty ~~line~~ guidelines published by the ~~federal office-of-management-and-budget~~ United States department of health and human services for the family, who have earned income and who are eligible for medical assistance or additional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. § 1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this paragraph. For the purposes of determining the amount of an

individual's resources under this paragraph and as allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten thousand dollars of available resources shall be disregarded and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded. Individuals eligible for assistance under this paragraph, whose individual income exceeds one hundred fifty percent of the official poverty ~~line~~ guidelines published by the ~~federal-office-of-management-and-budget~~ United States department of health and human services for an individual, shall pay a premium. The amount of the premium shall be based on a sliding fee schedule adopted by rule of the department and shall be based on a percentage of the individual's income. The maximum premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty ~~line~~ guidelines shall be commensurate with ~~premiums-charged-for-private~~ the cost of state employees' group health insurance in this state. ~~This paragraph shall be implemented no later than March 1, 2000.~~

Sec. 3. Section 249A.5, subsection 2, paragraph b, Code 2003, is amended to read as follows:

b. If the collection of all or part of a debt is waived pursuant to subsection 2, paragraph "a", ~~the amount waived shall be a debt due from the estate of the recipient's surviving spouse, child who is blind or has a disability, or the recipient of a hardship waiver under subsection 2, paragraph "a", subparagraph (2), upon the death of such spouse, child, or recipient, or due from a surviving child, who was under twenty-one years of age at the time of the recipient's death, upon the child reaching age twenty-one, to the extent the recipient's estate is received by such spouse, child, or recipient~~ to the extent the medical assistance recipient's estate was received by the following persons, the amount waived shall be a debt due from one of the following, as applicable:

(1) The estate of the medical assistance recipient's surviving spouse or child who is blind or has a disability, upon the death of such spouse or child.

(2) A surviving child who was under twenty-one years of age at the time of the medical assistance recipient's death, upon the child reaching the age of twenty-one or from the estate of the child if the child dies prior to reaching the age of twenty-one.

(3) The estate of the recipient of the undue hardship waiver, at the time of death of the hardship waiver recipient, or from the hardship waiver recipient when the hardship no longer exists.

Sec. 4. Section 249A.12, subsection 4, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Effective February 1, 2002, the state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with mental retardation services provided under medical assistance attributable to the assessment fee for intermediate care facilities for individuals with mental retardation, imposed pursuant to section 249A.21. Notwithstanding subsection 2, effective February 1, 2003, a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services attributable to the assessment fee.

Sec. 5. NEW SECTION. 249A.26A STATE AND COUNTY PARTICIPATION IN FUNDING FOR REHABILITATION SERVICES FOR PERSONS WITH CHRONIC MENTAL ILLNESS.

The county of legal settlement shall pay for the nonfederal share of the cost of rehabilitation services provided under the medical assistance program for persons with chronic mental illness, except that the state shall pay for the nonfederal share of such costs if the person does not have a county of legal settlement.

Sec. 6. Section 252A.5, subsection 1, Code 2003, is amended to read as follows:

1. Where the petitioner and the respondent are residents of or domiciled or found in this state or where this state may exercise personal jurisdiction over a nonresident respondent under section 252K.201.

Sec. 7. Section 252A.6, subsection 1, Code 2003, is amended to read as follows:

1. A proceeding under this chapter shall be commenced by filing a verified petition in the court in equity in the county where the dependent resides or is domiciled, showing or if the dependent does not reside in or is not domiciled in this state, where the petitioner or respondent resides, or where public assistance has been provided for the dependent. The petition shall show the name, age, residence, and circumstances of the dependent, alleging that the dependent is

in need of and is entitled to support from the respondent, giving the respondent's name, age, residence, and circumstances, and praying that the respondent be compelled to furnish such support. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of the respondent's person, other names and aliases by which the respondent has been or is known, the name of the respondent's employer, the respondent's fingerprints, or social security number.

Sec. 8. RETROACTIVE APPLICABILITY AND EFFECTIVE DATE. Section 4 of this Act, amending section 249A.12, subsection 4, relating to payment of costs for intermediate care facilities for persons with mental retardation, is retroactively applicable to February 1, 2002, and takes effect upon enactment.



CHRISTOPHER C. RANTS
Speaker of the House



MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 489, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 24, 2003



THOMAS J. VILSACK
Governor