

House File 862 - Enrolled

PAG LIN

HOUSE FILE 862

1 1
1 2
1 3 AN ACT
1 4 RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS
1 5 TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND.

1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8
1 9 Section 1. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS
1 10 TO DEPARTMENTS. There is appropriated from the healthy Iowans
1 11 tobacco trust created in section 12.65 to the following
1 12 departments for the fiscal year beginning July 1, 2005, and
1 13 ending June 30, 2006, the following amounts, or so much
1 14 thereof as is necessary, to be used for the purposes
1 15 designated:

1 16 1. To the department of human services:
1 17 a. To supplement the medical assistance program
1 18 appropriations for the fiscal year, including for
1 19 reimbursement of noninstitutional medical assistance providers
1 20 with the exception of anesthesia and dental providers and to
1 21 continue the resource-based relative value system of
1 22 reimbursement based upon the reimbursement rates established
1 23 for the fiscal year beginning July 1, 2005, and ending June
1 24 30, 2006, pursuant to 2005 Iowa Acts, House File 825, if
1 25 enacted; for reimbursement of dental services, hospitals, home
1 26 health care services, critical access hospitals, expansion of
1 27 home health care services and habilitative day care for
1 28 children with special needs, and expansion of respite care
1 29 services provided through home and community-based waivers
1 30 based upon the reimbursement rates established for the fiscal
1 31 year beginning July 1, 2005, and ending June 30, 2006,
1 32 pursuant to 2005 Iowa Acts, House File 825, if enacted; and
1 33 for provision of coverage to women who require treatment for
1 34 breast or cervical cancer as provided in section 249A.3,
1 35 subsection 2, paragraph "b":

2 1 \$ 35,013,803
2 2 Of the amount appropriated in this paragraph, \$50,000 shall
2 3 be used to continue the efforts of the Iowa chronic care
2 4 consortium pursuant to 2003 Iowa Acts, chapter 112, section
2 5 12, as amended by 2003 Iowa Acts, chapter 179, sections 166
2 6 and 167.

2 7 b. For child and family services and adoption subsidy
2 8 services including for reimbursement of rehabilitative
2 9 treatment and support services providers, adoption,
2 10 independent living, shelter care, and home studies services
2 11 providers, and other service providers under the purview of
2 12 the department of human services:

2 13 \$ 4,257,623
2 14 c. To continue the supplementation of the children's
2 15 health insurance program appropriation:

2 16 \$ 200,000
2 17 d. For general administration of health-related programs:
2 18 \$ 274,000

2 19 2. To the Iowa department of public health:
2 20 a. For the tobacco use prevention and control initiative,
2 21 including efforts at the state and local levels, as provided
2 22 in chapter 142A and for not more than the following full-time
2 23 equivalent positions:

2 24 \$ 5,011,565
2 25 FTEs 7.00

2 26 (1) The director of public health shall dedicate
2 27 sufficient resources to promote and ensure retailer compliance
2 28 with tobacco laws and ordinances relating to persons under 18
2 29 years of age, and shall prioritize the state's compliance in
2 30 the allocation of available funds to comply with 42 U.S.C. }
2 31 300x=26 and section 453A.2.

2 32 (2) Of the full-time equivalent positions funded in this
2 33 paragraph "a", two full-time equivalent positions shall be
2 34 utilized to provide for enforcement of tobacco laws,
2 35 regulations, and ordinances under a chapter 28D agreement
3 1 entered into between the Iowa department of public health and
3 2 the alcoholic beverages division of the department of
3 3 commerce.

3 4 (3) Of the funds appropriated in this paragraph "a", not
3 5 more than \$525,759 shall be expended on administration and

3 6 management of the program.

3 7 (4) Of the funds appropriated in this paragraph "a", not
3 8 less than 80 percent of the amount expended in the fiscal year
3 9 beginning July 1, 2001, for community partnerships shall be
3 10 expended in the fiscal year beginning July 1, 2005, for that
3 11 purpose.

3 12 b. For provision of smoking cessation and smoking-related
3 13 diseases products as provided in this paragraph:

3 14 \$ 75,000

3 15 The department shall award grants to free health clinics
3 16 that are tax-exempt organizations pursuant to 26 U.S.C. } 501
3 17 (c)(3) to fund the provision of smoking cessation and smoking-
3 18 related diseases products to patients. The department shall
3 19 adopt a methodology for the awarding of the grants to the
3 20 health clinics based upon the order of receipt of
3 21 applications.

3 22 c. For additional substance abuse treatment under the
3 23 substance abuse treatment program:

3 24 \$ 11,800,000

3 25 (1) The department shall use funds appropriated in this
3 26 paragraph "c" to enhance the quality of and to expand the
3 27 capacity to provide 24-hour substance abuse treatment
3 28 programs.

3 29 (2) The department shall use funds appropriated in this
3 30 paragraph "c" to expand the length of individual client
3 31 substance abuse treatment plans, as necessary to reduce
3 32 program recidivism.

3 33 (3) The department shall use funds appropriated in this
3 34 paragraph "c" to share research-based best practices for
3 35 treatment with substance abuse treatment facilities.

4 1 (4) The department shall use funds appropriated in this
4 2 paragraph "c" to develop a results-based funding approach for
4 3 substance abuse treatment services.

4 4 (5) The department shall use funds appropriated in this
4 5 paragraph "c" to develop a program to encourage individuals
4 6 who are successfully managing their substance abuse problems
4 7 to serve as role models.

4 8 (6) The department shall submit a report annually by March
4 9 1, to the governor and the general assembly delineating the
4 10 success rates of the substance abuse treatment programs that
4 11 receive funding under this paragraph "c".

4 12 d. For the healthy Iowans 2010 plan within the Iowa
4 13 department of public health and for not more than the
4 14 following full-time equivalent positions:

4 15 \$ 2,509,960
4 16 FTEs 4.00

4 17 (1) Of the funds appropriated in this paragraph "d", not
4 18 more than \$1,157,482 shall be used for core public health
4 19 functions, including home health care and public health
4 20 nursing services, contracted through a formula by local boards
4 21 of health, to enhance disease and injury prevention services.

4 22 (2) Of the funds appropriated in this paragraph "d", not
4 23 more than \$387,320 shall be used for the continuation and
4 24 support of a coordinated system of delivery of trauma and
4 25 emergency medical services.

4 26 (3) Of the funds appropriated in this paragraph "d", not
4 27 more than \$600,000 shall be used for the state poison control
4 28 center.

4 29 (4) Of the funds appropriated in this paragraph "d", not
4 30 more than \$288,770 shall be used for the development of
4 31 scientific and medical expertise in environmental
4 32 epidemiology.

4 33 (5) Of the funds appropriated in this paragraph "d", not
4 34 more than \$76,388 shall be used for the childhood lead
4 35 poisoning prevention program.

5 1 e. For the automated external defibrillator grant program
5 2 established pursuant to section 135.26:

5 3 \$ 250,000

5 4 f. For implementation and maintenance of a public access
5 5 defibrillation plan to provide access to automatic external
5 6 defibrillators throughout the state capitol complex on a 24-
5 7 hour, 7 days per week basis and for not more than the
5 8 following full-time equivalent positions:

5 9 \$ 100,000
5 10 FTEs 1.00

5 11 g. For the center for congenital and inherited disorders
5 12 established pursuant to section 136A.3:

5 13 \$ 26,000

5 14 h. For a grant program to provide substance abuse
5 15 prevention programming for children:

5 16 \$ 400,000

5 17 A program approved for a grant under the program shall meet
5 18 all of the following criteria:

5 19 (1) The program is administered by a federally chartered
5 20 nonprofit organization.

5 21 (2) The program is located in multiple locations across
5 22 the state, including in at least one location in a county
5 23 ranked in the bottom quartile of population when compared with
5 24 other counties.

5 25 (3) The program has been nationally recognized for its
5 26 effectiveness in reducing substance abuse by children.

5 27 (4) The program is able to use the grant funding to target
5 28 a minimum of 1,000 children for substance abuse prevention
5 29 programming.

5 30 The Iowa department of public health shall procure a sole
5 31 source contract to implement this paragraph "h".

5 32 A program approved for a grant shall participate in a
5 33 program evaluation as a requirement for receiving grant funds.

5 34 i. For a grant to a program that utilizes high school
5 35 mentors to teach life skills, violence prevention, and
6 1 character education in an effort to reduce the illegal use of
6 2 alcohol, tobacco, and other substances:

6 3 \$ 400,000

6 4 (1) The program described in this paragraph "i" shall meet
6 5 all of the following requirements:

6 6 (a) The program shall be a statewide mentoring program
6 7 that is an alternative to mentoring programs that utilize the
6 8 standards of effective practice.

6 9 (b) The program shall contract with a university to assist
6 10 in curriculum development and performance evaluation.

6 11 (c) The program shall provide for some level of public=
6 12 private partnership.

6 13 (d) The program shall obtain the assistance of the Iowa
6 14 department of public health in the development of the
6 15 performance evaluation design.

6 16 (e) The program shall demonstrate improvement in meeting
6 17 current standards.

6 18 (2) The Iowa department of public health shall negotiate a
6 19 sole source contract with a nonprofit corporation that mentors
6 20 through live music and receives funds through private
6 21 partnership to implement this paragraph "i".

6 22 (3) The Iowa department of public health may use up to
6 23 \$50,000 of the moneys appropriated under this paragraph "i" to
6 24 provide technical assistance to and monitoring of the program.

6 25 (4) Notwithstanding section 8.33, moneys appropriated
6 26 under this paragraph "i" that remain unencumbered or
6 27 unobligated at the close of the fiscal year shall not revert
6 28 but shall remain available for the purpose designated in the
6 29 succeeding fiscal year.

6 30 j. For a grant program to provide substance abuse
6 31 prevention programming, including tobacco use prevention
6 32 programming, for children:

6 33 \$ 800,000

6 34 The Iowa department of public health shall utilize a
6 35 request for proposals process to implement this paragraph "j".

7 1 A program approved for a grant under paragraph "h" or
7 2 paragraph "i" shall not be eligible for a grant under this
7 3 paragraph "j".

7 4 All grant recipients shall participate in a program
7 5 evaluation as a requirement for receiving grant funds.

7 6 3. To the department of corrections:

7 7 \$ 1,214,000

7 8 a. Of the funds appropriated in this subsection, \$296,217
7 9 is allocated to the second judicial district department of
7 10 correctional services to replace expired federal funding for
7 11 day programming and to replace expired federal funding for the
7 12 drug court program. Of the amount allocated in this
7 13 paragraph, \$40,000 shall be used for substance abuse
7 14 treatment.

7 15 b. Of the funds appropriated in this subsection, \$100,359
7 16 is allocated to the third judicial district department of
7 17 correctional services to replace expired federal funding for
7 18 the drug court program.

7 19 c. Of the funds appropriated in this subsection, \$191,731
7 20 is allocated to the fourth judicial district department of
7 21 correctional services for a drug court program.

7 22 d. Of the funds appropriated in this subsection, \$255,693
7 23 is allocated to the fifth judicial district department of
7 24 correctional services to replace expired funding for the drug
7 25 court program.

7 26 e. Of the funds appropriated in this subsection, \$310,000
7 27 is allocated to the Newton correctional facility for a value=

7 28 based treatment program.
7 29 f. Of the funds appropriated in this subsection, \$60,000
7 30 is allocated to the Iowa correctional institution for women at
7 31 Mitchellville for a value-based treatment program.

7 32 4. To the department for the blind:
7 33 \$ 130,000

7 34 To plan, establish, administer, and promote a statewide
7 35 program to provide audio news and information services to
8 1 blind or visually impaired persons residing in this state as
8 2 provided pursuant to section 216B.3, subsection 18, paragraphs
8 3 "a" and "b".

8 4 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS ==
8 5 REIMBURSEMENT INCREASE. There is appropriated from the
8 6 healthy Iowans tobacco trust created in section 12.65 to the
8 7 property tax relief fund created in section 426B.1 for the
8 8 fiscal year beginning July 1, 2005, and ending June 30, 2006,
8 9 the following amount, or so much thereof as is necessary, to
8 10 be used for the purposes designated:

8 11 For assistance to the counties with limited county mental
8 12 health, mental retardation, and developmental disabilities
8 13 services fund balances which were selected in accordance with
8 14 2000 Iowa Acts, chapter 1221, section 3, to receive such
8 15 assistance in the same amount provided during the fiscal year
8 16 beginning July 1, 2000, and ending June 30, 2001, to pay
8 17 reimbursement increases in accordance with 2000 Iowa Acts,
8 18 chapter 1221, section 3:

8 19 \$ 146,750

8 20 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from
8 21 the healthy Iowans tobacco trust created in section 12.65, to
8 22 the Iowa empowerment fund created in section 28.9 for the
8 23 fiscal year beginning July 1, 2005, and ending June 30, 2006,
8 24 for deposit in the school ready children grants account:

8 25 \$ 2,153,250

8 26 Sec. 4. DEPARTMENT OF CORRECTIONS == SPECIAL NEEDS UNIT.
8 27 There is appropriated from the healthy Iowans tobacco trust
8 28 created in section 12.65, to the department of corrections for
8 29 the fiscal year beginning July 1, 2005, and ending June 30,
8 30 2006, the following amount, or so much thereof as is
8 31 necessary, to be used for the purpose designated:

8 32 For operating the special needs unit at the Fort Madison
8 33 correctional facility:

8 34 \$ 1,187,285

8 35 Sec. 5. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER.
9 1 In addition to the amount transferred pursuant to section
9 2 12E.12, subsection 1, paragraph "b", subparagraph (2),
9 3 subparagraph subdivision (b), \$7,600,000 is transferred from
9 4 the endowment for Iowa's health account of the tobacco
9 5 settlement trust fund created in section 12E.12 to the healthy
9 6 Iowans tobacco trust created in section 12.65 for the fiscal
9 7 year beginning July 1, 2005, and ending June 30, 2006.

9 8
9 9

9 10
9 11 _____
9 12 CHRISTOPHER C. RANTS
9 13 Speaker of the House

9 14
9 15 _____
9 16 JOHN P. KIBBIE
9 17 President of the Senate

9 18
9 19 I hereby certify that this bill originated in the House and
9 20 is known as House File 862, Eighty-first General Assembly.

9 21
9 22
9 23 _____
9 24 MARGARET THOMSON
9 25 Chief Clerk of the House

9 26 Approved _____, 2005

9 27
9 28
9 29 _____
9 30 THOMAS J. VILSACK
9 31 Governor