

March 18, 1970

HOUSE FILE 1346

Sifting Committee

Sen. Social Services 4/3
Pass 4/9

By COMMITTEE ON SOCIAL SERVICES

Passed House, Date 3-30-70 Passed Senate, Date 4-14-70

Vote: Ayes 110 Nays 0 Vote: Ayes 46 Nays 4

Approved.....

Passed as amended by Senate
4-15-70
aye 106, nays 4

A BILL FOR

- 1 An Act relating to the furnishing of medical care and services
- 2 to individuals and families whose income and resources are
- 3 insufficient to meet the cost of necessary medical care and
- 4 services.
- 5 *Be It Enacted by the General Assembly of the State of Iowa:*
- 6 Section 1. Chapter two hundred twenty-three (223), section
- 7 three (3), Acts of the Sixty-second General Assembly, as amended
- 8 by chapter two hundred nine (209), section four hundred eighteen
- 9 (418), Acts of the Sixty-second General Assembly, and further
- 10 amended by chapter one hundred fifty-two (152), section fifty-
- 11 two (52), Acts of the Sixty-third General Assembly, First Session,
- 12 is hereby further amended as follows:
- 13 1. By inserting after subsection one (1) the following new
- 14 subsection:
- 15 "2. The term 'commissioner' shall mean the commissioner of
- 16 the department of social services."
- 17 2. By renumbering the succeeding subsections accordingly.
- 18 3. By adding thereto the following new subsections:
- 19 "5. 'Medical assistance' shall mean payment of all or part
- 20 of the costs of the care and services enumerated in Title XIX,
- 21 United States Social Security Act, section 1905(a), paragraphs
- 22 (1) through (5), inclusive [Title XLII, United States Code,
- 23 section 1396d(a), paragraphs (1) through (5), inclusive], as
- 24 amended to January 1, 1970.
- 25 6. 'Additional medical assistance' shall mean payment of

1 all or part of the costs of any or all of the care and services
2 enumerated in Title XIX, United States Social Security Act, sec-
3 tion 1905(a), paragraphs (6), (7), and (9) through (15), inclu-
4 sive [Title XLII, United States Code, section 1396d(a), para-
5 graphs (6), (7), and (9) through (15), inclusive], as amended
6 to January 1, 1970.”

7 Sec. 2. Chapter two hundred twenty-three (223), section four
8 (4), Acts of the Sixty-second General Assembly, is hereby amended
9 as follows:

10 1. By striking lines one (1) through nine (9), inclusive,
11 and inserting in lieu thereof the following:

12 “The extent of and the limitations upon eligibility for assis-
13 tance under this chapter shall be as prescribed by this section,
14 and by laws appropriating funds therefor.

15 1. Medical assistance shall be provided to, or on behalf of,
16 any individual or family residing in the state of Iowa, including
17 those residents who are temporarily absent from the state, to
18 whom the state is required to make such assistance available,
19 by Title XIX, United States Social Security Act, section 1902
20 [Title XLII, United States Code, section 1396a], as amended to
21 January 1, 1970, and by the regulations and directives issued
22 pursuant thereto, as a minimum condition of federal financial
23 participation in the program of assistance provided under this
24 chapter, and who have no spouse or parent responsible under
25 the law of this state and fund by the county board to be able
26 to provide him or them with needed medical care and services.

27 2. Medical assistance may also, within the limits of avail-
28 able funds and in accordance with section five (5), subsections
29 one (1) and two (2), of this chapter, be provided to, or on be-
30 half of, other individuals and families who are eligible there-
31 for under subsection four (4) of this section and whose incomes
32 and resources are insufficient to meet the cost of necessary
33 medical care and services, and who have no spouse or parent
34 responsible under the law of this state and found by the county
35 board to be able to provide him or them with such necessary

1 medical care and services, in accordance with the following
2 order of priorities:

3 a. Individuals and families whose incomes and resources are
4 such that they are eligible for old age assistance, aid to de-
5 pendent children, aid to the disabled, or aid to the blind, but
6 who are not actually receiving such public assistance.

7 b. Children under twenty-one years of age whose incomes and
8 resources are comparable to those receiving aid to dependent
9 children.

10 c. Individuals sixty-five years of age or older who are
11 patients in institutions for mental diseases.

12 d. Individuals and families whose incomes and resources make
13 them ineligible for old age assistance, aid to dependent children,
14 aid to the disabled, or aid to the blind.

15 3. Additional medical assistance may, within the limits of
16 available funds and in accordance with section five (5), sub-
17 sections one (1) and two (2), of this chapter, be provided to, or
18 on behalf of, either:

19 a. Only those individuals and families described in subsec-
20 tion one (1) of this section; or

21 b. Those individuals and families described in both subsec-
22 tion one (1) and subsection two (2) of this section.

23 4. No assistance shall be granted under this chapter to:"

24 2. By striking from line ten (10) the figure "1" and insert-
25 ing in lieu thereof the letter "a".

26 3. By striking from line nineteen (19) the figure "2" and
27 inserting in lieu thereof the letter "b".

28 Sec. 3. Chapter two hundred twenty-three (223), section
29 five (5), Acts of the Sixty-second General Assembly, as amended
30 by chapter two hundred nine (209), section four hundred nine-
31 teen (419), Acts of the Sixty-second General Assembly, and fur-
32 ther amended by chapter one hundred fifty-two (152), section
33 fifty-three (53), Acts of the Sixty-third General Assembly,
34 First Session, is hereby further amended as follows:

35 1. By striking lines one (1) through twenty-four (24), in-

1 clusive, and inserting in lieu thereof the following new sen-
2 tences and subsections:

3 "The commissioner shall be responsible for the effective and
4 impartial administration of this chapter and shall, in accor-
5 dance with the standards and priorities established by this
6 chapter, by applicable federal law, particularly Title XIX of
7 the United States Social Security Act [Title XLII, United States
8 Code, sections 1396 through 1396g], as amended to January 1,
9 1970, by the regulations and directives issued pursuant thereto,
10 and by the state plan approved in accordance therewith, make
11 rules and regulations, establish policies, and prescribe pro-
12 cedures to implement this chapter. Without limiting the gener-
13 ality of the foregoing delegation of authority, the commissioner
14 is hereby specifically empowered and directed to:

15 1. Determine the greatest amount, duration, and scope of
16 assistance which may be provided, and the broadest range of
17 eligible individuals to whom assistance may effectively be pro-
18 vided, under this chapter within the limitations of available
19 funds. In so doing, he shall at least every six months evaluate
20 the scope of the program currently being provided under this
21 chapter, project the probable cost of continuing a like program,
22 compare such probable cost with the remaining balance of the
23 state appropriation made for payment of assistance under this
24 chapter during the current appropriation period, and expand or
25 curtail the program accordingly; provide that in no event shall
26 the scope of the program be less than payment of all costs of
27 the care and services to which reference is made in section
28 three (3), subsection five (5) of this chapter, which are pro-
29 vided to the individuals and families described in section four
30 (4), subsection one (1) of this chapter. After each evaluation
31 of the scope of the program, the commissioner shall report his
32 conclusions and his action thereon to the general assembly
33 through the legislative council or in such other manner as the
34 general assembly may by resolution direct.

35 2. Have authority to determine, when available funds permit

1 expansion of the program provided under this chapter beyond the
2 minimum scope required by subsection one (1) of this section,
3 whether priority shall be given to providing additional medical
4 assistance to the individuals and families described in section
5 four (4), subsection one (1) of this chapter, or to providing
6 medical assistance to some or all of the individuals and families
7 described in section four (4), subsection two (2) of this chap-
8 ter, unless the general assembly has by law made such determina-
9 tion.

10 3. Have authority to provide for payment under this chapter
11 of assistance rendered to any applicant prior to the date his
12 application is filed.

13 4. Have authority to contract with any corporation or cor-
14 porations, authorized to engage in this state in insuring groups
15 or individuals for all or part of the cost of medical, hospital,
16 or other health care or with any corporation or corporations
17 maintaining and operating a medical, hospital, or health service
18 prepayment plan or plans under the provisions of chapter five
19 hundred fourteen (514) of the Code, for any or all of the bene-
20 fits to which any recipients are entitled under this chapter to
21 be provided by such corporation or corporations on a prepaid
22 individual or group basis.”

23 2. By renumbering the succeeding subsections of section five
24 (5) in accordance with the foregoing amendment.

25 3. By inserting in line forty-nine (49) after the word
26 “Association” the words “Iowa Ophthalmic Dispensers, Inc.,”.

27 4. By striking from lines fifty-four (54) and fifty-five
28 (55) the words “one public representative appointed by the
29 governor, each for a period of two years”, and inserting in lieu
30 thereof the following:

31 “each for a term of two years; four public representatives,
32 two of whom shall be appointed each year by the governor for
33 terms of two years each and none of whom shall be members of,
34 or practitioners of or have a pecuniary interest in any of the
35 professions or businesses represented by, any of the several

1 professional groups and associations specifically represented
2 on the council under this subsection”.

3 5. By striking from line sixty-three (63) the word “repre-
4 sentative” and inserting in lieu thereof the word “representa-
5 tives”.

6 Sec. 4. In making the first appointments of public repre-
7 sentatives to the medical assistance advisory council after
8 the effective date of this Act, the governor shall appoint two
9 such representatives for terms of two years each and two for
10 terms of one year each. Thereafter, all such appointments
11 shall be made for terms of two years.

12 Sec. 5. Section five hundred nine point one (509.1), Code
13 1966, is hereby amended by adding thereto the following new
14 subsection:

15 “A policy issued to the department of social services, which
16 shall be deemed the policyholder, to insure eligible persons
17 for medical assistance, or for both medical assistance and
18 additional medical assistance, as defined by chapter two hundred
19 twenty-three (223), Acts of the Sixty-second General Assembly,
20 as amended by this Act or as hereafter amended.”

21 Sec. 6. Section five hundred fourteen point one (514.1),
22 Code 1966, as amended by chapter three hundred sixty-nine (369),
23 section one (1), Acts of the Sixty-second General Assembly, and
24 further amended by chapter two hundred seventy-one (271),
25 sections one (1) and two (2), Acts of the Sixty-third General
26 Assembly, First Session, is hereby further amended by adding
27 thereto the following new sentence:

28 “For the purposes of chapter five hundred fourteen (514) of
29 the Code, the term ‘subscriber’ shall include any person eligible
30 for medical assistance or additional medical assistance as de-
31 fined under chapter two hundred twenty-three (223), Acts of the
32 Sixty-second General Assembly, as amended by this Act or as
33 hereafter amended, with respect to whom the department of social
34 services has entered into contract with any firm operating
35 under said chapter five hundred fourteen (514).”

EXPLANATION

This bill makes the following changes in the present Medical Assistance Act, or Medicaid law:

1. Establishes more specific guidelines for the Commissioner of Social Services with respect to Medicaid eligibility, in accordance with the ruling of the federal court in Dimery v. Department of Social Services.

2. Provides the statutory framework for the General Assembly or the Commissioner of Social Services to reduce the present broad scope of Medicaid services, as is now permitted by federal law, should such a step become necessary due to lack of funds.

3. Authorizes the Commissioner of Social Services to provide some or all Medicaid benefits through purchase of health and hospital insurance for some or all eligible recipients under the program.

4. Increases from one to four the number of public representatives appointed by the Governor to the Medical Assistance Advisory Council, and includes on the Council a representative of the Iowa Ophthalmic Dispensers, Inc. (the opticians' professional group), the only professional group providing services under Medicaid in Iowa which is not now represented on the council.

Adopted 3/30

1 Amend House File 1346 as follows:
2 1. Page two (2), strike lines thirty (30) and thirty-one (31)
3 and insert "half of, other individuals and families who are not
4 excluded under subsection four (4) of this section four (4) of
5 said chapter two hundred twenty-three (223) as amended by this
6 Act and whose incomes".

Adopted 3/30

7 2. Page four (4), line twenty-eight (28), strike "this
8 chapter" and insert "said chapter two hundred twenty-three (223)
9 as amended by this Act".

10 3. Page four (4), line thirty (30), strike "this chapter"
11 and insert "said chapter two hundred twenty-three (223) as
12 amended by this Act".

13 4. Page five (5), line two (2), insert after "section" the
14 words "of this Act".

15 5. Page five (5), line five (5), strike "this chapter" and
16 insert "said chapter two hundred twenty-three (223) as amended
17 by this Act".

18 6. Page five (5), lines seven (7) and eight (8), strike
19 "this chapter" and insert "said chapter two hundred twenty-three
20 (223) as amended by this Act".

Filed - *Adopted 3/30*
March 20, 1970

LIPSKY of Linn

1 Amend House File 1346, page 4, line 30, by inserting
2 after the word "chapter" the following: "; provided that
3 any such curtailment shall not diminish the availability
4 of services now provided by licensed practitioners in the
5 state of Iowa and including pharmacists, dentists, podia-
6 trists, optometrists, and chiropractors".

Filed - *Last 3/30*
March 23, 1970

PETERSON of Woodbury
MILLER of Des Moines

- 1 Amend House File 1346 by striking the words in line
- 2 26, page 5, "Iowa Ophthalmic Dispensers, Inc., and inserting
- 3 in lieu thereof the words, "a representative of the ancillary
- 4 suppliers of prosthetic devices,".

Offered from the floor and adopted.
March 30, 1970

RADL of Linn

SENATE AMENDMENT TO HOUSE FILE 1346

- 1 Amend House File 1346 by striking on page 5, lines 29 and 30,
- 2 the words 'a representative of the ancillary suppliers of
- 3 prosthetic devices," and inserting in lieu thereof the following:
- 4 Iowa Ophthalmic Dispensers, Inc., (opticians)".

*House
concerned
4/15*

Received from the Senate
April 14, 1970

- 1 Amend House File 1346, page 6, by adding after line 5
- 2 the following:
- 3 "By inserting after line ninety-two (92) the following
- 4 new subsection:
- 5 'Shall require that all licensed practitioners of the
- 6 healing arts who provide care or treatment, and all persons who in the
- 7 course of their business or professional pursuits provide medicine,
- 8 or other health care supplies or appliances to any recipient shall
- 9 itemized monthly statement for such services or goods to the recipient
- 10 the county board where the recipient resides."

Filed and lost
April 13, 1970

By KOSEK, STEPHENS, DODERER,
PALMER and MESSERLY

- 1 Amend House File 1346, page 4, line 32, by inserting after
- 2 the word "Acts" the following: "nor diminish or discriminate in
- 3 the payment of services as provided by any licensed health care
- 4 practitioner in the state".

Filed and lost
April 13, 1970

By BALLOUN and LAMBORN

- 1 Amend House File 1346 by striking on page 5, lines 29 and
- 2 30, the words "a representative of the ancillary suppliers
- 3 of prosthetic devices," and inserting in lieu thereof the
- 4 following: "Iowa Ophthalmic Dispensers, Inc., (opticians)".

Filed and adopted
April 13, 1970

By PALMER