

*To Pass
4/14/83*

Reprinted 4/26/83

Finance: Arnould, Chair: Jochum and Krewson.

APR 3 1983

HOUSE FILE 613

FINANCE

BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 4-31-83 (P. 1497) Passed Senate, Date _____
Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the funding of state agencies for designated
2 service programs including health programs, specialized child
3 health service programs, substance abuse programs, civil rights,
4 veterans' services, and programs for minority, elderly, and
5 disadvantaged persons for the fiscal year beginning July 1,
6 1983, and ending June 30, 1984.

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

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HF 613

1 Section 1. There is appropriated from the general fund
2 of the state to the commission on the aging for the fiscal
3 year beginning July 1, 1983, and ending June 30, 1984, the
4 following amounts, or so much thereof as is necessary, to
5 be used for the purposes designated:

	1983-1984
	<u>Fiscal Year</u>
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8 1. For salaries and support	
9 of not more than twenty-five and	
10 six-tenths full-time equivalent	
11 positions annually, maintenance,	
12 and miscellaneous purposes	\$ 202,000
13 2. For the administration	
14 of area agencies on aging	\$ 117,600
15 3. For the senior citizen	
16 employment program	\$ 108,000
17 4. For the older Iowans	
18 legislature	\$ 14,000
19 5. For elderly services	
20 programs	\$ 800,000

21 All funds appropriated under this subsection shall be
22 received and disbursed by the commission in accordance with
23 sections 249B.15 through 249B.21, shall not be used for
24 administrative purposes, and shall be used for citizens of
25 Iowa over sixty-five years of age for chore, telephone
26 reassurance, adult day care, and home repair services,
27 including the winterizing of homes, and for the construction
28 of entrance ramps which meet the requirements of section
29 104A.4 and make residences accessible to the physically
30 handicapped. Funds appropriated under this subsection may
31 be used to supplement federal funds under federal regulations.

32 Sec. 2. There is appropriated from the general fund of
33 the state for the fiscal year beginning July 1, 1983, and
34 ending June 30, 1984, the following amounts, or so much thereof
35 as is necessary, to be used by the following agencies for

1 the purposes designated:

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1983-1984
Fiscal Year

4 1. IOWA STATE CIVIL
5 RIGHTS COMMISSION

6 For salaries and support of
7 not more than twenty-four full-
8 time equivalent positions an-
9 nually, maintenance, and mis-

10 cellaneous purposes \$ 691,846

11 2. SPANISH-SPEAKING
12 PEOPLES COMMISSION

13 For salaries and support
14 of not more than one full-
15 time equivalent position
16 annually, maintenance, and

17 miscellaneous purposes \$ 41,089

18 3. COMMITTEE ON THE EM-
19 PLOYMENT OF THE HANDICAPPED

20 For salaries and support
21 of not more than four full-
22 time equivalent positions
23 annually, maintenance, and

24 miscellaneous purposes \$ 128,356

25 4. COMMISSION ON THE
26 STATUS OF WOMEN

27 For salaries and support
28 of not more than three
29 full-time equivalent posi-
30 tions annually, maintenance,

31 and miscellaneous purposes \$ 91,071

32 Sec. 3. There is appropriated from the general fund of
33 the state for the fiscal year beginning July 1, 1983, and
34 ending June 30, 1984, the following amounts, or so much thereof
35 as is necessary, to be used by the following agencies for

1 the purposes designated:

2
3 1983-1984
Fiscal Year

4 1. BOARD OF MEDICAL
5 EXAMINERS

6 For salaries and support
7 of not more than fourteen
8 full-time equivalent posi-
9 tions annually, maintenance,
10 and miscellaneous purposes \$ 640,548

11 2. BOARD OF NURSE EXAMINERS

12 For salaries and support
13 of not more than sixteen
14 full-time equivalent posi-
15 tions annually, maintenance,
16 and miscellaneous purposes \$ 532,781

17 3. BOARD OF PHARMACY
18 EXAMINERS

19 For salaries and support
20 of not more than twelve
21 full-time equivalent posi-
22 tions annually, maintenance,
23 and miscellaneous purposes \$ 358,179

24 The board of pharmacy examiners shall insure that enough
25 revenue is received to reimburse the general fund of the state
26 for the state's portion of the costs incurred for the auditing
27 of pharmacies.

28 4. BOARD OF DENTAL EXAMINERS

29 For salaries and support of
30 not more than two full-time
31 equivalent positions annually,
32 maintenance, and miscellaneous
33 purposes \$ 110,313

34 Sec. 4. There is appropriated from the general fund of
35 the state to the state department of health for the fiscal

1 year beginning July 1, 1983, and ending June 30, 1984, the
 2 following amounts, or so much thereof as is necessary, to
 3 be used for the purposes designated:

	1983-1984 <u>Fiscal Year</u>
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6 1. ADMINISTRATION	
7 For salaries and support	
8 of not more than sixty-seven	
9 and one-fourth full-time	
10 equivalent positions annually,	
11 maintenance, and miscellaneous	
12 purposes	\$ 989,219
13 2. HEALTH FACILITIES	
14 DIVISION	
15 For salaries and support	
16 of not more than fifty-one	
17 full-time equivalent posi-	
18 tions annually, maintenance,	
19 and miscellaneous purposes	\$ 694,634
20 3. HEALTH PLANNING AND	
21 DEVELOPMENT DIVISION	
22 For salaries and support	
23 of not more than nineteen	
24 and sixty-seven one-hundredths	
25 full-time equivalent posi-	
26 tions annually, maintenance,	
27 and miscellaneous purposes	\$ 257,494
28 4. DISEASE PREVENTION	
29 DIVISION	
30 For salaries and support	
31 of not more than fifty-one	
32 and six-tenths full-time	
33 equivalent positions annually,	
34 maintenance, and miscellaneous	
35 purposes	\$ 1,042,348

1 5. LICENSING AND CERTIFICA-
2 TION DIVISION

3 For salaries and support
4 of not more than sixteen
5 full-time equivalent posi-
6 tions annually, maintenance,
7 and miscellaneous purposes \$ 538,228

8 The licensing and certification division shall prepare
9 estimates of projected revenues to be generated by the
10 licensing, certification, and examination fees of each board
11 as well as a projection of the fairly apportioned admin-
12 istrative costs and rental expenses attributable to each
13 board. Each board shall annually review and adjust its
14 schedule of fees so that, as nearly as possible, projected
15 revenues equal projected costs and any imbalance in revenues
16 and costs in a fiscal year is offset in a subsequent fiscal
17 year.

18 6. PERSONAL AND FAMILY
19 HEALTH SERVICES

20 a. For salaries and support
21 of not more than forty-four and
22 thirty-five one-hundredths
23 full-time equivalent posi-
24 tions annually, maintenance,
25 and miscellaneous purposes \$ 1,164,699

26 The department shall allocate from the funds appropriated
27 under this paragraph at least four hundred seventy-two thousand
28 three hundred four (472,304) dollars for the fiscal year
29 beginning July 1, 1983, and ending June 30, 1984, for the
30 birth defects and genetics counseling program.

31 Of the funds appropriated in this paragraph, the following
32 amounts shall be allocated to the university of Iowa hospitals
33 and clinics under the control of the state board of regents
34 for the following programs under the Iowa specialized child
35 health care services:

1	(1) Mobile and regional child		
2	health specialty clinics	\$	252,000
3	(2) Childhood cancer diagnostic		
4	and treatment network program	\$	48,847
5	(3) Rural comprehensive care for		
6	hemophilia patients	\$	69,199
7	(4) Muscular dystrophy and re-		
8	lated genetic disease programs	\$	100,000
9	(5) Statewide perinatal programs	\$	45,000

10 Of the funds allocated to the mobile and regional child
 11 health specialty clinics pursuant to subparagraph (1), twenty-
 12 one thousand (21,000) dollars is intended to be used for the
 13 high risk infant follow-up program which may be conducted
 14 through the mobile and regional child health specialty clinics.

15 The birth defects and genetic counseling service shall
 16 develop a sliding fee scale to determine the amount a person
 17 receiving the services is required to pay for the services.

18 The university of Iowa hospitals and clinics shall receive
 19 an allocation for indirect costs of no more than eight percent
 20 from the funds for each program.

21 It is the intention of the human resources appropriations
 22 subcommittee that one hundred eighty-thousand three hundred
 23 seventy-seven (180,377) dollars of the maternal and child
 24 health block grant appropriated to the state department of
 25 health by the general assembly for the federal fiscal year
 26 beginning October 1, 1983, and ending September 30, 1984,
 27 shall be allocated to the statewide perinatal care program.

28 b. Sexual abuse investiga-
 29 tions.

30	For medical procedures re-		
31	quired by section 709.10	\$	25,000

32 c. Sudden infant death syn-
 33 drome.

34 For reimbursing counties for
 35 expenses resulting from autop-

1 sies of suspected victims of
2 sudden infant death syndrome
3 required under section 331.802 \$ 15,000

4 7. COMMUNITY HEALTH SERVICES

5 a. Community health division.

6 For salaries and support
7 of not more than thirty-eight
8 full-time equivalent posi-
9 tions annually, maintenance,
10 and miscellaneous purposes \$ 1,819,356

11 The department shall allocate from the funds appropriated
12 under this lettered paragraph nine hundred twenty-two thousand
13 six hundred ninety-three (922,693) dollars for the fiscal
14 year beginning July 1, 1983, and ending June 30, 1984 for
15 the chronic renal disease program. The types of assistance
16 to eligible recipients under the program may include hospital
17 and medical expenses, home dialysis supplies, insurance
18 premiums, travel expenses, prescription and nonprescription
19 drugs, and lodging expenses for persons in training. The
20 program expenditures shall not exceed these allocations.
21 If projected expenditures will exceed the allocations, the
22 department shall establish by administrative rule a mechanism
23 to reduce financial assistance under the renal disease program
24 in order to keep expenditures within the allocations.

25 b. In-home health care

26 grants.

27 For grants to local boards
28 of health for the public health
29 nursing program \$ 2,060,000

30 Funds appropriated under this paragraph shall be used to
31 maintain and expand the existing public health nursing program
32 for elderly and low-income persons with the objective of
33 preventing or reducing inappropriate institutionalization.

34 The funds shall not be used for any other purpose. As used
35 in this paragraph, "elderly person" means a person who is

1 sixty years of age or older and "low-income person" means
2 a person whose income and resources are below the guidelines
3 established by the department.

4 One-fourth of the total amount to be allocated shall be
5 divided so that an equal amount is available for use in each
6 county in the state. Three-fourths of the total amount to
7 be allocated shall be divided so that the share available
8 for use in each county is proportionate to the number of
9 elderly and low-income persons living in that county in
10 relation to the total number of elderly and low-income persons
11 living in the state.

12 In order to receive allocations under this paragraph, the
13 local board of health having jurisdiction, after consultation
14 with other in-home health care provider agencies in the
15 jurisdiction, shall prepare a proposal for the use of the
16 allocated funds available for that jurisdiction that will
17 provide the maximum benefits of expanded public health nursing
18 care to elderly and low-income persons in the jurisdiction.
19 The proposal shall include a statement assuring that the
20 appropriate local agencies have participated in the formulation
21 of the proposal. After approval of the proposal by the
22 department, the department shall enter into a contract with
23 the local board of health. The local board of health may
24 subcontract with a nonprofit nurses' association, an
25 independent nonprofit agency, a suitable local governmental
26 body, or a person as defined in section 4.1, subsection 13,
27 to use the allocated funds to provide public health nursing
28 care. Local boards of health shall make an effort to
29 subcontract with agencies that are currently providing services
30 to prevent duplication of services.

31 If by July 30, 1983, the department is unable to conclude
32 contracts for use of the allocated funds in a county, the
33 department shall consider the unused funds appropriated under
34 this paragraph an unallocated pool. The department shall
35 prior to December 31, 1983, reallocate the funds in the

1 unallocated pool among the counties in which the department
2 has concluded contracts under this paragraph. The reallocation
3 shall be made to those counties in substantially the same
4 manner as the original allocations. The reallocated funds
5 are available for use in those counties during the period
6 beginning January 1 and ending June 30 of each fiscal year
7 of the biennium.

8 The department shall adopt rules defining eligibility for
9 public health nursing care paid for from funds appropriated
10 by this paragraph. The rules shall require each local agency
11 receiving funds to establish and use a sliding fee scale for
12 those persons able to pay for all or a portion of the cost
13 of the care.

14 The department shall annually evaluate the success of the
15 public health nursing program. The evaluation shall include
16 the extent to which the program reduced or prevented
17 inappropriate institutionalization, the extent to which the
18 program increased the availability of public health nursing
19 care to elderly and low-income persons, and the extent of
20 public health nursing care provided to elderly and low-income
21 persons. The department shall submit a report of each annual
22 evaluation to the governor and the general assembly.

23 c. For grants to county boards
24 of supervisors for the home-
25 maker-home health aide program \$ 6,950,000

26 Funds appropriated under this paragraph shall be used to
27 provide homemaker-home health aide services with emphasis
28 on services to elderly and low-income persons and children
29 and adults in need of protective services with the objective
30 of preventing or reducing inappropriate institutionalization.
31 In addition, up to fifteen percent of the funds appropriated
32 under this paragraph may be used to provide chore services.
33 The funds shall not be used for any other purposes. As used
34 in this paragraph:

35 (1) "Chore services" means services provided to individuals

1 or families, who, due to absence, incapacity, or illness,
2 are unable to perform certain home maintenance functions.
3 The services include but are not limited to yard work such
4 as mowing lawns, raking leaves, and shoveling walks; window
5 and door maintenance such as hanging screen windows and doors,
6 replacing window panes, and washing windows; and minor repairs
7 to walls, floors, stairs, railings, and handles.

8 (2) "Elderly person" means a person who is sixty years
9 of age or older.

10 (3) "Homemaker-home health aide services" means services
11 intended to enhance the capacity of household members to
12 attain or maintain the independence of the household members
13 and provided by trained and supervised workers to individuals
14 or families, who, due to the absence, incapacity, or
15 limitations of the usual homemaker, are experiencing stress
16 or crisis. The services include but are not limited to
17 essential shopping, housekeeping, meal preparation, child
18 care, respite care, money management and consumer education,
19 family management, personal services, transportation and
20 providing information, assistance, household management and
21 learning experiences.

22 (4) "Low-income person" means a person whose income and
23 resources are below the guidelines established by the
24 department.

25 (5) "Protective services" means those homemaker-home
26 health aide services intended to stabilize a child's or an
27 adult's residential environment and relationships with
28 relatives, caretakers, and other persons or household members
29 in order to alleviate a situation involving abuse or neglect
30 or to otherwise protect the child or adult from a threat of
31 abuse or neglect.

32 The amount appropriated under this paragraph shall be
33 allocated for use in the counties of the state. Fifteen
34 percent of the amount shall be divided so that an equal amount
35 is available for use in each county in the state. Of the

1 remaining amount each county shall be allocated for the 1983-
2 1984 fiscal year an amount equal to fifty percent of state
3 expenditures for homemaker services in that county for the
4 1981-1982 fiscal year and for the 1984-1985 fiscal year an
5 amount equal to twenty-five percent of the amount of state
6 expenditures for homemaker services in that county for the
7 1981-1982 fiscal year. After the allocation of the fifty
8 percent or the twenty-five percent to each county, the
9 following percentages of the remaining amount shall be
10 allocated to each county according to that county's proportion
11 of residents with the following demographic characteristics
12 compared to all state residents with the same demographic
13 characteristics: sixty percent according to the number of
14 elderly persons living in the county; twenty percent according
15 to the number of low-income persons living in the county;
16 and twenty percent according to the number of substantiated
17 cases of child abuse in the county during the 1980-1981 fiscal
18 year.

19 For the 1985-1986 fiscal year it is intended that no
20 allocation be made based on those state expenditures for
21 homemaker services but that the entire amount appropriated
22 be allocated by dividing fifteen percent of the amount equally
23 among the counties and by dividing the remaining amount
24 according to the percentages and demographic characteristics
25 stipulated above.

26 In order to receive allocations under this paragraph, the
27 county board of supervisors, after consultation with the local
28 boards of health, county board of social welfare, area agency
29 on aging advisory council, local office of the department
30 of social services, and other in-home health care provider
31 agencies in the jurisdiction, shall prepare a proposal for
32 the use of the allocated funds available for that jurisdiction
33 that will provide the maximum benefits of expanded homemaker-
34 home health aide services to elderly and low-income persons
35 and children and adults in need of protective services in

1 the jurisdiction. The proposal may provide that a maximum
2 of fifteen percent of the allocated funds will be used to
3 provide chore services. The proposal shall include a statement
4 assuring that children and adults in need of protective
5 services are given priority for homemaker-home health aide
6 services and that the appropriate local agencies have
7 participated in the formulation of the proposal. After
8 approval of the proposal by the department, the department
9 shall enter into a contract with the county board of
10 supervisors or a governmental body designated by the county
11 board of supervisors. The county board of supervisors or
12 its designee may subcontract with a nonprofit nurses'
13 association, an independent nonprofit agency, the department
14 of social services, or a suitable local governmental body,
15 to use the allocated funds to provide homemaker-home health
16 aide services and chore services providing that the subcontract
17 requires any service provided away from the home to be
18 documented in a report available for review by the department.

19 If by July 30 of each year of the biennium, the department
20 is unable to conclude contracts for use of the allocated funds
21 in a county, the department shall consider the unused funds
22 appropriated under this paragraph an unallocated pool. The
23 department shall also identify any allocated funds which the
24 counties do not anticipate spending during each fiscal year
25 of the biennium. If the anticipated excess funds to any
26 county are substantial, the department and the county may
27 agree to return those excess funds, if the funds are other
28 than program revenues, to the department, and if returned,
29 the department shall consider the returned funds a part of
30 the unallocated pool. The department shall prior to December
31 31 of each fiscal year of the biennium, reallocate the funds
32 in the unallocated pool among the counties in which the
33 department has concluded contracts under this paragraph.

34 The department shall adopt rules defining eligibility for
35 homemaker-home health aide services and chore services paid

1 for from funds appropriated by this paragraph. The rules
2 shall require each local agency receiving funds to establish
3 and use a sliding fee scale for those persons able to pay
4 for all or a portion of the cost of the services and shall
5 require the payments to be applied to the cost of the services.
6 The department shall also adopt rules for standards regarding
7 training, supervision, recordkeeping, appeals, program
8 evaluation, cost analysis, and financial audits, and rules
9 specifying reporting requirements.

10 The department shall annually evaluate the success of the
11 homemaker-home health aide program. The evaluation shall
12 include a description of the program and its implementation,
13 the extent of local participation, the extent to which the
14 program reduced or prevented inappropriate
15 institutionalization, the extent to which the program provided
16 or increased the availability of homemaker-home health aide
17 services to elderly and low-income persons and children and
18 adults in need of protective services, any problems and
19 recommendations concerning the program, and an analysis of
20 the costs of services across the state. The department shall
21 submit a report of the annual evaluation to the governor and
22 the general assembly.

23 d. Well-elderly clinic
24 grants.

25 For the development and main-
26 tenance of well-elderly clinics
27 in the state \$ 212,000

28 Sec. 5. There is appropriated from the general fund of
29 the state to the Iowa department of veterans affairs for the
30 fiscal year beginning July 1, 1983, and ending June 30, 1984,
31 the following amounts, or so much thereof as is necessary,
32 to be used for the purposes designated:

33		1983-1984
34		<u>Fiscal Year</u>

35 1. For salaries and support

1 of not more than four full-time
2 equivalent positions annually,
3 maintenance, and miscellaneous
4 purposes \$ 118,336

5 2. For the war orphans edu-
6 cational aid fund \$ 25,000

7 Sec. 6. There is appropriated from the general fund of
8 the state to the Iowa department of substance abuse for the
9 fiscal year beginning July 1, 1983, and ending June 30, 1984,
10 the following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:

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1983-1984
Fiscal Year

1. For salaries and support
of not more than nineteen and
one-tenth full-time equivalent
positions annually, maintenance,
and miscellaneous purposes \$ 172,975

2. For program grants \$ 2,761,150

Sec. 7. The licensing boards for which general fund appro-
priations have been provided for in section 3, subsection
1, 2, 3, or 4 and section 4, subsection 5 of this Act may
expend additional funds, if those additional expenditures
are directly the cause of actual examination expenses exceeding
funds budgeted for examinations. Before a licensing board
included in section 3, subsection 1, 2, 3, or 4 and section
4, subsection 5 of this Act expends or encumbers an amount
in excess of the funds budgeted for examinations, the state
comptroller shall approve the expenditure or encumbrance.
Before approval is given, the state comptroller shall determine
that the examination expenses exceed the funds budgeted by
the general assembly to the board and the board does not have
other funds from which examination expenses can be paid.
Upon approval of the state comptroller the licensing board
may expend and encumber funds for excess examination expenses.

1 The amounts necessary to fund the excess examination expenses
2 shall be collected as fees from additional examination
3 applicants and shall be treated as repayment receipts as
4 defined in section 8.2, subsection 5.

5 Sec. 8. Section 135E.1, subsection 3, Code 1983, is amended
6 to read as follows:

7 3. "Nursing home" means any institution or facility, or
8 part thereof, licensed as an intermediate care facility or
9 a skilled nursing facility, but not including an intermediate
10 care facility for the mentally retarded, defined as such for
11 licensing purposes under state law or pursuant to the rules
12 and regulations for nursing homes established by the state
13 department of public health, whether proprietary or nonprofit,
14 including but not limited to, nursing homes owned or
15 administered by the federal or state government or an agency
16 or political subdivisions thereof.

17 Sec. 9. Section 147.102, Code 1983, is amended to read
18 as follows:

19 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,
20 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS. Notwithstanding
21 the provisions of this title, every application for a license
22 to practice medicine and surgery, psychology, chiropractic,
23 dentistry, osteopathy, or osteopathic medicine and surgery,
24 shall be made directly to the secretary of the examining board
25 of such profession, and every reciprocal agreement for the
26 recognition of any such license issued in another state shall
27 be negotiated by the examining board for such profession,
28 and all examination, license, and renewal fees received from
29 such persons licensed to practice any of such professions
30 shall be paid to and collected by the secretary of the
31 examining board of such profession, who shall transmit the
32 fees to the treasurer of state who shall deposit the fees
33 in the general fund of the state. The salary of the secretary
34 shall be established by the governor with the approval of
35 the executive council pursuant to section 19A.9, subsection

1 2, under the pay plan for exempt positions in the executive
2 branch of government.

3 Sec. 10. Section 157.11, unnumbered paragraph 1, Code
4 1983, is amended to read as follows:

5 Commencing January 1, 1977, ~~it is unlawful for~~ a beauty
6 salon ~~to~~ shall not operate unless the owner has obtained a
7 license issued by the department. The owner shall apply to
8 the department on forms prescribed by the board. ~~The beauty~~
9 ~~salon must pass a sanitary inspection before licensing and~~
10 ~~at least annually thereafter.~~ The department shall perform
11 a sanitary inspection of each beauty salon annually and may
12 perform a sanitary inspection of a beauty salon prior to the
13 issuance of a license.

14 Sec. 11. Section 158.9, unnumbered paragraph 1, Code 1983,
15 is amended to read as follows:

16 ~~It is unlawful for a~~ A barbershop ~~to~~ shall not operate
17 unless the owner has obtained a license issued by the
18 department. The owner shall apply to the department on forms
19 prescribed by the board. ~~The barbershop must pass a sanitary~~
20 ~~inspection before obtaining a license and at least annually~~
21 ~~thereafter.~~ The department shall perform a sanitary inspection
22 of each barbershop annually and may perform a sanitary in-
23 spection of a barbershop prior to the issuance of a license.

24 Sec. 12. All federal grants to and federal receipts of
25 the agencies appropriated funds under this Act are appropriated
26 for the purposes set forth in the federal grants or receipts.
27 Full-time equivalent positions funded entirely with federal
28 funds are exempt from the limits on the number of full-time
29 equivalent positions provided in this Act but are approved
30 only for the period of time for which the federal funds are
31 available for the position.

32

EXPLANATION

33 This bill appropriates funds for the 1983-1984 fiscal year
34 to the commission on the aging, the civil rights commission,
35 the Spanish-speaking peoples commission, the committee on

1 the employment of the handicapped, the commission on the
2 status of women, several medical licensing boards, the state
3 department of health, specialized child health service programs
4 at the university hospitals at the state university of Iowa,
5 the department of veterans affairs, and the department of
6 substance abuse.

7 The bill provides extensive qualifications on the use of
8 funds appropriated to the department of health for homemaker-
9 home health aide program and the public health nursing program.

10 The bill amends the definition of a nursing home, requires
11 dentists to apply for a license to the dentistry examining
12 board, and amends the inspection requirements for beauty
13 salons and barbershops.

14 The bill provides a procedure for state comptroller approval
15 of additional expenditures directly caused by actual licensing
16 examination expenses.

17 The bill takes effect July 1 following its enactment.

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HOUSE FILE 613

H-3798

- 1 Amend House File 613 as follows:
- 2 1. Page 4, line 19, by striking the figure
- 3 "694,634" and inserting in lieu thereof the figure
- 4 "669,634".

BY LONERGAN of Boone
DE GROOT of Lyon

H-3798 FILED APRIL 19, 1983

A/D 4/21 (p. 1494)

HOUSE FILE 613

H-3801

- 1 Amend House File 613 as follows:
- 2 1. Page 13, line 27, by striking the figure
- 3 "212,000" and inserting in lieu thereof the figure
- 4 "237,000".

BY STURGEON of Woodbury
ZIMMERMAN of Dallas
HERMANN of Scott
SKOW of Guthrie
GRUHN of Dickinson
GROTH of Buena Vista
GRONSTAL of Pottawattamie
PAULIN of Plymouth
CHAPMAN of Linn
JAY of Appanoose
HOLVECK of Polk
HAVERLAND of Polk
O'KANE of Woodbury
OSTERBERG of Linn
FEY of Scott
MILLER of Woodbury
ROSENBERG of Story
HOFFMANN-BRIGHT of Muscatine
MULLINS of Kossuth
McINTEE of Black Hawk

H-3801 FILED APRIL 19, 1983

A/D 4/21/83 (p. 1495)

1 Amend House File 613 as follows:
 2 1. Page 7, by inserting after line 33 the
 3 following: "The department shall not retain more than
 4 one percent of the amount appropriated under this
 5 paragraph for the costs of administering the public
 6 health nursing program. The remainder of the
 7 appropriation shall be allocated for use in the
 8 counties of the state."

H-3630 FILED APRIL 11, 1983
Adopted 4/21/83 (p. 1495)

BY LONERGAN of Boone
 DE GROOT of Lyon

HOUSE FILE 613

H-3652

1 Amend House File 613 as follows:
 2 1. Page 1, line 25, by striking the word "for"
 3 and inserting in lieu thereof the words "to increase
 4 the availability of".
 5 2. Page 1, line 26, by striking the word
 6 "services".
 7 3. Page 1, line 27, by striking the words ", and
 8 for" and inserting in lieu thereof the word "and".
 9 4. Page 1, line 30, by inserting after the word
 10 "handicapped" the words ", and other elderly services.
 11 Funds appropriated under this subsection may be used
 12 for elderly services not specifically enumerated in
 13 this paragraph only if approved by an area agency
 14 on aging for provision of the services within the
 15 area".

H-3652 FILED APRIL 11, 1983
*Adopted as amended by 3804
 4/21 (p. 1494)*

BY LONERGAN of Boone
 DE GROOT of Lyon

HOUSE FILE 613

H-3542

1 Amend House File 613 as follows:
 2 1. Page 7, line 34, by inserting after the word
 3 "purpose" the words "nor shall they be used for
 4 administration within the department of health".

H-3542 FILED APRIL 6, 1983
Adopted 4/21 (p. 1495)

BY LONERGAN of Boone

HOUSE FILE 613

H-3822

1 Amend House File 613 as follows:

2 1. Page 16, by inserting after line 23 the
3 following:
4 "Sec. _____. Notwithstanding section 8.31 or any
5 other provision of chapter 8, for the fiscal year
6 beginning July 1, 1983, allotments of appropriated
7 funds shall be on a monthly basis and shall be equal
8 to eight percent per month of a department's or
9 agency's appropriation except upon good cause shown
10 the governor by executive order may allocate the
11 remaining monthly average of a department's or agency's
12 appropriation. In all other respects the provisions
13 of section 8.31 and any other provision of chapter
14 8 shall be applicable to the allotment of appropriated
15 funds."

H-3822 FILED APRIL 21, 1983 BY SCHOREDER of Pottawattamie
WITHDRAWN (71496)

HOUSE FILE 613

H-3804

1 Amend amendment H-3652 to page 1 of House File 613
2 as follows:
3 1. Page 1, line 10, by inserting after the word
4 "services." the following: "A coordinated comprehensive
5 individual assessment program for the elderly may be
6 created in each area agency for the aging to oversee
7 the training of interdisciplinary teams for the
8 purpose of assessing elderly individuals to determine
9 their health, social, and financial needs in enabling
10 these individuals to remain in their homes and their
11 communities."

H-3804 FILED APRIL 19, 1983 BY ZIMMERMAN of Dallas
Adopted 4/21/83 (p. 1494)

HOUSE FILE 613

H-3805

1 Amend House File 613 as follows:
2 1. Page 16, line 31, by inserting after the word
3 "position." the following: "As a condition of the
4 appropriation under section 4, subsection 6, the state
5 department of health shall relinquish federal dollars
6 appropriated under Title X of the Public Health Service
7 Act and allocated for Lyon, Sioux, Plymouth, Woodbury,
8 Cherokee, Ida, Delaware, Dubuque, Jackson, Washington,
9 Louisa, Henry, Lee, and Des Moines counties in order
10 to permit established local family planning providers
11 to continue services without state involvement."

BY STURGEON of Woodbury
O'KANE of Woodbury
ZIMMERMAN of Dallas
CARPENTER of Polk
LLOYD-JONES of Johnson
CONNOLLY of Dubuque
JOCHUM of Dubuque
MILLER of Woodbury
SPEAR of Lee

H-3805 FILED APRIL 19, 1983
Adopted 4/21/83 (p. 1496)

SULLIVAN of Van Buren
Roller of Des Moines 4/20
Club of Carver Iowa 4/20

HOUSE FILE 613

H-3821

1 Amend House File 613 as follows:
2 1. Page 12, line 12, by striking the word "may,"
3 and inserting in lieu thereof the word "shall".

BY LONERGAN of Boone
DE GROOT of Lyon

H-3821 FILED APRIL 20, 1983
Adopted 4/21/83 (p. 1495)

HOUSE FILE 613

BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House)

Substituted for S.F. 535 5/2/83

Re Passed House, Date 5-13-83 (p. 2143) Passed Senate, Date 5-3-83 (p. 1511)

Vote: Ayes 91 Nays 0 Vote: Ayes 47 Nays 0

Approved Item Veto June 13 1983

*Motion to reconsider (p. 1516) provided 5/12
Proposed Senate 5-12-83 (p. 1715)
41-0*

A BILL FOR

1 An Act relating to the funding of state agencies for designated
2 service programs including health programs, specialized child
3 health service programs, substance abuse programs, civil rights,
4 veterans' services, and programs for minority, elderly, and
5 disadvantaged persons for the fiscal year beginning July 1,
6 1983, and ending June 30, 1984.

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

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House Amendments _____

Deleted Language *

1 Section 1. There is appropriated from the general fund
2 of the state to the commission on the aging for the fiscal
3 year beginning July 1, 1983, and ending June 30, 1984, the
4 following amounts, or so much thereof as is necessary, to
5 be used for the purposes designated:

	1983-1984
	<u>Fiscal Year</u>
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8 1. For salaries and support	
9 of not more than twenty-five and	
10 six-tenths full-time equivalent	
11 positions annually, maintenance,	
12 and miscellaneous purposes	\$ 202,000
13 2. For the administration	
14 of area agencies on aging	\$ 117,600
15 3. For the senior citizen	
16 employment program	\$ 108,000
3757 17 4. For the older Iowans	
18 legislature	\$ 14,000
19 5. For elderly services	
20 programs	\$ 800,000

21 All funds appropriated under this subsection shall be
22 received and disbursed by the commission in accordance with
23 sections 249B.15 through 249B.21, shall not be used for
24 administrative purposes, and shall be used for citizens of
25 Iowa over sixty-five years of age to increase the availability
26 of chore, telephone reassurance, adult day care, and home
*27 repair, including the winterizing of homes and the construction
28 of entrance ramps which meet the requirements of section
29 104A.4 and make residences accessible to the physically
30 handicapped, and other elderly services. A coordinated
31 comprehensive individual assessment program for the elderly
32 may be created in each area agency for the aging to oversee
33 the training of interdisciplinary teams for the purpose of
34 assessing elderly individuals to determine their health,
35 social, and financial needs in enabling these individuals

1 to remain in their homes and their communities. Funds
2 appropriated under this subsection may be used for elderly
3 services not specifically enumerated in this paragraph only
4 if approved by an area agency on aging for provision of the
5 services within the area. Funds appropriated under this
6 subsection may be used to supplement federal funds under
7 federal regulations.

8 Sec. 2. There is appropriated from the general fund of
9 the state for the fiscal year beginning July 1, 1983, and
10 ending June 30, 1984, the following amounts, or so much thereof
11 as is necessary, to be used by the following agencies for
12 the purposes designated:

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1983-1984
Fiscal Year

1. IOWA STATE CIVIL RIGHTS COMMISSION

For salaries and support of not more than twenty-four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 691,846

2. SPANISH-SPEAKING PEOPLES COMMISSION

For salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes \$ 41,089

3. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED

For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 128,356

1 4. COMMISSION ON THE
2 STATUS OF WOMEN

3 For salaries and support
4 of not more than three
5 full-time equivalent posi-
6 tions annually, maintenance,
7 and miscellaneous purposes \$ 91,071

8 Sec. 3. There is appropriated from the general fund of
9 the state for the fiscal year beginning July 1, 1983, and
10 ending June 30, 1984, the following amounts, or so much thereof
11 as is necessary, to be used by the following agencies for
12 the purposes designated:

13
14 1983-1984
Fiscal Year

15 1. BOARD OF MEDICAL
16 EXAMINERS

17 For salaries and support
18 of not more than fourteen
19 full-time equivalent posi-
20 tions annually, maintenance,
21 and miscellaneous purposes \$ 640,548

22 2. BOARD OF NURSE EXAMINERS

23 For salaries and support
24 of not more than sixteen
25 full-time equivalent posi-
26 tions annually, maintenance,
27 and miscellaneous purposes \$ 532,781

28 3. BOARD OF PHARMACY
29 EXAMINERS

30 For salaries and support
31 of not more than twelve
32 full-time equivalent posi-
33 tions annually, maintenance,
34 and miscellaneous purposes \$ 358,179

35 The board of pharmacy examiners shall insure that enough

1 revenue is received to reimburse the general fund of the state
2 for the state's portion of the costs incurred for the auditing
3 of pharmacies.

4 4. BOARD OF DENTAL EXAMINERS

5 For salaries and support of
6 not more than two full-time
7 equivalent positions annually,
8 maintenance, and miscellaneous
9 purposes \$ 110,313

10 Sec. 4. There is appropriated from the general fund of
11 the state to the state department of health for the fiscal
12 year beginning July 1, 1983, and ending June 30, 1984, the
13 following amounts, or so much thereof as is necessary, to
14 be used for the purposes designated:

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1983-1984
Fiscal Year

17 1. ADMINISTRATION

18 For salaries and support
19 of not more than sixty-seven
20 and one-fourth full-time
21 equivalent positions annually,
22 maintenance, and miscellaneous
23 purposes \$ 989,219

24 2. HEALTH FACILITIES

25 DIVISION

26 For salaries and support
27 of not more than fifty-one
28 full-time equivalent posi-
29 tions annually, maintenance,
30 and miscellaneous purposes \$ 694,634

31 3. HEALTH PLANNING AND

32 DEVELOPMENT DIVISION

33 For salaries and support
34 of not more than nineteen
35 and sixty-seven one-hundredths

1 full-time equivalent posi-
2 tions annually, maintenance,
3 and miscellaneous purposes \$ 257,494

4 4. DISEASE PREVENTION
5 DIVISION

6 For salaries and support
7 of not more than fifty-one
8 and six-tenths full-time
9 equivalent positions annually,
10 maintenance, and miscellaneous
11 purposes \$ 1,042,348

12 5. LICENSING AND CERTIFICA-
13 TION DIVISION

14 For salaries and support
15 of not more than sixteen
16 full-time equivalent posi-
17 tions annually, maintenance,
18 and miscellaneous purposes \$ 538,228

19 The licensing and certification division shall prepare
20 estimates of projected revenues to be generated by the
21 licensing, certification, and examination fees of each board
22 as well as a projection of the fairly apportioned admin-
23 istrative costs and rental expenses attributable to each
24 board. Each board shall annually review and adjust its
25 schedule of fees so that, as nearly as possible, projected
26 revenues equal projected costs and any imbalance in revenues
27 and costs in a fiscal year is offset in a subsequent fiscal
28 year.

29 6. PERSONAL AND FAMILY
30 HEALTH SERVICES

31 a. For salaries and support
32 of not more than forty-four and
33 thirty-five one-hundredths
34 full-time equivalent posi-
35 tions annually, maintenance,

277 1 and miscellaneous purposes \$ 1,164,699

2 The department shall allocate from the funds appropriated
3 under this paragraph at least four hundred seventy-two thousand
4 three hundred four (472,304) dollars for the fiscal year
5 beginning July 1, 1983, and ending June 30, 1984, for the
6 birth defects and genetics counseling program.

7 Of the funds appropriated in this paragraph, the following
8 amounts shall be allocated to the university of Iowa hospitals
9 and clinics under the control of the state board of regents
10 for the following programs under the Iowa specialized child
11 health care services:

12 (1) Mobile and regional child

374 13 health specialty clinics \$ 252,000

375 14 (2) Childhood cancer diagnostic

15 and treatment network program \$ 48,847

376 16 (3) Rural comprehensive care for

17 hemophilia patients \$ 69,199

377 18 (4) Muscular dystrophy and re-

19 lated genetic disease programs \$ 100,000

20 (5) Statewide perinatal programs \$ 45,000

378 21 Of the funds allocated to the mobile and regional child
22 health specialty clinics pursuant to subparagraph (1), twenty-
23 one thousand (21,000) dollars is intended to be used for the
24 high risk infant follow-up program which may be conducted
25 through the mobile and regional child health specialty clinics.

26 The birth defects and genetic counseling service shall
27 develop a sliding fee scale to determine the amount a person
28 receiving the services is required to pay for the services.

29 The university of Iowa hospitals and clinics shall receive
30 an allocation for indirect costs of no more than eight percent
31 from the funds for each program.

32 It is the intention of the human resources appropriations
33 subcommittee that one hundred eighty-thousand three hundred
34 seventy-seven (180,377) dollars of the maternal and child
35 health block grant appropriated to the state department of

1 health by the general assembly for the federal fiscal year
2 beginning October 1, 1983, and ending September 30, 1984,
3 shall be allocated to the statewide perinatal care program.

4 b. Sexual abuse investiga-
5 tions.

6 For medical procedures re-
7 quired by section 709.10 \$ 25,000

8 c. Sudden infant death syn-
9 drome.

10 For reimbursing counties for
11 expenses resulting from autop-
12 sies of suspected victims of
13 sudden infant death syndrome
14 required under section 331.802 \$ 15,000

15 7. COMMUNITY HEALTH SERVICES

16 a. Community health division.

17 For salaries and support
18 of not more than thirty-eight
19 full-time equivalent posi-
20 tions annually, maintenance,
21 and miscellaneous purposes \$ 1,819,356

22 The department shall allocate from the funds appropriated
23 under this lettered paragraph nine hundred twenty-two thousand
24 six hundred ninety-three (922,693) dollars for the fiscal
25 year beginning July 1, 1983, and ending June 30, 1984 for
26 the chronic renal disease program. The types of assistance
27 to eligible recipients under the program may include hospital
28 and medical expenses, home dialysis supplies, insurance
29 premiums, travel expenses, prescription and nonprescription
30 drugs, and lodging expenses for persons in training. The
31 program expenditures shall not exceed these allocations.
32 If projected expenditures will exceed the allocations, the
33 department shall establish by administrative rule a mechanism
34 to reduce financial assistance under the renal disease program
35 in order to keep expenditures within the allocations.

1 b. In-home health care
2 grants.

3 For grants to local boards
4 of health for the public health
5 nursing program \$ 2,060,000

6 Funds appropriated under this paragraph shall be used to
7 maintain and expand the existing public health nursing program
8 for elderly and low-income persons with the objective of
9 preventing or reducing inappropriate institutionalization.

10 The department shall not retain more than one percent of the
11 amount appropriated under this paragraph for the costs of
12 administering the public health nursing program. The remainder
13 of the appropriation shall be allocated for use in the counties
14 of the state. The funds shall not be used for any other
15 purpose. As used in this paragraph, "elderly person" means
16 a person who is sixty years of age or older and "low-income
17 person" means a person whose income and resources are below
18 the guidelines established by the department.

19 One-fourth of the total amount to be allocated shall be
20 divided so that an equal amount is available for use in each
21 county in the state. Three-fourths of the total amount to
22 be allocated shall be divided so that the share available
23 for use in each county is proportionate to the number of
24 elderly and low-income persons living in that county in
25 relation to the total number of elderly and low-income persons
26 living in the state.

27 In order to receive allocations under this paragraph, the
28 local board of health having jurisdiction, after consultation
29 with other in-home health care provider agencies in the
30 jurisdiction, shall prepare a proposal for the use of the
31 allocated funds available for that jurisdiction that will
32 provide the maximum benefits of expanded public health nursing
33 care to elderly and low-income persons in the jurisdiction.
34 The proposal shall include a statement assuring that the
35 appropriate local agencies have participated in the formulation

1 of the proposal. After approval of the proposal by the
2 department, the department shall enter into a contract with
3 the local board of health. The local board of health may
4 subcontract with a nonprofit nurses' association, an
5 independent nonprofit agency, a suitable local governmental
6 body, or a person as defined in section 4.1, subsection 13,
7 to use the allocated funds to provide public health nursing
8 care. Local boards of health shall make an effort to
9 subcontract with agencies that are currently providing services
10 to prevent duplication of services.

11 If by July 30, 1983, the department is unable to conclude
12 contracts for use of the allocated funds in a county, the
13 department shall consider the unused funds appropriated under
14 this paragraph an unallocated pool. The department shall
15 prior to December 31, 1983, reallocate the funds in the
16 unallocated pool among the counties in which the department
17 has concluded contracts under this paragraph. The reallocation
18 shall be made to those counties in substantially the same
19 manner as the original allocations. The reallocated funds
20 are available for use in those counties during the period
21 beginning January 1 and ending June 30 of each fiscal year
22 of the biennium.

23 The department shall adopt rules defining eligibility for
24 public health nursing care paid for from funds appropriated
25 by this paragraph. The rules shall require each local agency
26 receiving funds to establish and use a sliding fee scale for
27 those persons able to pay for all or a portion of the cost
28 of the care.

29 The department shall annually evaluate the success of the
30 public health nursing program. The evaluation shall include
31 the extent to which the program reduced or prevented
32 inappropriate institutionalization, the extent to which the
33 program increased the availability of public health nursing
34 care to elderly and low-income persons, and the extent of
35 public health nursing care provided to elderly and low-income

1 persons. The department shall submit a report of each annual
2 evaluation to the governor and the general assembly.

3 c. For grants to county boards

4 of supervisors for the home-

5 maker-home health aide program \$ 6,950,000

6 Funds appropriated under this paragraph shall be used to
7 provide homemaker-home health aide services with emphasis
8 on services to elderly and low-income persons and children
9 and adults in need of protective services with the objective
10 of preventing or reducing inappropriate institutionalization.
11 In addition, up to fifteen percent of the funds appropriated
12 under this paragraph may be used to provide chore services.
13 The funds shall not be used for any other purposes. As used
14 in this paragraph:

15 (1) "Chore services" means services provided to individuals
16 or families, who, due to absence, incapacity, or illness,
17 are unable to perform certain home maintenance functions.
18 The services include but are not limited to yard work such
19 as mowing lawns, raking leaves, and shoveling walks; window
20 and door maintenance such as hanging screen windows and doors,
21 replacing window panes, and washing windows; and minor repairs
22 to walls, floors, stairs, railings, and handles.

23 (2) "Elderly person" means a person who is sixty years
24 of age or older.

25 (3) "Homemaker-home health aide services" means services
26 intended to enhance the capacity of household members to
27 attain or maintain the independence of the household members
28 and provided by trained and supervised workers to individuals
29 or families, who, due to the absence, incapacity, or
30 limitations of the usual homemaker, are experiencing stress
31 or crisis. The services include but are not limited to
32 essential shopping, housekeeping, meal preparation, child
33 care, respite care, money management and consumer education,
34 family management, personal services, transportation and
35 providing information, assistance, household management and

1 learning experiences.

2 (4) "Low-income person" means a person whose income and
3 resources are below the guidelines established by the
4 department.

5 (5) "Protective services" means those homemaker-home
6 health aide services intended to stabilize a child's or an
7 adult's residential environment and relationships with
8 relatives, caretakers, and other persons or household members
9 in order to alleviate a situation involving abuse or neglect
10 or to otherwise protect the child or adult from a threat of
11 abuse or neglect.

12 The amount appropriated under this paragraph shall be
13 allocated for use in the counties of the state. Fifteen
14 percent of the amount shall be divided so that an equal amount
15 is available for use in each county in the state. Of the
16 remaining amount each county shall be allocated for the 1983-
17 1984 fiscal year an amount equal to fifty percent of state
18 expenditures for homemaker services in that county for the
19 1981-1982 fiscal year and for the 1984-1985 fiscal year an
20 amount equal to twenty-five percent of the amount of state
21 expenditures for homemaker services in that county for the
22 1981-1982 fiscal year. After the allocation of the fifty
23 percent or the twenty-five percent to each county, the
24 following percentages of the remaining amount shall be
25 allocated to each county according to that county's proportion
26 of residents with the following demographic characteristics
27 compared to all state residents with the same demographic
28 characteristics: sixty percent according to the number of
29 elderly persons living in the county; twenty percent according
30 to the number of low-income persons living in the county;
31 and twenty percent according to the number of substantiated
32 cases of child abuse in the county during the 1980-1981 fiscal
33 year.

34 For the 1985-1986 fiscal year it is intended that no
35 allocation be made based on those state expenditures for

1 homemaker services but that the entire amount appropriated
2 be allocated by dividing fifteen percent of the amount equally
3 among the counties and by dividing the remaining amount
4 according to the percentages and demographic characteristics
5 stipulated above.

6 In order to receive allocations under this paragraph, the
7 county board of supervisors, after consultation with the local
8 boards of health, county board of social welfare, area agency
9 on aging advisory council, local office of the department
10 of social services, and other in-home health care provider
11 agencies in the jurisdiction, shall prepare a proposal for
12 the use of the allocated funds available for that jurisdiction
13 that will provide the maximum benefits of expanded homemaker-
14 home health aide services to elderly and low-income persons
15 and children and adults in need of protective services in
16 the jurisdiction. The proposal may provide that a maximum
17 of fifteen percent of the allocated funds will be used to
18 provide chore services. The proposal shall include a statement
19 assuring that children and adults in need of protective
20 services are given priority for homemaker-home health aide
21 services and that the appropriate local agencies have
22 participated in the formulation of the proposal. After
23 approval of the proposal by the department, the department
24 shall enter into a contract with the county board of
25 supervisors or a governmental body designated by the county
26 board of supervisors. The county board of supervisors or
27 its designee shall subcontract with a nonprofit nurses'
28 association, an independent nonprofit agency, the department
29 of social services, or a suitable local governmental body,
30 to use the allocated funds to provide homemaker-home health
31 aide services and chore services providing that the subcontract
32 requires any service provided away from the home to be
33 documented in a report available for review by the department.

34 If by July 30 of each year of the biennium, the department
35 is unable to conclude contracts for use of the allocated funds

1 in a county, the department shall consider the unused funds
2 appropriated under this paragraph an unallocated pool. The
3 department shall also identify any allocated funds which the
4 counties do not anticipate spending during each fiscal year
5 of the biennium. If the anticipated excess funds to any
6 county are substantial, the department and the county may
7 agree to return those excess funds; if the funds are other
8 than program revenues, to the department, and if returned,
9 the department shall consider the returned funds a part of
10 the unallocated pool. The department shall prior to December
11 31 of each fiscal year of the biennium, reallocate the funds
12 in the unallocated pool among the counties in which the
13 department has concluded contracts under this paragraph.

14 The department shall adopt rules defining eligibility for
15 homemaker-home health aide services and chore services paid
16 for from funds appropriated by this paragraph. The rules
17 shall require each local agency receiving funds to establish
18 and use a sliding fee scale for those persons able to pay
19 for all or a portion of the cost of the services and shall
20 require the payments to be applied to the cost of the services.
21 The department shall also adopt rules for standards regarding
22 training, supervision, recordkeeping, appeals, program
23 evaluation, cost analysis, and financial audits, and rules
24 specifying reporting requirements.

25 The department shall annually evaluate the success of the
26 homemaker-home health aide program. The evaluation shall
27 include a description of the program and its implementation,
28 the extent of local participation, the extent to which the
29 program reduced or prevented inappropriate
30 institutionalization, the extent to which the program provided
31 or increased the availability of homemaker-home health aide
32 services to elderly and low-income persons and children and
33 adults in need of protective services, any problems and
34 recommendations concerning the program, and an analysis of
35 the costs of services across the state. The department shall

1 submit a report of the annual evaluation to the governor and
2 the general assembly.

3 d. Well-elderly clinic
4 grants.

5 For the development and main-
6 tenance of well-elderly clinics
7 in the state \$ 212,000

8 Sec. 5. There is appropriated from the general fund of
9 the state to the Iowa department of veterans affairs for the
10 fiscal year beginning July 1, 1983, and ending June 30, 1984,
11 the following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

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1983-1984
Fiscal Year

1. For salaries and support
of not more than four full-time
equivalent positions annually,
maintenance, and miscellaneous
purposes \$ 118,336

2. For the war orphans edu-
cational aid fund \$ 25,000

Sec. 6. There is appropriated from the general fund of
the state to the Iowa department of substance abuse for the
fiscal year beginning July 1, 1983, and ending June 30, 1984,
the following amounts, or so much thereof as is necessary,
to be used for the purposes designated:

1983-1984
Fiscal Year

1. For salaries and support
of not more than nineteen and
one-tenth full-time equivalent
positions annually, maintenance,
and miscellaneous purposes \$ 172,975

2. For program grants \$ 2,761,150

Sec. 7. The licensing boards for which general fund appro-

1 priations have been provided for in section 3, subsection
2 1, 2, 3, or 4 and section 4, subsection 5 of this Act may
3 expend additional funds, if those additional expenditures
4 are directly the cause of actual examination expenses exceeding
5 funds budgeted for examinations. Before a licensing board
6 included in section 3, subsection 1, 2, 3, or 4 and section
7 4, subsection 5 of this Act expends or encumbers an amount
8 in excess of the funds budgeted for examinations, the state
9 comptroller shall approve the expenditure or encumbrance.
10 Before approval is given, the state comptroller shall determine
11 that the examination expenses exceed the funds budgeted by
12 the general assembly to the board and the board does not have
13 other funds from which examination expenses can be paid.
14 Upon approval of the state comptroller the licensing board
15 may expend and encumber funds for excess examination expenses.
16 The amounts necessary to fund the excess examination expenses
17 shall be collected as fees from additional examination
18 applicants and shall be treated as repayment receipts as
19 defined in section 8.2, subsection 5.

20 Sec. 8. Section 135E.1, subsection 3, Code 1983, is amended
21 to read as follows:

22 3. "Nursing home" means any institution or facility, or
23 part thereof, licensed as an intermediate care facility or
24 a skilled nursing facility, but not including an intermediate
25 care facility for the mentally retarded, defined as such for
26 licensing purposes under state law or pursuant to the rules
27 and regulations for nursing homes established by the state
28 department of public health, whether proprietary or nonprofit,
29 including but not limited to, nursing homes owned or
30 administered by the federal or state government or an agency
31 or political subdivisions thereof.

32 Sec. 9. Section 147.102, Code 1983, is amended to read
33 as follows:

34 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,
35 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS. Notwithstanding

1 the provisions of this title, every application for a license
2 to practice medicine and surgery, psychology, chiropractic,
3 dentistry, osteopathy, or osteopathic medicine and surgery,
4 shall be made directly to the secretary of the examining board
5 of such profession, and every reciprocal agreement for the
6 recognition of any such license issued in another state shall
7 be negotiated by the examining board for such profession,
8 and all examination, license, and renewal fees received from
9 such persons licensed to practice any of such professions
10 shall be paid to and collected by the secretary of the
11 examining board of such profession, who shall transmit the
12 fees to the treasurer of state who shall deposit the fees
13 in the general fund of the state. The salary of the secretary
14 shall be established by the governor with the approval of
15 the executive council pursuant to section 19A.9, subsection
16 2, under the pay plan for exempt positions in the executive
17 branch of government.

18 Sec. 10. Section 157.11, unnumbered paragraph 1, Code
19 1983, is amended to read as follows:

20 Commencing January 1, 1977, ~~it is unlawful for~~ a beauty
21 salon ~~to~~ shall not operate unless the owner has obtained a
22 license issued by the department. The owner shall apply to
23 the department on forms prescribed by the board. ~~The beauty~~
24 ~~salon must pass a sanitary inspection before licensing and~~
25 ~~at least annually thereafter.~~ The department shall perform
26 a sanitary inspection of each beauty salon annually and may
27 perform a sanitary inspection of a beauty salon prior to the
28 issuance of a license.

29 Sec. 11. Section 158.9, unnumbered paragraph 1, Code 1983,
30 is amended to read as follows:

31 ~~It is unlawful for a~~ A barbershop ~~to~~ shall not operate
32 unless the owner has obtained a license issued by the
33 department. The owner shall apply to the department on forms
34 prescribed by the board. ~~The barbershop must pass a sanitary~~
35 ~~inspection before obtaining a license and at least annually~~

1 ~~thereafter~~: The department shall perform a sanitary inspection
2 of each barbershop annually and may perform a sanitary in-
3 spection of a barbershop prior to the issuance of a license.

4 Sec. 12. All federal grants to and federal receipts of
5 the agencies appropriated funds under this Act are appropriated
6 for the purposes set forth in the federal grants or receipts.
7 Full-time equivalent positions funded entirely with federal
8 funds are exempt from the limits on the number of full-time
9 equivalent positions provided in this Act but are approved
10 only for the period of time for which the federal funds are
11 available for the position. As a condition of the
12 appropriation under section 4, subsection 6, the state
13 department of health shall relinquish federal dollars
14 appropriated under Title X of the Public Health Service Act
15 and allocated for Lyon, Sioux, Plymouth, Woodbury, Cherokee,
16 Ida, Delaware, Dubuque, Jackson, Washington, Louisa, Henry,
17 Lee, and Des Moines counties in order to permit established
18 local family planning providers to continue services without
19 state involvement.

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HOUSE FILE 613

S-3693

1 Amend House File 613 as amended, passed and reprint-
2 ed by the House as follows:
3 1. Page 17, line 13, by inserting after the word
4 "relinquish" the words "to the family planning council
5 of Iowa through the department of health and human
6 services".

S-3693 FILED
APRIL 28, 1983
Adopted 5/3/83 (p. 1510)

BY MILO COLTON JACK RIFE
JULIA GENTLEMAN RICHARD F. DRAKE
DONALD DOYLE THOMAS MANN, JR.
CHARLES BRUNER CHARLES P. MILLER
BERL E. PRIEBE BOB CARR
DOUG RITSEMA WALLY E. HORN
JOE BROWN C. JOSEPH COLEMAN
DONALD GETTINGS

HOUSE FILE 613

S-3711

1 Amend House File 613 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 27 the
4 following:
5 "It is the intent of the general assembly that
6 a licensed practical nurse may practice in head start
7 programs without the need of supervision of a licensed
8 registered nurse or a licensed physician. To the
9 extent that subrule 590 IAC 6.3(3) conflicts with
10 this provision, the subrule is void."
11 2. Page 6, line 1, by striking the figure
12 "1,164,699" and inserting in lieu thereof the figure
13 "925,653".
14 3. Page 6, line 13, by striking the figure
15 "252,000" and inserting in lieu thereof the figure
16 "231,000".
17 4. Page 6, by striking lines 14 through 19.
18 5. Page 6, by striking lines 21 through 25.
19 6. By renumbering as necessary.

S-3711 FILED
APRIL 28, 1983
Adopted 5/3 (p. 1507)
Reconciled 5-7/12 5/12 (p. 1715)

BY EMIL J. HUSAK
DAVID READINGER MILO COLTON
ALVIN MILLER JACK RIFE

HOUSE FILE 613

S-3757

1 Amend House File 613 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 1, by striking lines 17 and 18.

S-3757 FILED
MAY 2, 1983
Lost 5/3 (p. 1507)

BY EDGAR H. HOLDEN

HOUSE FILE 613

S-3782

1 Amend House File 613 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, by striking lines 11 through 19 and
4 inserting in lieu thereof the words "available for
5 the position."

S-3782 FILED & LOST
MAY 3, 1983 (p. 1510)

BY DAVID READINGER

HOUSE FILE 613

S-3926

1 Amend House File 613 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 31 the
4 following:
5 "It is the intent of the general assembly that
6 the childhood cancer diagnostic and treatment network
7 program and the rural comprehensive care for hemophilia
8 patients be continued at the university of Iowa
9 hospitals and clinics at the funding level of the
10 fiscal year beginning July 1, 1982, and ending June
11 30, 1983. To provide for the contingency that federal
12 funds would not be available to maintain that funding
13 level, there is appropriated from the general fund
14 of the state to the office of the state comptroller
15 for the fiscal year beginning July 1, 1983, and ending
16 June 30, 1984, the sum of seventy-four thousand four
17 hundred fifty (74,450) dollars, or so much thereof
18 as is necessary. The state comptroller, upon receipt
19 of verified amounts of federal funds received by the
20 university of Iowa hospitals and clinics for the
21 programs specified in this paragraph, shall pay to
22 the university of Iowa hospitals and clinics an amount
23 equal to the difference between the amount of the
24 original grant application and the amount of the grant
25 as approved by the United States department of health
26 and human services. Any funds remaining from this
27 appropriation shall revert to the state general fund
28 on June 30, 1984."

S-3926 FILED & ADOPTED
MAY 12, 1983 (p. 1714)

BY ARTHUR A. SMALL, JR.

SENATE AMENDMENT TO HOUSE FILE 613

H-4224

1 Amend House File 613 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 3, by inserting after line 27 the
4 following:

5 "It is the intent of the general assembly that
6 a licensed practical nurse may practice in head start
7 programs without the need of supervision of a licensed
8 registered nurse or a licensed physician. To the
9 extent that subrule 590 IAC 6.3(3) conflicts with
10 this provision, the subrule is void."

11 2. Page 6, by inserting after line 31 the
12 following:

13 "It is the intent of the general assembly that
14 the childhood cancer diagnostic and treatment network
15 program and the rural comprehensive care for hemophilia
16 patients be continued at the university of Iowa
17 hospitals and clinics at the funding level of the
18 fiscal year beginning July 1, 1982, and ending June
19 30, 1983. To provide for the contingency that federal
20 funds would not be available to maintain that funding
21 level, there is appropriated from the general fund
22 of the state to the office of the state comptroller
23 for the fiscal year beginning July 1, 1983, and ending
24 June 30, 1984, the sum of seventy-four thousand four
25 hundred fifty (74,450) dollars, or so much thereof
26 as is necessary. The state comptroller, upon receipt
27 of verified amounts of federal funds received by the
28 university of Iowa hospitals and clinics for the
29 programs specified in this paragraph, shall pay to
30 the university of Iowa hospitals and clinics an amount
31 equal to the difference between the amount of the
32 original grant application and the amount of the grant
33 as approved by the United States department of health
34 and human services. Any funds remaining from this
35 appropriation shall revert to the state general fund
36 on June 30, 1984."

37 3. Page 17, line 13, by inserting after the word
38 "relinquish" the words "to the family planning council
39 of Iowa through the department of health and human
40 services".

41 4. Renumbering as necessary.

H-4224 FILED MAY 12, 1983

RECEIVED FROM THE SENATE

House concurred 5/13/83 (p. 2143)

9-23-83

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

MILO COLTON, LEO P. MILLER,)	
JOSEPHINE GRUHN, JOHNNIE)	
HAMMOND, ELAINE BAXTER,)	Case Number CE 20-11368
SUE MULLINS, JULIA GENTLEMAN,)	
JANET A. CARL AND KAY CHAPMAN,)	
INDIVIDUALLY AND AS MEMBERS)	RULING ON PLAINTIFFS'
OF THE 70TH GENERAL ASSEMBLY)	
OF IOWA,)	MOTION FOR SUMMARY JUDGMENT
)	
Plaintiffs,)	
)	
v.)	
)	
TERRY E. BRANSTAD, GOVERNOR)	
OF THE STATE OF IOWA,)	
)	
Defendant.)	

FILED
 1984
 MAR 16
 11 36 AM
 POLK COUNTY
 IOWA

The matter of Plaintiffs' Summary Judgment Motion came on for hearing on March 16, 1984. Plaintiffs were represented by Gerald W. Crawford. Julie F. Pottorff of the Iowa Attorney General's Office represented the Defendant, Governor Terry E. Branstad. Pursuant to the Plaintiffs' Motion, the parties have submitted briefs and affidavits. This Court, having examined those briefs and the other documents on file and having heard the arguments of counsel, hereby makes the following findings.

Under Article III, Section 16, of the Iowa Constitution, the Governor has the power to "disapprove any item of an appropriation bill." Section 16 states:

"The governor may approve appropriation bills in whole or in part, and may disapprove any item of an appropriation bill; and the part approved shall become a law. Any item of an appropriation bill disapproved by the governor shall be returned, with his objections, to the house in which it originated, or shall be deposited by him in the office of the secretary of state in the case of an appropriation bill submitted to the governor for his approval during the last three days of a session of the General Assembly, and the procedure in each case shall be the same as provided for other bills. Any such item of an appropriation bill may be enacted into law notwithstanding the governor's objections, in the same manner as provided for other bills."

1165-1135

On June 13, 1983, the Governor exercised his item veto power to veto Section 12 of House File 613. Section 12 stated:

"As a condition of the appropriation under section 4, subsection 6, the state department of health shall relinquish to the family planning council of Iowa through the department of health and human services federal dollars appropriated under Title X of the Public Health Service Act and allocated for Lyon, Sioux, Plymouth, Woodbury, Cherokee, Ida, Delaware, Dubuque, Jackson, Washington, Louisa, Henry, Lee, and Des Moines counties in order to permit established local family planning providers to continue services without state involvement."

Section 4, subsection 6 allocates funds appropriated from the general fund of the state to the Division of Personal and Family Health Services of the Department of Health. The effect of the veto of Section 12, therefore, was to excise a provision directing the allocation of federal funds granted the state for distribution, without excising the appropriation of state funds which was expressly conditioned upon the adoption of the aforementioned allocation. The question presented to this Court, therefore, is the propriety of the Governor's action, given his constitutional power to veto items of appropriation, and the acknowledged limitation on that power to the effect that the Governor may not veto conditions or qualifications upon items of appropriation.

The above stated question must, in large part, be resolved through attention to two opposing considerations. First, the Court must consider the proposition that a Governor may not legislate or create law by selectively vetoing portions of legislation in order to alter the meaning or effect of the remaining legislation. Second, the Court must take into account the countervailing consideration that the legislature may not shield separable items from the Governor's veto power through such devices as lump-sum appropriations or conditions connecting unrelated provisions. As these opposing considerations form the crux of the dispute at hand, this Court must examine them in detail prior to stating their

application to the instant case. The Court notes that such examination is simplified by the fact that the Iowa law in this area is essentially set forth in just two cases. See Weldon v. Ray, 229 N.W.2d 706 (Iowa 1975) (hereinafter Weldon); and State ex rel. Turner v. Iowa State Highway Commission, 186 N.W.2d 141 (Iowa 1971) (hereinafter Turner). With these two cases in mind, the Court will first address the notion that the Governor may not legislate by vetoing portions of bills in order to change the character of the remaining bill.

"Inherent in the power to appropriate is the power to specify how the money shall be spent." Weldon, supra, 229 N.W.2d at 710. "All legislative appropriations are qualified to a degree; the legislature does not appropriate money without stating how the funds shall be used." Id. When a Governor vetoes a legislatively imposed qualification on an appropriation, but lets the appropriation itself stand, he thereby alters the law or legislates. Thus, in the absence of other considerations, this Court must hold the Governor's veto to be improper.

There is, as was stated earlier, one other consideration to be taken into account. The Iowa Supreme Court suggested in Weldon that under the proper circumstances it would follow the Brady rule, 229 N.W.2d at 714. In People ex rel. State Board of Agriculture v. Brady, 115 N.E. 204 (Ill. 1917) (hereinafter Brady), the Illinois Supreme Court held that where the Illinois Legislature had appropriated in lump-sum form an amount of money for the State Board of Agriculture, and thereafter set forth 44 specific purposes for which the lump-sum was to be spent, and the amount which was to be spent on each purpose. The Governor could veto any of those "purposes" as an "item", 115 N.E. at 206-207. The Court reasoned that if only the lump-sum itself was deemed to be a distinct item, then the legislature could nullify the Governor's item veto power by passing all appropriations in lump-sum form, with individual appropriations set forth as subsections in one all-encompassing

1165-1137

item. Id. The Governor could then veto separate appropriations only by vetoing the entire bill. He would have been effectively stripped of his entire item veto power.

This Court must decide whether the reasoning described above is applicable to the instant case so as to legitimize the Governor's otherwise impermissible vetoing of a legislative qualification. Stated another way, this Court must determine whether the Iowa Legislature in enacting Section 12 simply engaged in the permissible practice of imposing a legislative qualification or affirmatively engaged in an impermissible practice designed to deprive the Governor of his item veto power. A close examination of the legislation in question leads this Court to conclude that Section 12 is permissible qualification and not an impermissible attempt to create a Brady-like lump-sum appropriation.

Section 12 is a far more precise qualifying device than that used by the Illinois Legislature in Brady. In Brady the legislature attempted to shield an entire bill from the item veto by placing all the bill's appropriations in one lump-sum. If the legislature had been permitted to do so, they could have removed all of their appropriations from the threat of the item veto by forcing the Governor to veto their entire bill to get at any particular provision. In the instant case, the legislature merely made the group of appropriations in Section 4, Subsection 6 dependent upon the approval of one particular section, Section 12. Instead of making every appropriation conditional upon every other, they merely placed one condition upon a limited number of enumerated appropriations. Such a course of action constituted a legitimate exercise of the legislature's right to qualify appropriations and was, therefore, not merely a Brady-like device for the avoidance of the item veto.

It should be noted here that merely because Section 12 involves the allocation of federal funds, while the sections conditioned

upon it involve the appropriation of state funds, this Court cannot rule these sections to be so severable in terms of subject matter so as to be incapable of being properly joined together through conditioning language. Iowa's constitutional "one bill-one subject" requirement is to be interpreted broadly, and does not prevent the inclusion in one bill of any number of provisions having one general object. See Knorr v. Beardsley, 38 N.W.2d 236 (Iowa 1949); Fevold v. Board of Supervisors, 210 N.W.2d 139, 145 (Iowa 1926). The provisions here, involving the disposition of state and federal funds to promote health care, may safely be deemed to have, on their face, the same general object.

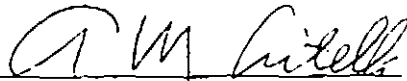
In summation, the Governor's veto constituted an improper veto of a qualification within the meaning of Weldon, supra, and Turner, supra. Though Section 12 was a separate, severable provision in terms of subject matter, it explicitly made other sections conditional upon its approval. Such conditioning was within the legislature's traditional power to qualify legislation and did not violate the Governor's item veto power.

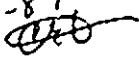
The Court deems it inappropriate to receive evidence on whether there is a "significant relationship" between the state funds appropriated under Section 4, Subsection 6, and the federal funds allocated through Section 12. Though there appears to be no definitive Iowa law on the subject, it appears that the Supreme Court in Turner determined the section in question to not constitute a qualification solely on the basis of the language of the section itself, 186 N.W.2d at 153. Dicta in that case indicates that a provision may be determined to be a condition solely on the basis of the "specific draftsmanship" used in its construction. Here, it is clear that Section 12 was drafted to be a condition on the appropriations in Section 4, Subsection 6.

Accordingly, Plaintiffs' Summary Judgment Motion is hereby sustained. The item veto of House File 613 is hereby ~~de~~ ^{de} ~~5~~ ⁵ ~~ref~~ ^{ref} 39

null and void, and the bill as a whole is declared to be the law of Iowa. See Turner, 186 N.W.2d at 151.

Dated at Des Moines, Iowa, this 16th day of May, 1984.


A. M. CRITELLI
Judge, Fifth Judicial District

5-16-84


Copy mailed by the Court to:

Gerald W. Crawford
1119 High Street
Des Moines, IA 50308

Julie Pottorff
Assistant Attorney General
Hoover State Office Bldg.
Des Moines, IA 50319

1165-1161



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 13, 1983

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

X I hereby transmit House File 613, an act relating to the funding of state agencies for designated service programs including health programs, specialized child health service programs, substance abuse programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1983, and ending June 30, 1984.

House File 613 is approved June 13, 1983, with the following exception which I hereby disapprove.

I am unable to approve that portion of Section 12 which reads as follows:

As a condition of the appropriation under section 4, subsection 6, the state department of health shall relinquish to the family planning council of Iowa through the department of health and human services federal dollars appropriated under Title X of the Public Health Service Act and allocated for Lyon, Sioux, Plymouth, Woodbury, Cherokee, Ida, Delaware, Dubuque, Jackson, Washington, Louisa, Henry, Lee, and Des Moines counties in order to permit established local family planning providers to continue services without state involvement.

Section 12 of House File 613 appropriates federal funds received by several state human services agencies. However, an item in that section would require the Department of Health (DOH) to relinquish administrative control over federal Title X funds used by local family planning agencies in 14 counties of the

The Honorable Mary Jane Odell
June 13, 1983
Page 2

state. This provision is apparently designed to give the Family Planning Council of Iowa, rather than the DOH, the authority to administer the federal funds to be distributed to local family planning agencies centered in Sioux City, Dubuque and Burlington.

I cannot approve this item in House File 613 because it violates a service contract, and has potentially adverse public policy impacts.

Several years ago the federal government began routing all Title X (family planning) funds through the DOH to provide for statewide oversight and administrative control. However, over time a few local agencies took exception to that administrative oversight and petitioned to be removed from the state family planning program. DOH acceded to those wishes and, in 1980, allowed all local planning agencies to opt out of the state administered program. Indeed, seven local agencies pulled out and formed their own Family Planning Council of Iowa (FPCI) to receive and distribute the federal Title X funds. The remaining 11 local agencies decided to stay with the DOH program. In addition, one year ago DOH renewed its three-year federal contract for this program and again allowed local agencies to leave the state program. However, no local agency opted out at that time.

During this, the first year of that three-year contract, three local agencies decided to seek to join FPCI. Because of the contract commitment, DOH refused. The local agencies petitioned the legislature and obtained passage of the legislative language at issue here.

I cannot approve that language since it does, indeed, renege on a contract commitment made just last year. Twice in the last three years, these local agencies have had an opportunity to opt out of the state program and decided against it. DOH can not adequately administer the Title X program without some continuity of local agency participation and, this legislative language sets a precedent which would allow individual agencies to opt out of the program at whim. Therefore, these agencies should wait until this contract expires in 1985 before attempting to leave the state program.

The Honorable Mary Jane Odell
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Page 3

In addition, the public policy impacts of this proposed change have not been adequately explored. The FPCI tends to concentrate its efforts on urban areas. It serves a lower percentage of the poor (63%) than does the DOH program (80%). And, the DOH integrates a wider array of health services into the statewide program. However, the impact of this proposed pull-out on family planning services in rural areas, the poor, and other important health needs has not been fully assessed. Waiting until the 1985 contract expiration date will allow for that necessary assessment.

Also, the next two years will provide time to fully investigate the administrative complaints lodged against the DOH by these three local family planning agencies. DOH officials argue that federal requirements and public accountability demand the administrative requirements being placed on local agencies. A thorough review of those requirements may be in order. Indeed, I encourage the three agencies to discuss their concerns with DOH so that these problems can be resolved. Since these discussions have yet to take place, this pull-out action is not justified.

In sum, for both contractual and public policy reasons, I must disapprove this item in Section 12 of House File 613.

Section 4 (7) (c) of House File 613 contains a provision requiring counties to contract only with nonprofit organizations to provide homemaker-home health aide services and chore services. Presently, for-profit organizations are allowed to receive such contracts, but only one limited contract with a for-profit organization has been let. Providing health and chore services to the elderly so that they can stay in their homes is a high priority of mine. Therefore, I have carefully reviewed this proposed legislation so as to ensure the highest quality of care for the elderly at the lowest possible price for the taxpayer.

For-profit nursing organizations contend that if they are able to bid for counties' home health aide contracts, the resulting competition will lead to lower-priced home-based services for the elderly. In addition, it is argued that the quality of service will not decline and that the board of supervisors

The Honorable Mary Jane Odell
June 13, 1983
Page 4

should be given the authority to make home health aide cost and service decisions for the county. I am in philosophical agreement with both the local control and competition arguments made by the for-profit groups. However, I am troubled by evidence of practical problems experienced in some states that have opened up the home-health aide contracts to for-profit organizations. This evidence includes:


- a Health Care Financing Administration study that shows that for-profit providers have a lower cost per service, but a higher cost per case, due to the for-profit providers' higher utilization rates.
- a Kansas experience with a 30-50 per cent second-year cost increase and a reduction in the quality of care due to the loss of continuity in the care given to the elderly person.
- a Missouri report that much greater state control and supervision is needed to ensure the proper quality and continuity of care.
- the impact the loss of the state contract would have on non-profit home health aide organizations which are able to double the impact of the state's home health aide dollar by raising 50 percent of their funding for these services from private sources.

At the present time, there is but one small contract held by a for-profit organization. The language in House File 613 would thus essentially maintain the status quo in the home health aide program. Moreover, it is possible that for-profit organizations will be able to receive subcontracts to perform these services. In view of that fact and the possible cost and quality of care problems associated with an open bidding system, I have decided to allow this portion of House File 613 to become law. However, I encourage legislators to fully debate this issue next session and to attempt to resolve the quality of service problems which may result from open bidding.

The Honorable Mary Jane Odell
June 13, 1983
Page 5

For the above reasons, I hereby disapprove the above item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 613 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 613

AN ACT

RELATING TO THE FUNDING OF STATE AGENCIES FOR DESIGNATED SERVICE PROGRAMS INCLUDING HEALTH PROGRAMS, SPECIALIZED CHILD HEALTH SERVICE PROGRAMS, SUBSTANCE ABUSE PROGRAMS, CIVIL RIGHTS, VETERANS' SERVICES, AND PROGRAMS FOR MINORITY, ELDERLY, AND DISADVANTAGED PERSONS FOR THE FISCAL YEAR BEGINNING JULY 1, 1983, AND ENDING JUNE 30, 1984.

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

Section 1. There is appropriated from the general fund of the state to the commission on the aging for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. For salaries and support

of not more than twenty-five and six-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$	202,000
2. For the administration of area agencies on aging	\$	117,600
3. For the senior citizen employment program	\$	108,000
4. For the older Iowans legislature	\$	14,000
5. For elderly services programs	\$	800,000

All funds appropriated under this subsection shall be received and disbursed by the commission in accordance with sections 249B.15 through 249B.21, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty-five years of age to increase the availability of chore, telephone reassurance, adult day care, and home repair, including the winterizing of homes and the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped, and other elderly services. A coordinated comprehensive individual assessment program for the elderly may be created in each area agency for the aging to oversee the training of interdisciplinary teams for the purpose of assessing elderly individuals to determine their health, social, and financial needs in enabling these individuals to remain in their homes and their communities. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this paragraph only if approved by an area agency on aging for provision of the services within the area. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations.

H.F. 613

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	1983-1984 <u>Fiscal Year</u>
1. IOWA STATE CIVIL RIGHTS COMMISSION	
For salaries and support of not more than twenty-four full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 691,846
2. SPANISH-SPEAKING PEOPLES COMMISSION	
For salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes	\$ 41,089
3. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED	
For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 128,356
4. COMMISSION ON THE STATUS OF WOMEN	
For salaries and support of not more than three full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 91,071

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	1983-1984 <u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS	
For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 640,548
2. BOARD OF NURSE EXAMINERS	
For salaries and support of not more than sixteen full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 532,781
It is the intent of the general assembly that a licensed practical nurse may practice in head start programs without the need of supervision of a licensed registered nurse or a licensed physician. To the extent that subrule 590 IAC 6.3(3) conflicts with this provision, the subrule is void.	
3. BOARD OF PHARMACY EXAMINERS	
For salaries and support of not more than twelve full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 358,179
The board of pharmacy examiners shall insure that enough revenue is received to reimburse the general fund of the state for the state's portion of the costs incurred for the auditing	

of pharmacies.

4. BOARD OF DENTAL EXAMINERS

For salaries and support of not more than two full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 110,313

Sec. 4. There is appropriated from the general fund of the state to the state department of health for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. ADMINISTRATION

For salaries and support of not more than sixty-seven and one-fourth full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 989,219

2. HEALTH FACILITIES

DIVISION

For salaries and support of not more than fifty-one full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 694,634

3. HEALTH PLANNING AND

DEVELOPMENT DIVISION

For salaries and support of not more than nineteen and sixty-seven one-hundredths full-time equivalent positions annually, maintenance,

and miscellaneous purposes \$ 257,494

4. DISEASE PREVENTION

DIVISION

For salaries and support of not more than fifty-one and six-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,042,348

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than sixteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 538,228

The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

6. PERSONAL AND FAMILY

HEALTH SERVICES

a. For salaries and support of not more than forty-four and thirty-five one-hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,164,699

The department shall allocate from the funds appropriated under this paragraph at least four hundred seventy-two thousand three hundred four (472,304) dollars for the fiscal year beginning July 1, 1983, and ending June 30, 1984, for the birth defects and genetics counseling program.

Of the funds appropriated in this paragraph, the following amounts shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

(1) Mobile and regional child health specialty clinics	\$	252,000
(2) Childhood cancer diagnostic and treatment network program	\$	48,847
(3) Rural comprehensive care for hemophilia patients	\$	69,199
(4) Muscular dystrophy and related genetic disease programs	\$	100,000
(5) Statewide perinatal programs	\$	45,000

Of the funds allocated to the mobile and regional child health specialty clinics pursuant to subparagraph (1), twenty-one thousand (21,000) dollars is intended to be used for the high risk infant follow-up program which may be conducted through the mobile and regional child health specialty clinics.

The birth defects and genetic counseling service shall develop a sliding fee scale to determine the amount a person receiving the services is required to pay for the services.

The university of Iowa hospitals and clinics shall receive an allocation for indirect costs of no more than eight percent from the funds for each program.

It is the intent of the general assembly that the childhood cancer diagnostic and treatment network program and the rural comprehensive care for hemophilia patients be continued at the university of Iowa hospitals and clinics at the funding level of the fiscal year beginning July 1, 1982, and ending

June 30, 1983. To provide for the contingency that federal funds would not be available to maintain that funding level, there is appropriated from the general fund of the state to the office of the state comptroller for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the sum of seventy-four thousand four hundred fifty (74,450) dollars, or so much thereof as is necessary. The state comptroller, upon receipt of verified amounts of federal funds received by the university of Iowa hospitals and clinics for the programs specified in this paragraph, shall pay to the university of Iowa hospitals and clinics an amount equal to the difference between the amount of the original grant application and the amount of the grant as approved by the United States department of health and human services. Any funds remaining from this appropriation shall revert to the state general fund on June 30, 1984.

It is the intention of the human resources appropriations subcommittee that one hundred eighty-three thousand seven hundred seventy-seven (180,377) dollars of the maternal and child health block grant appropriated to the state department of health by the general assembly for the federal fiscal year beginning October 1, 1983, and ending September 30, 1984, shall be allocated to the statewide perinatal care program.

b. Sexual abuse investigations.

For medical procedures required by section 709.10	\$	25,000
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c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802	\$	15,000
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7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than thirty-eight full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,819,356

The department shall allocate from the funds appropriated under this lettered paragraph nine hundred twenty-two thousand six hundred ninety-three (922,693) dollars for the fiscal year beginning July 1, 1983, and ending June 30, 1984 for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

b. In-home health care grants.

For grants to local boards of health for the public health nursing program \$ 2,060,000

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The department shall not retain more than one percent of the amount appropriated under this paragraph for the costs of administering the public health nursing program. The remainder of the appropriation shall be allocated for use in the counties of the state. The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means

a person who is sixty years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this paragraph, the local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. The proposal shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a nonprofit nurses' association, an independent nonprofit agency, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30, 1983, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall prior to December 31, 1983, reallocate the funds in the

unallocated pool among the counties in which the department has concluded contracts under this paragraph. The reallocation shall be made to those counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of each fiscal year of the biennium.

The department shall adopt rules defining eligibility for public health nursing care paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

The department shall annually evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

c. For grants to county boards of supervisors for the home-maker-home health aide program \$ 6,950,000

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and low-income persons and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to fifteen percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to absence, incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing window panes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles.

(2) "Elderly person" means a person who is sixty years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation and providing information, assistance, household management and learning experiences.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount

is available for use in each county in the state. Of the remaining amount each county shall be allocated for the 1983-1984 fiscal year an amount equal to fifty percent of state expenditures for homemaker services in that county for the 1981-1982 fiscal year and for the 1984-1985 fiscal year an amount equal to twenty-five percent of the amount of state expenditures for homemaker services in that county for the 1981-1982 fiscal year. After the allocation of the fifty percent or the twenty-five percent to each county, the following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics compared to all state residents with the same demographic characteristics: sixty percent according to the number of elderly persons living in the county; twenty percent according to the number of low-income persons living in the county; and twenty percent according to the number of substantiated cases of child abuse in the county during the 1980-1981 fiscal year.

For the 1985-1986 fiscal year it is intended that no allocation be made based on those state expenditures for homemaker services but that the entire amount appropriated be allocated by dividing fifteen percent of the amount equally among the counties and by dividing the remaining amount according to the percentages and demographic characteristics stipulated above.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of social services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded homemaker-home health aide services to elderly and low-income persons

and children and adults in need of protective services in the jurisdiction. The proposal may provide that a maximum of fifteen percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services, or a suitable local governmental body, to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department.

If by July 30 of each year of the biennium, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during each fiscal year of the biennium. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to December 31 of each fiscal year of the biennium, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph.

The department shall adopt rules defining eligibility for homemaker-home health aide services and chore services paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also adopt rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

3. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics

in the state \$ 212,000

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of veterans affairs for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984

Fiscal Year

1. For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 118,336

2. For the war orphans educational aid fund \$ 25,000

Sec. 6. There is appropriated from the general fund of the state to the Iowa department of substance abuse for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984

Fiscal Year

1. For salaries and support of not more than nineteen and one-tenth full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 172,973

2. For program grants \$ 2,761,150

Sec. 7. The licensing boards for which general fund appropriations have been provided for in section 3, subsection 1, 2, 3, or 4 and section 4, subsection 5 of this Act may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in section 3, subsection 1, 2, 3, or 4 and section 4, subsection 5 of this Act expends or encumbers an amount in excess of the funds budgeted for examinations, the state comptroller shall approve the expenditure or encumbrance. Before approval is given, the state comptroller shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid.

Upon approval of the state comptroller the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 9.2, subsection 5.

Sec. 8. Section 135E.1, subsection 3, Code 1983, is amended to read as follows:

3. "Nursing home" means any institution or facility, or part thereof, licensed as an intermediate care facility or a skilled nursing facility, but not including an intermediate care facility for the mentally retarded, defined as such for licensing purposes under state law or pursuant to the rules and regulations for nursing homes established by the state department of public health, whether proprietary or nonprofit, including but not limited to, nursing homes owned or administered by the federal or state government or an agency or political subdivisions thereof.

Sec. 9. Section 147.102, Code 1983, is amended to read as follows:

147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS, CHIROPRACTORS, DENTISTS, AND OSTEOPATHS. Notwithstanding the provisions of this title, every application for a license to practice medicine and surgery, psychology, chiropractic, dentistry, osteopathy, or osteopathic medicine and surgery, shall be made directly to the secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession, and all examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the secretary of the examining board of such profession, who shall transmit the fees to the treasurer of state who shall deposit the fees in the general fund of the state. The salary of the secretary

shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 10. Section 157.11, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Commencing January 1, 1977, ~~it is unlawful for~~ a beauty salon ~~to shall not~~ operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. ~~The beauty salon must pass a sanitary inspection before licensing and at least annually thereafter.~~ The department shall perform a sanitary inspection of each beauty salon annually and may perform a sanitary inspection of a beauty salon prior to the issuance of a license.

Sec. 11. Section 158.9, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~It is unlawful for a~~ A barbershop ~~to shall not~~ operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. ~~The barbershop must pass a sanitary inspection before obtaining a license and at least annually thereafter.~~ The department shall perform a sanitary inspection of each barbershop annually and may perform a sanitary inspection of a barbershop prior to the issuance of a license.

Sec. 12. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position. As a condition of the appropriation under section 4, subsection 6, the state department of health shall relinquish to the family planning

council of Iowa through the department of health and human services federal dollars appropriated under Title X of the Public Health Service Act and allocated for Lyon, Sioux, Plymouth, Woodbury, Cherokee, Ida, Delaware, Dubuque, Jackson, Washington, Louisa, Henry, Lee, and Des Moines counties in order to permit established local family planning providers to continue services without state involvement.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 613, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Item Veto
~~Approved~~ 6/13/, 1983

TERRY E. BRANSTAD
Governor