

HUMAN RESOURCES: Gentleman, Chair: Carr and C. Miller

Place On Calendar

HOUSE FILE 742

BY COMMITTEE ON HUMAN RESOURCES

(Formerly House Study Bill 369)

Passed House, Date 4-3-85 (p. 1321) Passed Senate, Date 4-22-85 (p. 1562)

Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0

Approved May 15, 1985

### A BILL FOR

1 An Act relating to the prospective repeal of chapter 225C and  
2 the enforcement of certain service standards for the men-  
3 tally ill and mentally retarded.

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

#### HOUSE FILE 742 FISCAL NOTE

##### REQUESTED BY REPRESENTATIVE STERGENSON

In compliance with a written request received March 21, 1985, a fiscal note for HOUSE FILE 742 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 742 delays the prospective repeal of Chapter 225C until July 1, 1990. The bill also provides that the Department of Health rather than the Division of Mental Health, Mental Retardation and Developmental Disability within the the Department of Human Services is responsible for enforcing standards relating to the care of mentally ill and mentally retarded patients of County Care Facilities (CCF).

**Fiscal Impact:** Currently the Department of Health is responsible for inspection of CCFs and issues a license to those facilities that meet or exceed existing standards as a Residential Care Facility. In Section 1 and 2 of this bill, the enforcement of standards established pursuant to Section 227.4 is transferred from the Department of Human Services to the Department of Health. The standards relate to CCFs offering patients reasonable opportunities for productive work and recreational activities suited to the patients physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. The transfer of responsibility to enforce standards will require expending funds to staff a qualified mental retardation professional and related support, not currently included in the FY 86 budget, to survey the 72 existing CCFs. The below table sets out the increase in expenditures expected to be incurred by the Department of Health in connection with this bill.

	<u>FY 86</u>	<u>FY 87</u>
	<u>Proposed</u>	<u>Proposed</u>
	<u>Law</u>	<u>Law</u>
Salaries	\$ 27,000	\$ 27,000
(FTE'S)	(100)	(100)
Support	5,500	5,500
Increase in Expenditures	<u>\$ 32,500</u>	<u>\$ 32,500</u>

SOURCES Department of Human Services  
Department of Health

FILED APRIL 4, 1985

(LSB 2726H, SJT)  
BY DENNIS PROUTY, FISCAL DIRECTOR

HF 742

1 Section 1. Section 225C.4, subsection 1, paragraph s, Code  
2 1985, is amended to read as follows:

3 s. In co-operation with the state department of health,  
4 recommend and-enforce minimum standards under section 227.4  
5 for the care of and services to mentally ill and mentally  
6 retarded persons residing in county care facilities.

7 Sec. 2. Section 227.4, Code 1985, is amended to read as  
8 follows:

9 227.4 STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY  
10 RETARDED PERSONS IN COUNTY CARE FACILITIES.

11 The director, in co-operation with the state department of  
12 health, shall recommend, and the mental health and mental  
13 retardation commission shall adopt standards for the care of  
14 and services to mentally ill and mentally retarded persons  
15 residing in county care facilities. The standards shall be  
16 enforced by the state department of health as a part of the  
17 licensure inspection conducted pursuant to chapter 135C. The  
18 objective of the standards is to ensure that mentally ill and  
19 mentally retarded residents of county care facilities are not  
20 only adequately fed, clothed, and housed, but are also offered  
21 reasonable opportunities for productive work and recreational  
22 activities suited to their physical and mental abilities and  
23 offering both a constructive outlet for their energies and, if  
24 possible, therapeutic benefit. When recommending standards  
25 under this section, the director shall designate an advisory  
26 committee representing administrators of county care  
27 facilities, county co-ordinating boards, and county care  
28 facility care review committees to assist in the establishment  
29 of standards.

30 Sec. 3. 1981 Iowa Acts, chapter 78, section 20, as amended  
31 by 1982 Iowa Acts, chapter 1117, section 2, is repealed.

32 Sec. 4. NEW SECTION. 225C.19 FUTURE STATUS OF DIVISION.

33 This chapter is repealed effective July 1, 1990.

34 EXPLANATION

35 This bill delays the prospective repeal of Code chapter

1 225C until July 1, 1990. Chapter 225C establishes the  
2 division of mental health, mental retardation, and  
3 developmental disabilities within the department of human  
4 services. The bill also provides that the state department of  
5 health rather than the division is responsible for enforcing  
6 standards for the care of mentally ill and mentally retarded  
7 residents of county care facilities.

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HSB 369

Study Bill 369

HUMAN RESOURCES

Human Resources: Zimmerman, Chair; Hester, Mullins, Ollie and Peick.

*Handwritten:*  
Hester  
Mullins

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON HUMAN RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the prospective repeal of chapter 225C and  
2 the enforcement of certain service standards for the men-  
3 tally ill and mentally retarded.

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

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1 Section 1. Section 225C.4, subsection 1, paragraph s, Code  
2 1985, is amended to read as follows:

3 s. In co-operation with the state department of health,  
4 recommend and-enforce minimum standards under section 227.4  
5 for the care of and services to mentally ill and mentally  
6 retarded persons residing in county care facilities.

7 Sec. 2. Section 227.4, Code 1985, is amended to read as  
8 follows:

9 227.4 STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY  
10 RETARDED PERSONS IN COUNTY CARE FACILITIES.

11 The director, in co-operation with the state department of  
12 health, shall recommend, and the mental health and mental  
13 retardation commission shall adopt standards for the care of  
14 and services to mentally ill and mentally retarded persons  
15 residing in county care facilities. The standards shall be  
16 enforced by the state department of health as a part of the  
17 licensure inspection conducted pursuant to chapter 135C. The  
18 objective of the standards is to ensure that mentally ill and  
19 mentally retarded residents of county care facilities are not  
20 only adequately fed, clothed, and housed, but are also offered  
21 reasonable opportunities for productive work and recreational  
22 activities suited to their physical and mental abilities and  
23 offering both a constructive outlet for their energies and, if  
24 possible, therapeutic benefit. When recommending standards  
25 under this section, the director shall designate an advisory  
26 committee representing administrators of county care  
27 facilities, county co-ordinating boards, and county care  
28 facility care review committees to assist in the establishment  
29 of standards.

30 Sec. 3. 1981 Iowa Acts, chapter 78, section 20, as amended  
31 by 1982 Iowa Acts, chapter 1117, section 2, is repealed.

32 EXPLANATION

33 This bill repeals the prospective repeal of Code chapter  
34 225C which established the division of mental health, mental  
35 retardation, and developmental disabilities within the

1 department of human services, and provides that the state  
2 department of health rather than the division is responsible  
3 for enforcing standards for the care of mentally ill and  
4 mentally retarded residents of county care facilities.

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HOUSE FILE 742

AN ACT

RELATING TO THE PROSPECTIVE REPEAL OF CHAPTER 225C AND THE ENFORCEMENT OF CERTAIN SERVICE STANDARDS FOR THE MENTALLY ILL AND MENTALLY RETARDED.

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

Section 1. Section 225C.4, subsection 1, paragraph a, Code 1985, is amended to read as follows:

s. In co-operation with the state department of health, recommend and enforce minimum standards under section 227.4 for the care of and services to mentally ill and mentally retarded persons residing in county care facilities.

Sec. 2. Section 227.4, Code 1985, is amended to read as follows:

227.4 STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY RETARDED PERSONS IN COUNTY CARE FACILITIES.

The director, in co-operation with the state department of health, shall recommend, and the mental health and mental retardation commission shall adopt standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities. The standards shall be enforced by the state department of health as a part of the licensure inspection conducted pursuant to chapter 135C. The objective of the standards is to ensure that mentally ill and mentally retarded residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the director shall designate an advisory committee representing administrators of county care

facilities, county co-ordinating boards, and county care facility care review committees to assist in the establishment of standards.

Sec. 3. 1981 Iowa Acts, chapter 78, section 20, as amended by 1982 Iowa Acts, chapter 1117, section 2, is repealed.

Sec. 4. NEW SECTION. 225C.19 FUTURE STATUS OF DIVISION. This chapter is repealed effective July 1, 1990.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 742, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 15, 1985

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TERRY E. BRANSTAD  
Governor

H.F. 742