

Reprinted

MAR 18 1988

APPROPRIATIONS CALENDAR

HOUSE FILE 2456

BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 3/24/88 (p. 1066) Passed Senate, Date 4/14/88 P. 1607

Vote: Ayes 95 Nays 0 Vote: Ayes 30 Nays 12

Approved May 14, 1988

A BILL FOR

1 An Act relating to programs for which appropriations to the
2 department of human services are required, and providing
3 penalties.

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

HOUSE FILE 2456

H-5753

1 Amend House File 2456 as follows:

2 1. Page 3, line 25, by striking the figure "16"
3 and inserting the following: "6".

H-5753 FILED MARCH 21, 1988 BY HAVERLAND of Polk
Adopted 3/24 (p. 1059)

HOUSE FILE 2456

H-5765

1 Amend House File 2456 as follows:

2 1. Page 5, by striking lines 5 through 20.
3 2. By renumbering as necessary.

H-5765 FILED MARCH 21, 1988 BY MUHLBAUER of Crawford
Adopted 3/24 (p. 1059)

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1 Section 1. Section 217.20, Code 1987, is amended to read
2 as follows:

3 217.20 TRIPS TO OTHER STATES.

4 No authority shall be granted to any person to travel to
5 another state except by approval of the commissioner and under
6 guidelines established by the executive council.

7 Sec. 2. Section 218.78, subsection 1, Code 1987, is
8 amended to read as follows:

9 1. All institutional receipts of the department of human
10 services, including funds received from client participation
11 at the state hospital-schools under section 222.78 and at the
12 state mental health institutes under section 230.20, shall be
13 deposited in the general fund except for reimbursements for
14 services provided to another institution or state agency, for
15 receipts deposited in the revolving fund under section
16 246.706, for deposits into the medical assistance fund under
17 section 249A.11, and rentals charged to employees or others
18 for room, apartment, or house and meals, which shall be
19 available to the institutions.

20 Sec. 3. Section 222.73, subsection 2, Code 1987, is
21 amended to read as follows:

22 2. The superintendent shall certify to the director of
23 revenue and finance the billings to each county for services
24 provided to patients chargeable to the county during the
25 preceding calendar quarter. The county billings shall be
26 based on the average daily patient charge and outpatient
27 treatment charges computed pursuant to subsection 1, and the
28 number of inpatient days and outpatient treatment service
29 units chargeable to the county. ~~The county billing for a~~
30 ~~patient shall be reduced by an amount received for the~~
31 ~~patient's care from any source other than state appropriated~~
32 ~~funds.~~ The billings to a county of legal settlement are
33 subject to adjustment for all of the following circumstances:

34 a. The county billing for a patient shall be reduced by
35 the amount received for the patient's care from a source other

1 than state appropriated funds.

2 b. If more than twenty percent of the cost of a patient's
3 care is initially paid from a source other than state
4 appropriated funds, the amount paid shall be subtracted from
5 the average per-patient-per-day cost of that patient's care
6 and the patient's county shall be billed for the full balance
7 of the cost so computed.

8 c. The county of a patient who is eligible for
9 reimbursement under the medical assistance program shall be
10 responsible for the costs which are not reimbursed by the
11 medical assistance program, regardless of the level of care
12 provided to the patient.

13 d. A county shall be responsible for eighty percent of the
14 cost of care of a patient who is not eligible for
15 reimbursement under the medical assistance program.

16 e. The billings for counties shall be credited with one
17 hundred percent of the client participation for patients
18 eligible for medical assistance in the calculation of the per
19 diem rate for patients.

20 Sec. 4. Section 225C.10, subsection 2, paragraph a,
21 subparagraph (1), Code 1987, is amended to read as follows:

22 (1) Indicates that the services for which the county or
23 counties intend to use general allocation money are
24 comprehensive services or other services mandated or
25 authorized by law, and in accordance with rules adopted by the
26 commission, are offered by accredited or licensed providers
27 where accreditation or licensure standards are applicable, and
28 do not include major maintenance or capital expenditure
29 projects.

30 Sec. 5. Section 225C.10, subsection 3, Code 1987, is
31 amended to read as follows:

32 3. Each application shall be for a period of at least one
33 year and shall be acted upon as soon as reasonably possible by
34 the director, who shall notify the applicant county or
35 counties of the action on the application no later than

1 December 1 of the year in which the application is submitted.
2 Money from the general allocation shall be disbursed on a
3 quarterly basis to the counties entitled to the money under
4 section 225C.9 and this section. Counties receiving the money
5 shall submit quarterly financial and plan status reports at
6 least annually at the time and in the manner prescribed by the
7 director.

8 Sec. 6. Section 230.20, subsection 1, paragraph a, Code
9 Supplement 1987, is amended by adding the following new
10 subparagraphs:

11 NEW SUBPARAGRAPH. (4) The costs of the psychiatric
12 residency program.

13 NEW SUBPARAGRAPH. (5) The costs of the chaplain intern
14 program.

15 Sec. 7. Section 232.21, subsection 2, Code 1987, is
16 amended by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. Placement shall be made in the
18 least restrictive facility available consistent with the best
19 interests and special-needs of the child. Foster family care
20 shall be used for a child unless the child has problems
21 requiring specialized service or supervision which cannot be
22 provided in a family living arrangement.

23 Sec. 8. Section 232.21, Code 1987, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 16. A child twelve years of age or
26 younger shall not be placed in a group shelter care home,
27 unless there have been reasonable but unsuccessful efforts to
28 place the child in an emergency foster family home which is
29 able to meet the needs of the child. The efforts shall be
30 documented at the shelter care hearing.

31 Sec. 9. Section 232.52, subsection 2, paragraph d,
32 subparagraph (3), Code 1987, is amended to read as follows:

33 (3) The department of human services for purposes of
34 foster care and prescribing the type of placement which will
35 serve the best interests of the child and the means by which

1 the placement shall be monitored by the court. The court
2 shall consider ordering placement in family foster care as an
3 alternative to group foster care.

4 Sec. 10. Section 232.52, Code 1987, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 7. If the court orders the transfer of
7 the custody of the child to the department of human services
8 or to another agency for placement in foster group care, the
9 department or agency shall make every reasonable effort to
10 place the child within the state, in the least restrictive
11 setting available and in close proximity to the parents' home,
12 consistent with the child's best interests and special needs.

13 Sec. 11. Section 232.102, subsection 6, Code Supplement
14 1987, is amended to read as follows:

15 6. In any order transferring custody to the department or
16 an agency, or in orders pursuant to a custody order, the court
17 shall specify the nature and category of disposition which
18 will serve the best interests of the child, and shall
19 prescribe the means by which the placement shall be monitored
20 by the court. If the court orders the transfer of the custody
21 of the child to the department of human services or other
22 agency for placement, the department or agency shall submit a
23 case permanency plan to the court and shall make every effort
24 to return the child to the child's home as quickly as possible
25 consistent with the best interest of the child. When the
26 child is not returned to the child's home and if the child has
27 been previously placed in a licensed foster care facility, the
28 department or agency shall consider placing the child in the
29 same licensed foster care facility. If the court orders the
30 transfer of custody to a relative or other suitable person,
31 the court may direct the department or other agency to provide
32 services to the child's parent, guardian or custodian in order
33 to enable them to resume custody of the child. If the court
34 orders the transfer of custody to the department of human
35 services or to another agency for placement in foster group

1 care, the department or agency shall make every reasonable
2 effort to place the child within Iowa, in the least
3 restrictive setting available, and in close proximity to the
4 parents' home, consistent with the child's best interests and
5 special needs.

57656 Sec. 12. Section 232.141, subsection 8, Code Supplement
7 1987, is amended by striking the subsection and inserting in
8 lieu thereof the following:

9 8. Costs incurred under this section shall be paid as
10 follows: for the fiscal year beginning July 1, 1988, and for
11 subsequent fiscal years, each county shall be reimbursed by
12 the state for seventy-five percent of all allowable costs
13 incurred under subsection 1 and 2. Costs incurred pursuant to
14 subsection 1 shall be reimbursed by the judicial department.
15 Costs incurred pursuant to subsection 2 shall be reimbursed by
16 the department of human services. A county shall apply for
17 reimbursement to the judicial department pursuant to rules
18 adopted by the judicial department. A county shall apply for
19 reimbursement to the department of human services pursuant to
20 rules adopted by the department of human services.

21 Sec. 13. NEW SECTION. 232.167 PENALTY.

22 A person or agency which violates or aids and abets in the
23 violation of any of the provisions of sections 232.158 through
24 232.166 commits a fraudulent practice.

25 Sec. 14. NEW SECTION. 239.21 TRANSITIONAL CHILD CARE
26 ASSISTANCE.

27 A recipient who loses eligibility for assistance under this
28 chapter because of an increase in earned income is eligible to
29 receive transitional child care assistance for a period of
30 twelve months following the loss of assistance. The
31 department shall deliver the transitional child care
32 assistance through a vendor voucher payment or purchase of
33 service system which requires the recipient to contribute to
34 the cost of the assistance in accordance with a sliding-scale
35 fee established by rule.

1 Sec. 15. NEW SECTION. 249A.17 TRANSITIONAL MEDICAL
2 ASSISTANCE.

3 The department shall provide transitional medical coverage
4 comparable to medical assistance provided under this chapter,
5 for twelve months or for the maximum period permitted under
6 federal regulations, whichever is greater, for the family of a
7 recipient who has lost eligibility for public assistance under
8 aid to families with dependent children pursuant to chapter
9 239 because of an increase in earned income.

10 Sec. 16. NEW SECTION. 249C.18 EDUCATIONAL INCENTIVES.

11 A person who receives assistance under chapter 239 may
12 participate or cooperate in a program to attain a certificate
13 of general educational development, high school diploma, or
14 adult basic literacy where the person has not previously
15 received such certification. The department shall provide
16 incentives to encourage such participation.

17 Sec. 17. Section 692.2, subsection 1, paragraph c, Code
18 Supplement 1987, is amended to read as follows:

19 c. The department of human services for the purposes of
20 section 237.8, subsection 2, and section 237A.5, and section
21 600.8, subsections 1 and 2.

22 Sec. 18. Section 692.3, subsection 2, Code Supplement
23 1987, is amended to read as follows:

24 2. Notwithstanding subsection 1, paragraph "a", the
25 department of human services ~~shall~~ may redisseminate criminal
26 history data obtained pursuant to section 692.2, subsection 1,
27 paragraph "c", to persons licensed, or registered, or
28 certified under chapters 237, and 237A, 238 and 600 for the
29 purposes of section 237.8, subsection 2 and section 237A.5.
30 ~~licensees-and-registrants-under-either-chapter-237-or-chapter~~
31 ~~237A~~ A person who ~~receive~~ receives information pursuant to
32 this subsection shall not use the information other than for
33 purposes of section 237.8, subsection 2, or section 237A.5, or
34 section 600.8, subsections 1 and 2. ~~A licensee-or-registrant~~
35 person who receives criminal history data pursuant to this

1 subsection who uses the information for other purposes other
2 than those permitted by this subsection or who communicates
3 the information to another person except for the purposes of
4 section-237-87-subsection-2-or-section-237A-5 permitted by
5 this subsection is guilty of an aggravated misdemeanor.

6 EXPLANATION

7 This bill will bring the department of human services into
8 conformity with certain travel approval guidelines of the
9 executive council. Under the guidelines, out-of-state travel
10 does not require executive council approval if the travel is a
11 normal routine job duty. The bill will enable the department
12 of human services to comply with the executive council's
13 guidelines.

14 The bill codifies a requirement that funds received from
15 client participation at the state hospital-schools and state
16 mental health institutes be deposited in the general fund.
17 The method by which counties are billed for patients at the
18 state hospital-schools who are not fully funded by the medical
19 assistance program is also codified.

20 The bill codifies a requirement that a county which
21 receives moneys from the general allocation of the state
22 mental health and mental retardation services fund must
23 indicate in an annual plan submitted to the fund that the
24 services for which the moneys are used are in accordance with
25 rules of the mental health and mental retardation commission
26 and will not be used for major maintenance or capital
27 expenditure projects.

28 The costs of the psychiatric residency and chaplain intern
29 programs at the state mental health institutes are added to
30 the list of items which shall not be included in the
31 computation of the average daily patient charge.

32 Emergency foster care placements will be made to family
33 foster care unless the child has problems which require a
34 different placement for specialized services or supervision.

35 The bill provides that a child age twelve or younger may be

1 placed in a group shelter care home only if reasonable but
2 unsuccessful efforts to place the child in an emergency foster
3 family have been documented at the shelter care hearing.

4 When a child is placed in foster care, the custodial agency
5 or court shall make every reasonable effort to place the child
6 within the state, in the least restrictive setting, and near
7 the parents. When a court transfers custody of a child to a
8 suitable person for the purpose of long-term care after a
9 permanency hearing, the court must consider transfer to family
10 foster care.

11 The formula for determining the county cost for
12 reimbursement of the expenses of adjudication and of the
13 related treatment or care of a child ordered by a court is
14 revised to provide a seventy-five percent reimbursement of
15 costs from the state to a county.

16 The bill establishes a penalty for violation of the
17 interstate compact on the placement of children. The
18 applicable penalty provision was not transferred from chapter
19 238 to chapter 232 in 1985 when the compact was transferred.

20 Eligibility for transitional child care assistance is
21 provided to a recipient of the aid to families with dependent
22 children assistance who loses eligibility for the assistance
23 due to an increase in earned income.

24 Eligibility for transitional medical assistance is provided
25 to a recipient of the aid to families with dependent children
26 recipient who loses eligibility due to an increase in earned
27 income.

28 A recipient of assistance under chapter 239 may participate
29 in educational activities and the department may provide
30 incentives.

31 The bill permits the dissemination of confidential criminal
32 history records to the department of human services and the
33 subsequent redissemination of these records to adoption
34 investigators and other licensed persons involved in the
35 adoptions process for the purpose of screening prospective

1 adoptive parents. A person who uses the criminal history
2 records for a purpose other than the stated purpose has
3 committed an aggravated misdemeanor.

4 SUCCESSOR TO LSB 8433HC

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HOUSE FILE 2456
FISCAL NOTE

In compliance with a written request received April 15, 1988, a fiscal note for HOUSE FILE 2456 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.

Amendment H-6525 to amendment H-6497 which amends House File 2456 directs the Department of Inspections and Appeals to issue provisional licenses to specialized psychiatric hospitals that are accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) for children and adolescents. This would allow the facilities to receive Medicaid reimbursement, under the Department of Human Services, and therefore a greater federal match. These facilities would be required to participate in the certificate of need procedure.

Assumptions:

1. The Girard School and the Children's Home are currently accredited; Orchard Place and Boys & Girls are pending accreditation. All four institutions have been included in this estimate.
2. Current expenditures are currently being paid out of the Foster Care Appropriation. The projected state share will be paid out of the Medicaid Appropriation, which receives approximately a 62% federal match.
3. The current expenditures, number of clients, projected expenditures, state share, and expected state savings for each facility that could be affected is listed below:

	Current Expenditures (000)	Clients	Projected Expenditures (000)	State Share (000)	State Savings (000)
Girard School	614	25	985	613	1
Children's Home	1,719	48	1,718	1,065	114
Orchard Place	1,916	78	2,198	1,364	551
Boys & Girls	810	33	880	545	265
TOTAL	4,519	111	3,487	3,588	931

FISCAL EFFECT

	Fiscal Year 1989 (000)		
	Current Law	Proposed Law	Increase (Decrease)
<u>EXPENDITURES</u>			
General Fund \$	4,519	\$ 3,587	\$ 934
Federal Funds	0	2,194	2,194
Total \$	\$ 4,519	\$ 5,781	\$ 3,128

(LSB 8433h, CAR)

HOUSE FILE 2456
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House March 24, 1988)

Re Passed House, Date 4/15/88 (p. 202) Re Passed Senate, Date 4/14/88 (p. 1607)
Vote: Ayes 86 Nays 0 Vote: Ayes 30 Nays 12
Approved May 14, 1988 Opposed Senate 4/16/88 (p. 1697)
47-0

A BILL FOR

1 An Act relating to programs for which appropriations to the
2 department of human services are required, and providing
3 penalties.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 217.20, Code 1987, is amended to read
2 as follows:

3 217.20 TRIPS TO OTHER STATES.

4 No authority shall be granted to any person to travel to
5 another state except by approval of the commissioner and under
6 guidelines established by the executive council.

7 Sec. 2. Section 218.78, subsection 1, Code 1987, is
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10 services, including funds received from client participation
11 at the state hospital-schools under section 222.78 and at the
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13 deposited in the general fund except for reimbursements for
14 services provided to another institution or state agency, for
15 receipts deposited in the revolving fund under section
16 246.706, for deposits into the medical assistance fund under
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18 for room, apartment, or house and meals, which shall be
19 available to the institutions.

20 Sec. 3. Section 222.73, subsection 2, Code 1987, is
21 amended to read as follows:

22 2. The superintendent shall certify to the director of
23 revenue and finance the billings to each county for services
24 provided to patients chargeable to the county during the
25 preceding calendar quarter. The county billings shall be
26 based on the average daily patient charge and outpatient
27 treatment charges computed pursuant to subsection 1, and the
28 number of inpatient days and outpatient treatment service
29 units chargeable to the county. ~~The county billing for a~~
30 ~~patient shall be reduced by an amount received for the~~
31 ~~patient's care from any source other than state appropriated~~
32 ~~funds.~~ The billings to a county of legal settlement are
33 subject to adjustment for all of the following circumstances:
34 a. The county billing for a patient shall be reduced by
35 the amount received for the patient's care from a source other

1 than state appropriated funds.

2 b. If more than twenty percent of the cost of a patient's
3 care is initially paid from a source other than state
4 appropriated funds, the amount paid shall be subtracted from
5 the average per-patient-per-day cost of that patient's care
6 and the patient's county shall be billed for the full balance
7 of the cost so computed.

8 c. The county of a patient who is eligible for
9 reimbursement under the medical assistance program shall be
10 responsible for the costs which are not reimbursed by the
11 medical assistance program, regardless of the level of care
12 provided to the patient.

13 d. A county shall be responsible for eighty percent of the
14 cost of care of a patient who is not eligible for
15 reimbursement under the medical assistance program.

16 e. The billings for counties shall be credited with one
17 hundred percent of the client participation for patients
18 eligible for medical assistance in the calculation of the per
19 diem rate for patients.

5977 > 20 Sec. 4. Section 225C.10, subsection 2, paragraph a,
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23 counties intend to use general allocation money are
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25 authorized by law, and in accordance with rules adopted by the
26 commission, are offered by accredited or licensed providers
27 where accreditation or licensure standards are applicable, and
28 do not include major maintenance or capital expenditure
29 projects.

30 Sec. 5. Section 225C.10, subsection 3, Code 1987, is
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32 3. Each application shall be for a period of at least one
33 year and shall be acted upon as soon as reasonably possible by
34 the director, who shall notify the applicant county or
35 counties of the action on the application no later than

1 December 1 of the year in which the application is submitted.
2 Money from the general allocation shall be disbursed on a
3 quarterly basis to the counties entitled to the money under
4 section 225C.9 and this section. Counties receiving the money
5 shall submit ~~quarterly~~ financial and plan status reports at
6 least annually at the time and in the manner prescribed by the
7 director.

8 Sec. 6. Section 230.20, subsection 1, paragraph a, Code
9 Supplement 1987, is amended by adding the following new
10 subparagraphs:

11 NEW SUBPARAGRAPH. (4) The costs of the psychiatric
12 residency program.

13 NEW SUBPARAGRAPH. (5) The costs of the chaplain intern
14 program.

15 Sec. 7. Section 232.21, subsection 2, Code 1987, is
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17 NEW UNNUMBERED PARAGRAPH. Placement shall be made in the
18 least restrictive facility available consistent with the best
19 interests and special needs of the child. Foster family care
20 shall be used for a child unless the child has problems
21 requiring specialized service or supervision which cannot be
22 provided in a family living arrangement.

23 Sec. 8. Section 232.21, Code 1987, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 6. A child twelve years of age or younger
26 shall not be placed in a group shelter care home, unless there
27 have been reasonable but unsuccessful efforts to place the
28 child in an emergency foster family home which is able to meet
29 the needs of the child. The efforts shall be documented at
30 the shelter care hearing.

31 Sec. 9. Section 232.52, subsection 2, paragraph d,
32 subparagraph (3), Code 1987, is amended to read as follows:

33 (3) The department of human services for purposes of
34 foster care and prescribing the type of placement which will
35 serve the best interests of the child and the means by which

1 the placement shall be monitored by the court. The court
2 shall consider ordering placement in family foster care as an
3 alternative to group foster care.

4 Sec. 10. Section 232.52, Code 1987, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 7. If the court orders the transfer of
7 the custody of the child to the department of human services
8 or to another agency for placement in foster group care, the
9 department or agency shall make every reasonable effort to
10 place the child within the state, in the least restrictive
11 setting available and in close proximity to the parents' home,
12 consistent with the child's best interests and special needs.

13 Sec. 11. Section 232.102, subsection 6, Code Supplement
14 1987, is amended to read as follows:

15 6. In any order transferring custody to the department or
16 an agency, or in orders pursuant to a custody order, the court
17 shall specify the nature and category of disposition which
18 will serve the best interests of the child, and shall
19 prescribe the means by which the placement shall be monitored
20 by the court. If the court orders the transfer of the custody
21 of the child to the department of human services or other
22 agency for placement, the department or agency shall submit a
23 case permanency plan to the court and shall make every effort
24 to return the child to the child's home as quickly as possible
25 consistent with the best interest of the child. When the
26 child is not returned to the child's home and if the child has
27 been previously placed in a licensed foster care facility, the
28 department or agency shall consider placing the child in the
29 same licensed foster care facility. If the court orders the
30 transfer of custody to a relative or other suitable person,
31 the court may direct the department or other agency to provide
32 services to the child's parent, guardian or custodian in order
33 to enable them to resume custody of the child. If the court
34 orders the transfer of custody to the department of human
35 services or to another agency for placement in foster group

1 care, the department or agency shall make every reasonable
2 effort to place the child within Iowa, in the least
3 restrictive setting available, and in close proximity to the
4 parents' home, consistent with the child's best interests and
5 special needs.

*6 Sec. 12. NEW SECTION. 232.167 PENALTY.

7 A person or agency which violates or aids and abets in the
8 violation of any of the provisions of sections 232.158 through
9 232.166 commits a fraudulent practice.

10 Sec. 13. NEW SECTION. 239.21 TRANSITIONAL CHILD CARE
11 ASSISTANCE.

12 A recipient who loses eligibility for assistance under this
13 chapter because of an increase in earned income is eligible to
14 receive transitional child care assistance for a period of
15 twelve months following the loss of assistance. The
16 department shall deliver the transitional child care
17 assistance through a vendor voucher payment or purchase of
18 service system which requires the recipient to contribute to
19 the cost of the assistance in accordance with a sliding-scale
20 fee established by rule.

21 Sec. 14. NEW SECTION. 249A.17 TRANSITIONAL MEDICAL
22 ASSISTANCE.

23 The department shall provide transitional medical coverage
24 comparable to medical assistance provided under this chapter,
25 for twelve months or for the maximum period permitted under
26 federal regulations, whichever is greater, for the family of a
27 recipient who has lost eligibility for public assistance under
28 aid to families with dependent children pursuant to chapter
29 239 because of an increase in earned income.

30 Sec. 15. NEW SECTION. 249C.18 EDUCATIONAL INCENTIVES.

31 A person who receives assistance under chapter 239 may
32 participate or cooperate in a program to attain a certificate
33 of general educational development, high school diploma, or
34 adult basic literacy where the person has not previously
35 received such certification. The department shall provide

1 incentives to encourage such participation.

2 Sec. 16. Section 692.2, subsection 1, paragraph c, Code
3 Supplement 1987, is amended to read as follows:

4 c. The department of human services for the purposes of
5 section 237.8, subsection 2, and section 237A.5, and section
6 600.8, subsections 1 and 2.

7 Sec. 17. Section 692.3, subsection 2, Code Supplement
8 1987, is amended to read as follows:

9 2. Notwithstanding subsection 1, paragraph "a", the
10 department of human services ~~shall~~ may redisseminate criminal
11 history data obtained pursuant to section 692.2, subsection 1,
12 paragraph "c", to persons licensed, or registered, or
13 certified under chapters 237, and 237A, 238 and 600 for the
14 purposes of section 237.8, subsection 2 and section 237A.5.
15 ~~Licensees and registrants under either chapter 237 or chapter~~
16 ~~237A~~ A person who receive receives information pursuant to
17 this subsection shall not use the information other than for
18 purposes of section 237.8, subsection 2, or section 237A.5, or
19 section 600.8, subsections 1 and 2. ~~A licensee or registrant~~
20 person who receives criminal history data pursuant to this
21 subsection who uses the information for other purposes other
22 than those permitted by this subsection or who communicates
23 the information to another person except for the purposes of
24 ~~section 237.8, subsection 2 or section 237A.5~~ permitted by
25 this subsection is guilty of an aggravated misdemeanor.

26 SUCCESSOR TO LSB 8433HC

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HOUSE FILE 2456

S-6031

1 Amend House File 2456, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 135B.9, Code 1987, is amended
6 to read as follows:

7 135B.9 INSPECTIONS AND CONSULTATIONS -- PROTECTION
8 AND ADVOCACY AGENCY INVESTIGATIONS.

9 The department of inspections and appeals shall
10 make or cause to be made such inspections as it may
11 deem necessary. The state Iowa department of public
12 health shall, with the advice of the hospital
13 licensing board, prescribe by regulations that any
14 licensee or applicant for license desiring to make
15 specified types of alteration or addition to its
16 facilities or to construct new facilities shall before
17 commencing such alteration, addition or new
18 construction, submit plans and specifications therefor
19 to the department of inspections and appeals for
20 preliminary inspection and approval or recommendations
21 with respect to compliance with the regulations and
22 standards herein authorized.

23 In the state hospital-schools and state mental
24 health institutes operated by the department of human
25 services, the designated protection and advocacy
26 agency as provided in section 135C.2, subsection 4,
27 shall have the authority to investigate all complaints
28 of abuse and neglect of persons with developmental
29 disabilities or mental illnesses if the complaints are
30 reported to the protection and advocacy agency or if
31 there is probable cause to believe that the abuse has
32 occurred. Such authority shall include the
33 examination of all records pertaining to the care
34 provided to the residents and contact or interview
35 with any resident, employee, or any other person who
36 might have knowledge about the operation of the
37 institution.

38 Sec. 2. Section 135B.12, Code 1987, is amended to
39 read as follows:

40 135B.12 INFORMATION CONFIDENTIAL.

41 Information received by the department of
42 inspections and appeals and the protection and
43 advocacy agency through filed reports, inspection, or
44 as otherwise authorized under this chapter, shall not
45 be disclosed publicly in such manner as to identify
46 individuals or hospitals, except in a proceeding
47 involving the question of licensure or the denial,
48 suspension or revocation of a license or civil suit or
49 administrative action by or on behalf of a patient.

50 Sec. 3. Section 135C.2, subsection 4, Code

S-6031 Page 2

- 1 Supplement 1987, is amended to read as follows:
2 4. The protection and advocacy agency designated
3 in the state, under Pub. L. No. 98-527, the
4 developmental disabilities Act of 1984, and Pub. L.
5 No. 99-319, the protection and advocacy for mentally
6 ill individuals Act of 1986, and Pub. L. No. 100-146,
7 the federal Developmental Disabilities Assistance and
8 Bill of Rights Act Amendments of 1987, is recognized
9 as an agency legally authorized and constituted to
10 ensure the implementation of the purposes of this
11 chapter for populations under its authority and in the
12 manner designated by Pub. L. No. 98-527, and Pub. L.
13 No. 99-319, and Pub. L. No. 100-146 and in the
14 assurances of the governor of the state."
15 2. By renumbering as necessary.

S-6031

Filed April 14, 1988

BY JOE WELSH

Adopted 4/14 (p. 1606)

HOUSE FILE 2456

S-5977

- 1 Amend House File 2456 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 19 the
4 following:
5 "The per diem costs billed to each county shall not
6 exceed the per diem costs in effect on July 1, 1988.
7 However, the per diem costs may be adjusted annually
8 to the extent of the adjustment in the consumer price
9 index published annually in the federal register by
10 the federal department of labor, bureau of labor
11 statistics."

S-5977

Filed April 13, 1988

BY COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

Adopted 4/14 (p. 1606)

HOUSE FILE 2456

S-6050

- 1 Amend House File 2456 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 6, by striking lines 2 through 25.

S-6050

Filed April 15, 1988

BY JULIA GENTLEMAN

SENATE AMENDMENT TO HOUSE FILE 2456

H-6497

1 Amend House File 2456, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 135B.9, Code 1987, is amended
6 to read as follows:

7 135B.9 INSPECTIONS AND CONSULTATIONS -- PROTECTION
8 AND ADVOCACY AGENCY INVESTIGATIONS.

9 The department of inspections and appeals shall
10 make or cause to be made such inspections as it may
11 deem necessary. The state Iowa department of public
12 health shall, with the advice of the hospital
13 licensing board, prescribe by regulations that any
14 licensee or applicant for license desiring to make
15 specified types of alteration or addition to its
16 facilities or to construct new facilities shall before
17 commencing such alteration, addition or new
18 construction, submit plans and specifications therefor
19 to the department of inspections and appeals for
20 preliminary inspection and approval or recommendations
21 with respect to compliance with the regulations and
22 standards herein authorized.

23 In the state hospital-schools and state mental
24 health institutes operated by the department of human
25 services, the designated protection and advocacy
26 agency as provided in section 135C.2, subsection 4,
27 shall have the authority to investigate all complaints
28 of abuse and neglect of persons with developmental
29 disabilities or mental illnesses if the complaints are
30 reported to the protection and advocacy agency or if
31 there is probable cause to believe that the abuse has
32 occurred. Such authority shall include the
33 examination of all records pertaining to the care
34 provided to the residents and contact or interview
35 with any resident, employee, or any other person who
36 might have knowledge about the operation of the
37 institution.

38 Sec. 2. Section 135B.12, Code 1987, is amended to
39 read as follows:

40 135B.12 INFORMATION CONFIDENTIAL.

41 Information received by the department of
42 inspections and appeals and the protection and
43 advocacy agency through filed reports, inspection, or
44 as otherwise authorized under this chapter, shall not
45 be disclosed publicly in such manner as to identify
46 individuals or hospitals, except in a proceeding
47 involving the question of licensure or the denial,
48 suspension or revocation of a license or civil suit or
49 administrative action by or on behalf of a patient.

50 Sec. 3. Section 135C.2, subsection 4, Code

H-6497

Page 2

1 Supplement 1987, is amended to read as follows:

2 4. The protection and advocacy agency designated
3 in the state, under Pub. L. No. 98-527, the
4 developmental disabilities Act of 1984, and Pub. L.
5 No. 99-319, the protection and advocacy for mentally
6 ill individuals Act of 1986, and Pub. L. No. 100-146,
7 the federal Developmental Disabilities Assistance and
8 Bill of Rights Act Amendments of 1987, is recognized
9 as an agency legally authorized and constituted to
10 ensure the implementation of the purposes of this
11 chapter for populations under its authority and in the
12 manner designated by Pub. L. No. 98-527, and Pub. L.
13 No. 99-319, and Pub. L. No. 100-146 and in the
14 assurances of the governor of the state."

15 2. Page 2, by inserting after line 19 the
16 following:

17 "The per diem costs billed to each county shall not
18 exceed the per diem costs in effect on July 1, 1988.
19 However, the per diem costs may be adjusted annually
20 to the extent of the adjustment in the consumer price
21 index published annually in the federal register by
22 the federal department of labor, bureau of labor
23 statistics."

24 3. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6497 FILED APRIL 15, 1988

CONCURRED AS AMENDED *by 6525 (p. 2012)*

HOUSE FILE 2456

H-6525

1 Amend Senate amendment, H-6497, to House File 2456,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 23 the
5 following:

6 "____". Page 6, by inserting after line 25 the
7 following:

8 "Sec. 100. Beginning July 1, 1988, the department
9 of inspections and appeals shall issue provisional
10 licenses to specialized psychiatric hospitals for
11 children and adolescents for those facilities which
12 are providing residential psychiatric services to
13 children and adolescents, which are accredited by the
14 joint commission on the accreditation of health care
15 organizations, which are in compliance with all
16 applicable state rules and standards regarding the
17 operation of comprehensive residential facilities for
18 children, and which have been awarded a certificate of
19 need. Each applicant shall submit a copy of the
20 applicant's accreditation, a copy of the certificate
21 of need, and a statement of approval from the state
22 fire marshal to the department of inspections and
23 appeals. Notwithstanding the provisions of section
24 237.1, subsection 3, paragraph "e", care furnished by
25 these facilities shall continue to be considered
26 foster care.

27 The department of inspections and appeals, with the
28 approval of the state board of health, shall adopt
29 permanent standards for the licensure, of specialized
30 psychiatric hospitals for children and adolescents
31 under chapter 135B. The rules shall take effect no
32 later than July 1, 1989.

33 The department of human services shall adopt rules
34 to expand coverage under the medical assistance
35 program to include services provided by specialized
36 psychiatric hospitals for children and adolescents
37 which are licensed by the department of inspections
38 and appeals. The rules shall take effect no later
39 than July 1, 1988, contingent upon the facilities
40 meeting the federal requirements for a hospital as
41 outlined in 42 C.F.R., subpart D. Initially, the
42 rules shall provide that the medical assistance
43 reimbursement rate for the specialized hospitals shall
44 be one hundred twenty dollars per day or the actual
45 audited costs, whichever are less. The department
46 shall develop a permanent reimbursement methodology
47 for the specialized hospitals to be effective on or
48 before July 1, 1989.

49 The health facilities council shall expedite the
50 process by ruling on a certificate of need application

H-6525

Page 2

1 under this section within seventy-five days of the
2 application and shall give primary consideration in
3 this expedited process to those issues related to
4 meeting the conditions set out in this section,
5 provided that either of the following conditions
6 apply:

7 a. The hospital was accredited by the joint
8 commission on the accreditation of health care
9 organizations prior to the effective date of this Act
10 and has been providing psychiatric treatment services
11 for adolescents and children as a licensed foster care
12 facility prior to the effective date of this Act and
13 the provisional license will not increase the capacity
14 of the facility.

15 b. The hospital had sought accreditation by the
16 joint commission on the accreditation of health care
17 organizations prior to January 1, 1988, and has been
18 providing psychiatric treatment services for
19 adolescents and children as a licensed foster care
20 facility prior to the effective date of this Act and
21 the provisional license will not increase the capacity
22 of the facility.

23 Sec. ____ . EFFECTIVE DATE. Section 100 of this Act
24 takes effect upon enactment."

25 2. Page 2, by inserting after line 23 the
26 following:

27 ____ . Title page, line 2, by inserting after the
28 word "required," the following: "providing an
29 effective date, "."

By HAVERLAND of Polk

H-6525 FILED APRIL 15, 1988

ADOPTED (p. 2092)

APRIL 18, 1988

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2456

S-6081

1 Amend Senate amendment, H-6497, to House File 2456,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 23 the
5 following:

6 " . Page 6, by inserting after line 25 the
7 following:

8 "Sec. 100. Beginning July 1, 1988, the department
9 of inspections and appeals shall issue provisional
10 licenses to specialized psychiatric hospitals for
11 children and adolescents for those facilities which
12 are providing residential psychiatric services to
13 children and adolescents, which are accredited by the
14 joint commission on the accreditation of health care
15 organizations, which are in compliance with all
16 applicable state rules and standards regarding the
17 operation of comprehensive residential facilities for
18 children, and which have been awarded a certificate of
19 need. Each applicant shall submit a copy of the
20 applicant's accreditation, a copy of the certificate
21 of need, and a statement of approval from the state
22 fire marshal to the department of inspections and
23 appeals. Notwithstanding the provisions of section
24 237.1, subsection 3, paragraph "e", care furnished by
25 these facilities shall continue to be considered
26 foster care.

27 The department of inspections and appeals, with the
28 approval of the state board of health, shall adopt
29 permanent standards for the licensure, of specialized
30 psychiatric hospitals for children and adolescents
31 under chapter 135B. The rules shall take effect no
32 later than July 1, 1989.

33 The department of human services shall adopt rules
34 to expand coverage under the medical assistance
35 program to include services provided by specialized
36 psychiatric hospitals for children and adolescents
37 which are licensed by the department of inspections
38 and appeals. The rules shall take effect no later
39 than July 1, 1988, contingent upon the facilities
40 meeting the federal requirements for a hospital as
41 outlined in 42 C.F.R., subpart D. Initially, the
42 rules shall provide that the medical assistance
43 reimbursement rate for the specialized hospitals shall
44 be one hundred twenty dollars per day or the actual
45 audited costs, whichever are less. The department
46 shall develop a permanent reimbursement methodology
47 for the specialized hospitals to be effective on or
48 before July 1, 1989.

49 The health facilities council shall expedite the
50 process by ruling on a certificate of need application

S-6081 Page 2

1 under this section within seventy-five days of the
2 application and shall give primary consideration in
3 this expedited process to those issues related to
4 meeting the conditions set out in this section,
5 provided that either of the following conditions
6 apply:

7 a. The hospital was accredited by the joint
8 commission on the accreditation of health care
9 organizations prior to the effective date of this Act
10 and has been providing psychiatric treatment services
11 for adolescents and children as a licensed foster care
12 facility prior to the effective date of this Act and
13 the provisional license will not increase the capacity
14 of the facility.

15 b. The hospital had sought accreditation by the
16 joint commission on the accreditation of health care
17 organizations prior to January 1, 1988, and has been
18 providing psychiatric treatment services for
19 adolescents and children as a licensed foster care
20 facility prior to the effective date of this Act and
21 the provisional license will not increase the capacity
22 of the facility.

23 Sec. ____ . EFFECTIVE DATE. Section 100 of this Act
24 takes effect upon enactment."

25 2. Page 2, by inserting after line 23 the
26 following:

27 ____ . Title page, line 2, by inserting after the
28 word "required," the following: "providing an
29 effective date,."

S-6081

Filed April 16, 1988

ADOPTED

RECEIVED FROM THE HOUSE

Senate concurred 4/16 (3/1697)

HOUSE FILE 2456

AN ACT

RELATING TO PROGRAMS FOR WHICH APPROPRIATIONS TO THE DEPARTMENT OF HUMAN SERVICES ARE REQUIRED, PROVIDING AN EFFECTIVE DATE, AND PROVIDING PENALTIES.

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

Section 1. Section 135B.9, Code 1987, is amended to read as follows:

135B.9 INSPECTIONS AND CONSULTATIONS -- PROTECTION AND ADVOCACY AGENCY INVESTIGATIONS.

The department of inspections and appeals shall make or cause to be made such inspections as it may deem necessary. The state Iowa department of public health shall, with the advice of the hospital licensing board, prescribe by regulations that any licensee or applicant for license desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the department of inspections and appeals for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

In the state hospital-schools and state mental health institutes operated by the department of human services, the designated protection and advocacy agency as provided in section 135C.2, subsection 4, shall have the authority to investigate all complaints of abuse and neglect of persons with developmental disabilities or mental illnesses if the complaints are reported to the protection and advocacy agency or if there is probable cause to believe that the abuse has occurred. Such authority shall include the examination of all records pertaining to the care provided to the residents and contact or interview with any resident, employee, or any other

person who might have knowledge about the operation of the institution.

Sec. 2. Section 135B.12, Code 1987, is amended to read as follows:

135B.12 INFORMATION CONFIDENTIAL.

Information received by the department of inspections and appeals and the protection and advocacy agency through filed reports, inspection, or as otherwise authorized under this chapter, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure or the denial, suspension or revocation of a license or civil suit or administrative action by or on behalf of a patient.

Sec. 3. Section 135C.2, subsection 4, Code Supplement 1987, is amended to read as follows:

4. The protection and advocacy agency designated in the state, under Pub. L. No. 98-527, the developmental disabilities Act of 1984, and Pub. L. No. 99-319, the protection and advocacy for mentally ill individuals Act of 1986, and Pub. L. No. 100-146, the federal Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, is recognized as an agency legally authorized and constituted to ensure the implementation of the purposes of this chapter for populations under its authority and in the manner designated by Pub. L. No. 98-527, and Pub. L. No. 99-319, and Pub. L. No. 100-146 and in the assurances of the governor of the state.

Sec. 4. Section 217.20, Code 1987, is amended to read as follows:

217.20 TRIPS TO OTHER STATES.

No authority shall be granted to any person to travel to another state except by approval of the commissioner and under guidelines established by the executive council.

Sec. 5. Section 218.78, subsection 1, Code 1987, is amended to read as follows:

1. All institutional receipts of the department of human services, including funds received from client participation at the state hospital-schools under section 222.78 and at the state mental health institutes under section 230.20, shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, for receipts deposited in the revolving fund under section 246.706, for deposits into the medical assistance fund under section 249A.11, and rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions.

Sec. 6. Section 222.73, subsection 2, Code 1987, is amended to read as follows:

2. The superintendent shall certify to the director of revenue and finance the billings to each county for services provided to patients chargeable to the county during the preceding calendar quarter. The county billings shall be based on the average daily patient charge and outpatient treatment charges computed pursuant to subsection 1, and the number of inpatient days and outpatient treatment service units chargeable to the county. ~~The county billing for a patient shall be reduced by an amount received for the patient's care from any source other than state appropriated funds.~~ The billings to a county of legal settlement are subject to adjustment for all of the following circumstances:

a. The county billing for a patient shall be reduced by the amount received for the patient's care from a source other than state appropriated funds.

b. If more than twenty percent of the cost of a patient's care is initially paid from a source other than state appropriated funds, the amount paid shall be subtracted from the average per-patient-per-day cost of that patient's care and the patient's county shall be billed for the full balance of the cost so computed.

c. The county of a patient who is eligible for reimbursement under the medical assistance program shall be

responsible for the costs which are not reimbursed by the medical assistance program, regardless of the level of care provided to the patient.

d. A county shall be responsible for eighty percent of the cost of care of a patient who is not eligible for reimbursement under the medical assistance program.

e. The billings for counties shall be credited with one hundred percent of the client participation for patients eligible for medical assistance in the calculation of the per diem rate for patients.

The per diem costs billed to each county shall not exceed the per diem costs in effect on July 1, 1988. However, the per diem costs may be adjusted annually to the extent of the adjustment in the consumer price index published annually in the federal register by the federal department of labor, bureau of labor statistics.

Sec. 7. Section 225C.10, subsection 2, paragraph a, subparagraph (1), Code 1987, is amended to read as follows:

(1) Indicates that the services for which the county or counties intend to use general allocation money are comprehensive services or other services mandated or authorized by law, and in accordance with rules adopted by the commission, are offered by accredited or licensed providers where accreditation or licensure standards are applicable, and do not include major maintenance or capital expenditure projects.

Sec. 8. Section 225C.10, subsection 3, Code 1987, is amended to read as follows:

3. Each application shall be for a period of at least one year and shall be acted upon as soon as reasonably possible by the director, who shall notify the applicant county or counties of the action on the application no later than December 1 of the year in which the application is submitted. Money from the general allocation shall be disbursed on a quarterly basis to the counties entitled to the money under section 225C.9 and this section. Counties receiving the money

shall submit quarterly financial and plan status reports at least annually at the time and in the manner prescribed by the director.

Sec. 9. Section 230.20, subsection 1, paragraph a, Code Supplement 1987, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (4) The costs of the psychiatric residency program.

NEW SUBPARAGRAPH. (5) The costs of the chaplain intern program.

Sec. 10. Section 232.21, subsection 2, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Placement shall be made in the least restrictive facility available consistent with the best interests and special needs of the child. Foster family care shall be used for a child unless the child has problems requiring specialized service or supervision which cannot be provided in a family living arrangement.

Sec. 11. Section 232.21, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A child twelve years of age or younger shall not be placed in a group shelter care home, unless there have been reasonable but unsuccessful efforts to place the child in an emergency foster family home which is able to meet the needs of the child. The efforts shall be documented at the shelter care hearing.

Sec. 12. Section 232.52, subsection 2, paragraph d, subparagraph (3), Code 1987, is amended to read as follows:

(3) The department of human services for purposes of foster care and prescribing the type of placement which will serve the best interests of the child and the means by which the placement shall be monitored by the court. The court shall consider ordering placement in family foster care as an alternative to group foster care.

Sec. 13. Section 232.52, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within the state, in the least restrictive setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs.

Sec. 14. Section 232.102, subsection 6, Code Supplement 1987, is amended to read as follows:

6. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible consistent with the best interest of the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a relative or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within Iowa, in the least restrictive setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs.

Sec. 15. NEW SECTION. 232.167 PENALTY.

A person or agency which violates or aids and abets in the violation of any of the provisions of sections 232.158 through 232.166 commits a fraudulent practice.

Sec. 16. NEW SECTION. 239.21 TRANSITIONAL CHILD CARE ASSISTANCE.

A recipient who loses eligibility for assistance under this chapter because of an increase in earned income is eligible to receive transitional child care assistance for a period of twelve months following the loss of assistance. The department shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires the recipient to contribute to the cost of the assistance in accordance with a sliding-scale fee established by rule.

Sec. 17. NEW SECTION. 249A.17 TRANSITIONAL MEDICAL ASSISTANCE.

The department shall provide transitional medical coverage comparable to medical assistance provided under this chapter, for twelve months or for the maximum period permitted under federal regulations, whichever is greater, for the family of a recipient who has lost eligibility for public assistance under aid to families with dependent children pursuant to chapter 239 because of an increase in earned income.

Sec. 18. NEW SECTION. 249C.18 EDUCATIONAL INCENTIVES.

A person who receives assistance under chapter 239 may participate or cooperate in a program to attain a certificate of general educational development, high school diploma, or adult basic literacy where the person has not previously received such certification. The department shall provide incentives to encourage such participation.

Sec. 19. Section 692.2, subsection 1, paragraph c, Code Supplement 1987, is amended to read as follows:

c. The department of human services for the purposes of section 237.8, subsection 2, and section 237A.5, and section 600.8, subsections 1 and 2.

Sec. 20. Section 692.1, subsection 2, Code Supplement 1987, is amended to read as follows:

2. Notwithstanding subsection 1, paragraph "a", the department of human services shall ~~may~~ may redisseminate criminal history data obtained pursuant to section 692.2, subsection 1, paragraph "c", to persons licensed, or registered, or certified under chapters 237, and 237A, 238 and 600 for the purposes of section 237.8, subsection 2 and section 237A.5. ~~bicensees-and-registrants-under-either-chapter-237-or-chapter-237A~~ A person who receive receives information pursuant to this subsection shall not use the information other than for purposes of section 237.8, subsection 2, or section 237A.5, or section 600.8, subsections 1 and 2. A licensee-or-registrant person who receives criminal history data pursuant to this subsection who uses the information for other purposes other than those permitted by this subsection or who communicates the information to another person except for the purposes of section-237.8, subsection-2-or-section-237A.5 permitted by this subsection is guilty of an aggravated misdemeanor.

Sec. 21. Beginning July 1, 1988, the department of inspections and appeals shall issue provisional licenses to specialized psychiatric hospitals for children and adolescents for those facilities which are providing residential psychiatric services to children and adolescents, which are accredited by the joint commission on the accreditation of health care organizations, which are in compliance with all applicable state rules and standards regarding the operation of comprehensive residential facilities for children, and which have been awarded a certificate of need. Each applicant shall submit a copy of the applicant's accreditation, a copy of the certificate of need, and a statement of approval from the state fire marshal to the department of inspections and appeals. Notwithstanding the provisions of section 237.1, subsection 3, paragraph "e", care furnished by these facilities shall continue to be considered foster care.

The department of inspections and appeals, with the approval of the state board of health, shall adopt permanent standards for the licensure, of specialized psychiatric hospitals for children and adolescents under chapter 135B. The rules shall take effect no later than July 1, 1989.

The department of human services shall adopt rules to expand coverage under the medical assistance program to include services provided by specialized psychiatric hospitals for children and adolescents which are licensed by the department of inspections and appeals. The rules shall take effect no later than July 1, 1988, contingent upon the facilities meeting the federal requirements for a hospital as outlined in 42 C.F.R., subpart D. Initially, the rules shall provide that the medical assistance reimbursement rate for the specialized hospitals shall be one hundred twenty dollars per day or the actual audited costs, whichever are less. The department shall develop a permanent reimbursement methodology for the specialized hospitals to be effective on or before July 1, 1989.

The health facilities council shall expedite the process by ruling on a certificate of need application under this section within seventy-five days of the application and shall give primary consideration in this expedited process to those issues related to meeting the conditions set out in this section, provided that either of the following conditions apply:

a. The hospital was accredited by the joint commission on the accreditation of health care organizations prior to the effective date of this Act and has been providing psychiatric treatment services for adolescents and children as a licensed foster care facility prior to the effective date of this Act and the provisional license will not increase the capacity of the facility.

b. The hospital had sought accreditation by the joint commission on the accreditation of health care organizations prior to January 1, 1988, and has been providing psychiatric

treatment services for adolescents and children as a licensed foster care facility prior to the effective date of this Act and the provisional license will not increase the capacity of the facility.

Sec. 22. EFFECTIVE DATE. Section 21 of this Act takes effect upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2456, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1988

TERRY E. BRANSTAD
Governor

HF 2456