

Gen. Human Resources 2/20/87 De Boss 4/8/87 (p. 11587)

MAR 12 1987

Place On Calendar

HOUSE FILE 490

BY COMMITTEE ON HUMAN RESOURCES

(Formerly House Study Bill 200)

Passed House, Date 3-17-87 (p. 1249) Passed Senate, Date 4-13-87 (p. 1249)

Vote: Ayes 52 Nays 0 Vote: Ayes 49 Nays 0

Approved May 4, 1987 (p. 2006)

A BILL FOR

1 An Act relating to interstate agreements for provision of medical  
2 assistance services to adoptive families who participate in  
3 the subsidized adoption or adoption assistance program.

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

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HF 490

1 Section 1. Section 600.22, Code 1987, is amended to read  
2 as follows:

3 600.22 RULES.

4 The department of human services shall adopt rules in  
5 accordance with the provisions of chapter 17A, which are  
6 necessary for the administration of sections 600.17 to 600.21  
7 and 600.23.

8 Sec. 2. NEW SECTION. 600.23 ADOPTION ASSISTANCE COMPACT.

9 1. PURPOSE. The department of human services may enter  
10 into interstate agreements with state agencies of other states  
11 for the protection of children on behalf of whom adoption  
12 subsidy is being provided by the department of human services  
13 and to provide procedures for interstate children's adoption  
14 assistance payments, including medical payments.

15 2. COMPACT AUTHORIZATION AND DEFINITIONS.

16 a. The Iowa department of human services may enter into  
17 interstate agreements with state agencies of other states for  
18 the provision of medical services to adoptive families who  
19 participate in the subsidized adoption or adoption assistance  
20 program.

21 b. The Iowa department of human services may develop,  
22 participate in the development of, negotiate, and enter into  
23 one or more interstate compacts on behalf of this state with  
24 other states to implement one or more of the purposes set  
25 forth in this section. When so entered into, and for so long  
26 as it shall remain in force, such a compact shall have the  
27 force and effect of law.

28 c. For the purposes of this section, the term "state"  
29 means a state of the United States, the District of Columbia,  
30 the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the  
31 Commonwealth of the Northern Mariana Islands, or a territory  
32 or possession of or administered by the United States.

33 d. For the purposes of this section, the term "adoption  
34 assistance or subsidized adoption state" means the state that  
35 is signatory to an adoption assistance agreement in a

1 particular case.

2 e. For the purposes of this section, the term "residence  
3 state" means the state of which the child is a resident by  
4 virtue of the residence of the adoptive parents.

5 3. COMPACT CONTENTS. A compact entered into pursuant to  
6 the authority conferred by this section shall have the  
7 following content:

8 a. A provision making it available for joinder by all  
9 states.

10 b. A provision or provisions for withdrawal from the  
11 compact upon written notice to the parties, but with a period  
12 of one year between the date of the notice and the effective  
13 date of the withdrawal.

14 c. A requirement that the protections afforded by or  
15 pursuant to the compact continue in force for the duration of  
16 the adoption assistance and be applicable to all children and  
17 their adoptive parents who on the effective date of the  
18 withdrawal are receiving adoption assistance from a party  
19 state other than the one in which they are resident and have  
20 their principal place of abode.

21 d. A requirement that each instance of adoption assistance  
22 to which the compact applies be covered by an adoption  
23 assistance agreement in writing between the adoptive parents  
24 and the state child welfare agency of the state which  
25 undertakes to provide the adoption assistance, and that any  
26 such agreement be expressly for the benefit of the adopted  
27 child and enforceable by the adoptive parents, and the state  
28 agency providing the adoption assistance.

29 e. Such other provisions as may be appropriate to  
30 implement the proper administration of the compact.

31 4. MEDICAL ASSISTANCE.

32 a. A child with special needs residing in this state who  
33 is the subject of an adoption assistance agreement with  
34 another state shall be entitled to receive a medical  
35 assistance card from this state upon the filing of a certified

1 copy of the adoption assistance agreement obtained from the  
2 adoption assistance state. In accordance with regulations of  
3 the Iowa department of human services, the adoptive parents  
4 shall be required at least annually to show that the agreement  
5 is still in force or has been renewed.

6 b. The Iowa department of human services shall consider  
7 the holder of a medical assistance card pursuant to this  
8 section as any other holder of a medical assistance card under  
9 the laws of this state and shall process and make payment on  
10 claims on account of such holder in the same manner and  
11 pursuant to the same conditions and procedures as for other  
12 recipients of medical assistance.

13 c. The Iowa department of human services shall provide  
14 coverage and benefits for a child who is in another state and  
15 who is covered by an adoption subsidy agreement made prior to  
16 July 1, 1987 by the Iowa department of human services for the  
17 coverage or benefits, if any, not provided by the residence  
18 state. The adoptive parents acting for the child may submit  
19 evidence of payment for services or benefit amounts not  
20 payable in the residence state and shall be reimbursed for  
21 such expense. However, reimbursement shall not be made for  
22 services or benefit amounts covered under any insurance or  
23 other third party medical contract or arrangement held by the  
24 child or the adoptive parents. The additional coverages and  
25 benefit amounts provided pursuant to this subsection shall be  
26 for services to the cost of which there is no federal  
27 contribution, or which, if federally aided, are not provided  
28 by the residence state. Such regulations shall include  
29 procedures to be followed in obtaining prior approvals for  
30 services in those instances where required for the assistance.

31 d. A person who submits a claim for payment or  
32 reimbursement for services or benefits pursuant to this  
33 subsection or makes any statement in connection therewith,  
34 which claim or statement the maker knows or should know to be  
35 false, misleading, or fraudulent is guilty of an aggravated

1 misdemeanor.

2 e. This subsection applies only to medical assistance for  
3 children under adoption assistance agreements from states that  
4 have entered into a compact with this state under which the  
5 other state provides medical assistance to children with  
6 special needs under adoption subsidy agreements made by this  
7 state. All other children entitled to medical assistance  
8 pursuant to adoption assistance agreements entered into by  
9 this state shall be eligible to receive medical assistance in  
10 accordance with the laws and procedures applicable to medical  
11 assistance.

12 EXPLANATION

13 This bill permits the department of human services to enter  
14 into interstate agreements with agencies of other states for  
15 the provision of medical services to adoptive families who  
16 participate in the subsidized adoption or adoption assistance  
17 program who may move to another state after receiving  
18 assistance in such adoption programs. Specific provisions for  
19 the compact are required. Procedures for receiving services  
20 under the agreement are specified.

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HSB 200

HUMAN RESOURCES

*[Handwritten scribbles]*

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

BY (PREFILED DEPARTMENT OF  
HUMAN SERVICES BILL)

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

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

Approved \_\_\_\_\_

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Seaford*

COMMITTEE: *Human Resources*

*3/4/87*

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2 as follows:

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22 participate in the development of, negotiate, and enter into  
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24 other states to implement one or more of the purposes set  
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14 c. A requirement that the protections afforded by or  
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HOUSE FILE 490

AN ACT

RELATING TO INTERSTATE AGREEMENTS FOR PROVISION OF MEDICAL ASSISTANCE SERVICES TO ADOPTIVE FAMILIES WHO PARTICIPATE IN THE SUBSIDIZED ADOPTION OR ADOPTION ASSISTANCE PROGRAM.

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

Section 1. Section 600.22, Code 1987, is amended to read as follows:

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The department of human services shall adopt rules in accordance with the provisions of chapter 17A, which are necessary for the administration of sections 600.17 to 600.21 and 600.23.

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2. COMPACT AUTHORIZATION AND DEFINITIONS.

a. The Iowa department of human services may enter into interstate agreements with state agencies of other states for the provision of medical services to adoptive families who participate in the subsidized adoption or adoption assistance program.

b. The Iowa department of human services may develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with other states to implement one or more of the purposes set forth in this section. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

c. For the purposes of this section, the term "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States.

d. For the purposes of this section, the term "adoption assistance or subsidized adoption state" means the state that is signatory to an adoption assistance agreement in a particular case.

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a. A provision making it available for joinder by all states.

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c. A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.

d. A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.

e. Such other provisions as may be appropriate to implement the proper administration of the compact.

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b. The Iowa department of human services shall consider the holder of a medical assistance card pursuant to this section as any other holder of a medical assistance card under

the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

c. The Iowa department of human services shall provide coverage and benefits for a child who is in another state and who is covered by an adoption subsidy agreement made prior to July 1, 1987 by the Iowa department of human services for the coverage or benefits, if any, not provided by the residence state. The adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed for such expense. However, reimbursement shall not be made for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Such regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

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e. This subsection applies only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance to children with special needs under adoption subsidy agreements made by this state. All other children entitled to medical assistance

pursuant to adoption assistance agreements entered into by this state shall be eligible to receive medical assistance in accordance with the laws and procedures applicable to medical assistance.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 490, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 4, 1987

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TERRY E. BRANSTAD  
Governor

**HF 490**